

International Copyright Order, 1999

Notification.- In exercise of the powers conferred by Section 40 of the Copyright Act, 1957 (14 of 1957), and in super session of the International Copyright Order, 1958, the Central Government hereby makes the following Order, namely:-

1. (1) This Order may be called the International Copyright Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In this Order, unless the context otherwise requires.- (a) "Berne Convention Country" means a country which is a member of the Berne Copyright Union, and includes a country mentioned either in Part I or in Part II of the Schedule;

(b) "Phonogram" means an exclusively aural fixation of a performance or other sounds;

(c) "Phonograms Convention Country" means a country which has either ratified, or accepted or acceded to the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms, done at Geneva on the twenty-ninth day of October, one thousand nine hundred and seventy-one, and includes a country mentioned in Part V of the Schedule;

(d) "Schedule" means the Schedule appended to this Order;

(e) "Universal Copyright Convention Country" means a country which has either ratified, or accepted or acceded to the Universal Copyright Convention, and includes a country mentioned either in Part III or in Part IV of the Schedule;

(f) "World Trade Organization Country" means a country which is a member of the World Trade Organization and which has either ratified, or accepted to the Agreement on Trade Related Aspects of Intellectual Property Right, 1994, and includes a country mentioned in Part VI of the Schedule.

3. Subject to the provisions of Paragraph 4, 5 and 6, all the provisions of the Copyright Act, 1957 (14 of 1957) (hereinafter referred to as the Act), except those of Chapter VIII, and those other provisions which apply exclusively to Indian works, shall

apply.- (a) to any work first made or published in a country mentioned in Part I, II, III, IV or VI of the Schedule, in like manner as if it was first published in India;

(b) to any work first made or published in a country other than a country mentioned in Part I, II, III, IV or VI of the Schedule, the author of which was, at the date of such publication, or, where the author was dead on that date, he was at the time of his death, a national of a country mentioned in Part I, II, III, IV or VI of the Schedule, in like manner, as if the author was a citizen of India at that point of time;

(c) to an unpublished work, the author whereof was, at the time of the making or publication of the work, a national or domiciled in any country mentioned in Part I, II, III, IV or VI of the Schedule, in like manner, as if the author was a citizen of, or domiciled in, India;

(d) to any work first made or published by a body corporate incorporated under any law of a country mentioned in Part I, II, III, IV or VI of the Schedule, in like manner, as if it was incorporated under a law in force in India; and

(e) to a sound recording first made, the producer of which was, at the date of such production, a national of a country mentioned in Part V or Part VI of the Schedule or a body corporate incorporated under a law in force in India, as the case may be, at that point of time.

4. Notwithstanding anything contained in Paragraph 3, the provisions of Chapter VIII of the Act shall apply to a Broadcasting Organisation and a Performer in a World Trade Organisation Country mentioned in Part VI of the Schedule.

5. Notwithstanding anything contained in clause (a) of paragraph 3 and paragraph 4 the provisions of sub-section (1) of section 32 of the Act.- (i) shall not apply to a work first made or published in any Berne Convention Country mentioned in Part I or Part II of the Schedule;

(ii) shall apply to a work first made or published in any World Trade Organisation Country mentioned in Part VI of the Schedule;

(iii) shall apply to a work first made or published in any Universal Copyright Convention Country mentioned in Part III or Part IV of the Schedule, only in respect of the translation of such work into any language specified in the Eighth Schedule to the Constitution of India.

6. The provisions of Section 32 excluding its sub-section (1), 32A and 32B shall apply to a work first made or published in a Berne Convention Country mentioned in Part I of the Schedule or in a Universal Copyright Convention Country mentioned in Part III of the Schedule or in a World Trade Organisation Country mentioned in Part VI of the Schedule.

7. The term of copyright in a work shall not exceed that which is enjoyed by it in its country of origin.- Explanation - In this paragraph, "the country of origin" shall mean -

(a) in this case of a work first made or published in a Berne Convention Country or a Universal Copyright Convention Country, that country;

(b) in the case of a work made or published simultaneously either in a Berne Convention Country or a Universal Copyright Convention Country or in a World Trade Organisation Country and in a country which is neither a Berne Convention Country nor a Universal Copyright Convention Country nor a World Trade Organisation Country, the former country;

(c) in the case of a work which is made or published simultaneously in several Universal Copyright Convention Countries, the country whose laws grant the shortest term of copyright to such a work;

(d) in the case of a work which is made or published simultaneously in several Universal Copyright Convention Counties, the country whose laws grant the shortest term of copyright to such a work;

(e) in the case of a work which is made or published simultaneously in several World Trade Organisation Countries, the country whose laws grant the shortest term of copyright to such a work;

(f) in the case of an unpublished work or a work first made or published in a country other than a Berne Convention Country or a Universal Copyright Convention Country or a World Trade Organisation Country, the country of which the author was a citizen, or the country in which he was domiciled at the time of its first publication, whichever grants the longer term of copyright.