

## Copyright Act, 1957

### Chapter V - Term of Copyright

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Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work (other than a photograph) published within the lifetime of the author until<sup>1</sup>[sixty years] from the beginning of the calendar year next following the year in which the author dies.

Explanation.--In this section the reference to the author shall, in the case of a work of joint authorship, be construed as a reference to the author who dies last.

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1. Substituted by Act 13 of 1992, sec. 2, for "fifty years" w.r.e.f. 28-12-1991.

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#### Section 23 - Term of copyright in anonymous and pseudonymous works

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(1) In the case of a literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist until <sup>1</sup> [sixty years] from the beginning of the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until <sup>1</sup> [sixty years] from the beginning of the calendar year following the year in which the author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint authorship, be construed,--

(a) where the identity of the authors is disclosed, as references to that author;

(b) where the identity of more authors than one is disclosed, as references to the author who dies last from amongst such authors.

(3) In sub-section (1), references to the author shall, in the case of a pseudonymous work of joint authorship, be construed,--

(a) where the names of one or more (but not all) of the authors are pseudonymous and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, if the names of two or more of the authors are not pseudonyms, as references to such of those authors who dies last;

(b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed; and

(c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the author whose identity is disclosed or if the identity of two or more of such authors is disclosed, as references to such of those authors who dies last.

Explanation.--For the purposes of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the Copyright Board by that author.

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1. Substituted by Act 13 of 1992, sec. 2, for "fifty years" w.r.e.f. 28-12-1991.

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#### Section 24 - Term of copyright in posthumous work

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(1) In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists at the date of the death of the author, or in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which, or any adaptation of which, has not been published before that date, copyright shall subsist until [sixty years] from the beginning of the calendar year next following the year in which the work is first published or, where an adaptation of the work is published in any earlier year, from the beginning of the calendar year next following that year.

(2) For the purposes of this section a literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any <sup>1</sup>[sound recording] made in respect of the work have been sold to the public or have been offered for sale to the public.

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1. Substituted by Act 38 of 1994, sec. 2, for "record" w.e.f. 10-5-1995.

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### **Section 25 - Term of copyright in photographs**

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In the case of a photograph, copyright shall subsist until <sup>1</sup> [sixty years] from the beginning of the calendar year next following the year in which the photograph is published.

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1. Substituted by Act 13 of 1992, sec. 2, for "fifty years" w.r.e.f. 28-12-1991.

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### **Section 26 - Term of copyright in cinematograph films**

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In the case of a cinematograph film, copyright shall subsist until <sup>1</sup> [sixty years] from the beginning of the calendar year next following the year in which the film is published.

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1. Substituted by Act 13 of 1992, sec. 2, for "fifty years" w.r.e.f. 28-12-1991.

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### **Section 27 - Term of copyright in sound recording**

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#### **27. Term of copyright in <sup>1</sup> [sound recording].-**

In the case a <sup>1</sup> [sound recording] copyright shall subsist until <sup>2</sup> [sixty years] from the beginning of the calendar year next following the year in which the <sup>1</sup> [sound recording] is published.

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1. Substituted by Act 38 of 1994, sec. 2, for "record" w.e.f. 10-5-1995.

2. Substituted by Act 13 of 1992, sec. 2, for "fifty years" w.r.e.f. 28-12-1991.

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### **Section 28 - Term of copyright in Government works**

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#### **28. Term of copyright in Government works.-**

In the case of Government work, where Government is the first owner of the copyright therein, copyright shall subsist until <sup>1</sup> [sixty years] from the beginning of the calendar year next following the year in which the record is first published.

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1. Substituted by Act 13 of 1992, sec. 2, for "fifty years" w.r.e.f. 28-12-1991.

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### **Section 28A - Term of copyright in works of public undertakings**

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#### **<sup>2</sup> [28A. Term of copyright in works of public undertakings.-**

In the case of a work, where a public undertaking is the first owner of the copyright therein, copyright shall subsist until <sup>1</sup> [sixty years] from the beginning of the calendar years next following the year in which the work is first published.]

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1. Substituted by Act 13 of 1992, sec. 2, for "fifty years" w.r.e.f. 28-12-1991.

2. Inserted by Act 23 of 1983, sec. 11 w.e.f. 9-8-1984.

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### **Section 29 - Term of copyright in works of international organisations**

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In the case of a work of any international organisation to which the provisions of section 41 apply, copyright shall subsist until <sup>1</sup> [sixty years] from the beginning of the calendar year next following the year in which the work is first published.

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1. Substituted by Act 13 of 1992, sec. 2, for "fifty years" w.r.e.f. 28-12-1991.

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