

Sr.	Existing Section/ Provisions	Amendments proposed
1	<p><b>Section 2 (f)</b>  "cinematograph film" means any work of visual recording <b>*{ on any medium produced through a process from which a moving image may be produced by any means }*</b> and includes a sound recording accompanying such visual recording and "cinematograph" shall be construed as including any work produced by any process analogous to cinematography including video films;</p>	<p><b>Section 2 (f)</b>  "cinematograph film" means any work of visual recording and includes a sound recording accompanying such visual recording and "cinematograph" shall be construed as including any work produced by any process analogous to cinematography including video films.</p>
2	<p><b>Section 2 (ff)</b>  "communication to the public" means making any work available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing copies of such work regardless of whether any member of the public actually sees, hears or otherwise enjoys the work so made available.  <b>*{Explanation.- For the purposes of this clause, communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms</b></p>	<p><b>Section 2 (ff)</b>  "communication to the public" means making any work <b><u>or performance</u></b> available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion <b><u>otherwise</u></b> than by issuing physical copies of <b><u>it, whether simultaneously or at places and times chosen individually,</u></b> regardless of whether any member of the public actually sees, hears or otherwise enjoys the work <b><u>or performance</u></b> so made available.   <i>Explanation:</i> For the purposes of this clause,</p>

	<b>of any hotel or hostel shall be deemed to be communication to the public; }*</b>	communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public;
3	<b>Section 2 (qq)</b> "performer" includes an actor, singer, musician, dancer, acrobat, juggler, conjurer, snake charmer, a person delivering a lecture or any other person who makes a performance;	<b>Section 2 (qq)</b> Add the following proviso at the end of sub-section (qq):-  <b><u>Provided that in a cinematograph film an extra, that is a person whose performance is casual or incidental in nature and, in the normal course of industry practice, is not acknowledged anywhere including in the credits of the film, shall not be treated as a performer except for the purpose of clause (b) of section 38B.</u></b>
4		<b>Section 2 (xa)</b> "Rights Management Information", means –  (i) the title or other information identifying the work or performance

		<ul style="list-style-type: none"> <li>(ii) the name of the author or performer;</li> <li>(iii) the name and address of the owner of rights;</li> <li>(iv) terms and conditions regarding the use of the rights; and</li> <li>(v) any number or code that represents the above information;</li> </ul> <p>but does not include any device or procedure intended to identify the user.</p>
5		<p><b>Section 2 (xxx)</b></p> <p>“visual recording” means the recording in any medium, by any method including the storing of it by electronic means, of moving images or of the representations thereof, from which they can be perceived, reproduced or communicated by any method.</p>
6	<p><b>Section 14 (c) (i)</b> to reproduce the work in any material form including depiction in three dimensions of a two dimensional work or in two dimensions of a three dimensional work;</p>	<p><b>Section 14 (c) (i)</b> Replace sub-clause (i) with the following words “to reproduce the work in any material form, including <b><u>the storing of it in any medium by electronic or other means, and also including</u></b> depiction in three dimensions of a two dimensional work or in two dimensions of a three dimensional</p>

		work.
7	<p><b>Section 14 (d)</b> In the case of cinematograph film, -</p> <p>(i) to make a copy of the film, including a photograph of any image forming part thereof;</p> <p>(ii) to sell or give on <b>*{ hire }*</b>, or offer for sale or <b>*{ hire }*</b>, any copy of the film, <b>*{ regardless of whether such copy has been sold or given on hire on earlier occasions; }*</b></p>	<p><b>Section 14 (d)</b></p> <p><b>In sub-clause (i) after the words “part thereof” add <u>“including storing of it in any medium by electronic means”.</u></b></p> <p><b><u>(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the film:</u></b> <b><u>Explanation: For the purpose of this clause “commercial rental” shall not include the rental, lease or lending of a lawfully acquired copy of a cinematograph film for non-profit purposes by a non-profit library or non-profit educational institution.</u></b></p>
8.	<p><b>Section 14 (e)</b> In the case of sound recording-</p> <p>(i) to make any other sound recording embodying it;</p> <p>(ii) to sell or give on <b>*{ hire }*</b>, or offer for sale or <b>*{ hire }*</b>, any copy of the sound recording <b>*{ regardless of whether such copy has been sold or given on hire on earlier occasions; }*</b></p>	<p>Section 14 (e)</p> <p><b>In sub-clause (i) after the words “embodying it” add <u>“including storing of it in any medium by electronic means”.</u></b></p> <p><b><u>(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording:</u></b> <b><u>Explanation: For the purpose of this clause</u></b></p>

		<p><b><u>“commercial rental” shall not include the rental, lease or lending of a lawfully acquired copy of a sound recording for non-profit purposes by a non-profit library or non-profit educational institution.</u></b></p>
9	<p><b>Section 15 Special provision regarding copyright in designs registered or capable of being registered under the Designs Act, 1911.-</b>  (1) Copyright shall not subsist under this Act in any design which is registered under the 51 Designs Act, 1911.  (2) Copyright in any design, which is capable of being registered under the Designs Act, 1911, but which has not been so registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his license, by any other person.</p>	<p>Section 15</p> <p>(a) In the title of the section replace the figures “1911” with “2000”.</p> <p>(b) In sub-sections (1) and (2) of Section 15 replace the figures “1911 (2 of 1911)” with “2000 (Act No. 16 of 2000)”.</p>

9A	<p><b>19.Mode of assignment.-</b>  <b>(3) The assignment of copyright in any work shall also specify the amount of royalty payable, if any, to the author or his legal heirs during the currency of the assignment and the assignment shall be subject to revision, extension or termination on terms mutually agreed upon by the parties.</b></p>	<p>19.Mode of assignment.-</p> <p>(3) The assignment of copyright in any work shall also specify <i>any consideration payable, including royalty</i>, to the author or his legal heirs during the currency of the assignment and the assignment shall be subject to revision, extension or termination on terms mutually agreed upon by the parties.</p>
9B	<p><b>19A Disputes with respect to assignment of copyright.-(1) If an assignee fails to make sufficient exercise of the rights assigned to him, and such failure is not attributable to any act or omission of the assignor, then, the Copyright Board may, on receipt of a complaint from the assignor and after holding such inquiry as it may deem necessary, revoke such assignment.</b></p> <p><b>(2) If any dispute arises with respect to the assignment of any copyright the Copyright Board may, on receipt of a complaint from the aggrieved party and after holding such inquiry as it considers necessary, pass such order as it may deem fit including an order for the</b></p>	<p>19A...</p> <p>(2) If any dispute arises with respect to the assignment of any copyright the Copyright Board may, on receipt of a complaint from the aggrieved party and after holding such inquiry as it considers necessary, pass such order as it may deem fit including an order for the recovery of any royalty</p>

	<p><b>recovery of any royalty payable:</b>  <b>Provided that the Copyright Board shall not pass any order under this sub-section to revoke the assignment unless it is satisfied that the terms of assignment are harsh to the assignor in case the assignor is also the author :</b>  <b>Provided further that no order of revocation of assignment under this sub-section, be made within a period of five years from the date of such assignment.</b></p>	<p>payable:  Provided that the Copyright Board shall not pass any order under this sub-section to revoke the assignment unless it is satisfied that the terms of assignment are harsh to the assignor in case the assignor is also the author :  Provided further that no order of revocation of assignment under this sub-section, be made within a period of five years from the date of such assignment.</p> <p><i>Provided further that, pending disposal of an application for revocation of assignment under this section, the Copyright Board may pass such order as it deems fit regarding implementation of the terms and conditions of assignment, including any consideration to be paid for the enjoyment of the rights assigned.</i></p>
10	<p><b>Section 22. Term of copyright in published literary, dramatic, musical and artistic works.-</b>  Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work <b>*{ (other than a photograph) }</b>* published within the lifetime of the author until sixty years from the beginning of the calendar year next following the year in which the</p>	<p>Section 22</p> <p>In section 22 delete the words in parenthesis “(other than a photograph)”</p>

	author dies. <i>Explanation.</i> - 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.	
11	<b>Section 25. Term of copyright in photographs.-</b>  In the case of a photograph, copyright shall subsist until [sixty] years from the beginning of the calendar year next following the year in which the photograph is published.	Section 25  Delete Section 25
12	<b>Section 30A. Application of sections 19 and 19A.-</b>  The provisions of sections 19 and 19A shall, with any necessary adaptations and modifications, apply in relation to a licence under section 30 as they apply in relation to assignment of copyright in a work.	<b>Section 30A. Application of section 19 –</b>  The provisions of <a href="#">section 19</a> shall, with any necessary adaptations and modifications, apply in relation to a licence under section 30 as they apply in relation to assignment of copyright in a work.
12A	<b>Section 31 Compulsory licensing in works withheld from public.—</b> <b>.-(1) If at any time during the term of copyright in any Indian work which has been published</b>	



<p>or performed in public, a complaint is made to the Copyright Board that the owner of copyright in the work- (a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public; or (b) has refused to allow communication to the public by <sup>76</sup>[broadcast], of such work or in the case of <sup>77</sup>[sound recording] the work recorded in such [sound recording], on terms which the complainant considers reasonable; the Copyright Board, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to <u>the complainant</u> a licence to republish the work, perform the work in public or communicate the work to the public by [broadcast], as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Copyright Board may determine; and thereupon the Registrar of Copyrights shall</p>	<p>Substitute the following for 'the complainant':</p> <p><u><i>'such person or persons who, in the opinion of the Copyright Board, is or are qualified to do so'</i></u></p>
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	<p>grant the licence to the complainant in accordance with the directions of the Copyright Board, on payment of such fee as may be prescribed.</p> <p><i>Explanation.-</i> In this sub-section, the expression 'Indian work' includes-</p> <p>(i) an artistic work, the author of which is a citizen of India; and</p> <p>(ii) a cinematograph film or a record made or manufactured in India.</p> <p>(2) Where two or more persons have made a complaint under <a href="#">sub-section (1)</a>, the licence shall be granted to the complainant who in the opinion of the Copyright Board would best serve the interests of the general public.</p>	<p><a href="#"><u>Delete sub-section (2)</u></a></p>
13		<p><b><u>Insert New Section 33A</u></b></p> <p>(1) Every copyright society shall publish its tariff scheme in such manner as may be prescribed.</p> <p>(2) Any person who is aggrieved by the tariff scheme may appeal to the Copyright Board</p>

		<p>and the Board may, if satisfied after holding such enquiry as it may consider necessary, make such orders as may be necessary to remove any unreasonable element, anomaly or inconsistency therein:</p> <p><b>Provided that the aggrieved person shall pay to the copyright society any such prescribed fee that has fallen due before making an appeal to the Board and shall continue to pay such fee until the appeal is decided, and the Board shall not stay the collection of such fee pending disposal of the appeal.</b></p>
14	<p><b>Section 34A Payment of remuneration by copyright society.-</b>  (1) If the Central Government is of the opinion that a copyright society for a class of work is generally administering the rights of the owners of rights in such work throughout India, it shall appoint that society for the purpose of this section.  (2) The copyright society shall, subject to such rules as may be made in this behalf, frame a scheme for determining the quantum of remuneration payable to individual copyright owners having regard to the number of copies of</p>	<p><u>Section 34 A</u></p> <p>Delete Section 34 A</p>

	<p>the work in circulation:          Provided that such scheme shall restrict payment to the owners of rights whose works have attained a level of circulation which the copyright society considers reasonable.</p>	
15	<p><b>Section 38 (3) &amp; (4)</b>          (3) During the continuance of a performer's right in relation to any performance, any person who, without the consent of the performer, does any of the following acts in respect of the performance or any substantial part thereof, namely :-          (a) makes a sound recording or visual recording of the performance; or          (b) reproduces a sound recording or visual recording of the performance, which sound recording or visual recording was-          (i) made without the performer's consent; or          (ii) made for purposes different from those for which the performer gave his consent; or          (iii) made for purposes different from those referred to in section 39 from a sound recording or visual recording which was made in accordance with section 39; or          (c) broadcasts the performance except where the broadcast is made from a sound recording or visual recording other than one made in</p>	<p><b>Section 38</b>          Delete Section 38 (3) and (4)</p>

	<p>accordance with section 39, or is a re-broadcast by the same broadcasting organisation of an earlier broadcast which did not infringe the performer's right; or</p> <p>(d) communicates the performance to the public otherwise than by broadcast, except where such communication to the public is made from a sound recording or a visual recording or a broadcast, shall, subject to the provision of section 39, be deemed to have infringed the performer's right.</p> <p>(4) Once a performer has consented to the incorporation of his performance in a cinematograph film, the provisions of sub-sections (1), (2) and (3) shall have no further application to such performance.</p>	
16		<p><b>Section 38A (1)</b></p> <p>For the purposes of this Act, and without prejudice to the rights conferred on authors, “performer’s right” means the exclusive right, subject to the provisions of this Act, to do or authorise the doing of any of the following acts in respect of the performance or any substantial part thereof,</p>

		<p>namely:-</p> <p>(a) to make a sound recording or a visual recording of the performance or to do any of the following acts in respect of such recording, namely:-</p> <ul style="list-style-type: none"><li>(i) to reproduce it in any material form including the storing of it in any medium by electronic or any other means;</li><li>(ii) to issue copies of it to the public not being copies already in circulation;</li><li>(iii) to communicate it to the public;</li><li>(iv) to sell or give on commercial rental or offer for sale or for commercial rental any copy of the recording.</li></ul> <p><i>Explanation:</i> For the purpose of this clause “commercial rental” shall not include the rental, lease or lending of a lawfully acquired copy of a sound recording or a visual recording for non-profit purposes by a non-profit library or non-profit educational institution.</p> <p>(b) to broadcast or communicate the performance to the public except where the performance is already a broadcast performance.</p>
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		<p>(2) Once a performer has by written agreement consented to the incorporation of his performance in a cinematograph film he shall not, in the absence of any contract to the contrary, object to the enjoyment by the producer of the film of the performer's right in the same film.</p>
17.		<p><b>Section 38B Moral Rights of the Performer:</b></p> <p>Independently of the performer's right and even after the assignment, either wholly or partially of the said right, the performer of a performance shall have the right</p> <p>(a) to claim to be identified as the performer of his performance except where omission is dictated by the manner of the use of the performance, and</p> <p>(b) to restrain or claim damages in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation</p> <p><b><i>Explanation:</i> The mere removal of any portion of a performance for the purpose of editing, or</b></p>

		to fit the recording within a limited duration, or any other modification required for purely technical reasons shall not be deemed to be prejudicial to the performer's reputation.
18.	<p><b>39A. Other provisions applying to broadcast reproduction right and performer's right.-</b>  <a href="#">Sections 18, 19, 30, 53, 55, 58, 64, 65 and 66</a> shall, with any necessary adaptations and modifications, apply in relation to the broadcast reproduction right in any broadcast and the performers' right in any performance as they apply in relation to copyright in a work :</p> <p>Provided that where copyright or performer's right subsists in respect of any work or performance that has been broadcast, no licence to reproduce such broadcast shall take effect without the consent of the owner of rights or performer, as the case maybe, or both of them.</p>	<p><b>39A. Other provisions applying to broadcast reproduction right and performer's right.-</b>  <a href="#">Sections 18, 19, 30, 30A, 33, 33A, 53, 55, 58, 63, 64, 65 65A, 65B.and 66</a> shall, with any necessary adaptations and modifications, apply in relation to the broadcast reproduction right in any broadcast and the performers' right in any performance as they apply in relation to copyright in a work :</p> <p>Provided that where copyright or performer's right subsists in respect of any work or performance that has been broadcast, no licence to reproduce such broadcast shall take effect without the consent of the owner of rights or performer, as the case maybe, or both of them.</p>
19.	<p><b>Section 52 Certain acts not to be infringement of copyright –</b></p>	<p><b>Replace the existing section 52 with the new section given below: -</b></p> <p><b>Section 52. Certain acts not to be infringement of copyright –</b></p>



	<p>(1) The following acts shall not constitute an infringement of copyright, namely:</p> <p>(a) a fair dealing with <b>*{ a literary, dramatic, musical or artistic }</b>* work [not being a computer programme] for the purposes of-</p> <p>(i) private use, including research;</p> <p>(ii) criticism or review, whether of that work or of any other work; "</p>	<p>(1) The following acts shall not constitute an infringement of copyright, namely:</p> <p>(a) a fair dealing with <b><i>any</i></b> work, not being a computer programme, for the purposes of-</p> <p>(i) private <b><i>and personal</i></b> use, including research;</p> <p>(ii) criticism or review, whether of that work or of any other work;</p> <p>(iii) the reporting of current events, including the reporting of a lecture delivered in public;</p> <p><b><u><i>Explanation: The storing of any work in any electronic medium for the above purposes, including the incidental storage of any computer programme which is not itself an infringing copy for the said purposes, shall not constitute infringement of copyright.</i></u></b></p>
	<p><b>(aa)</b> the making of copies or adaptation of a computer programme by the lawful possessor of a copy of such computer programme, from such copy-</p> <p>(i) in order to utilise the computer programme for</p>	<p><b>(b)</b> the making of copies or adaptations of a computer programme by the lawful possessor of a copy of such computer programme, from such copy-</p>

	<p>the purposes for which it was supplied; or  (ii) to make back-up copies purely as a temporary protection against loss, destruction or damage in order only to utilise the computer programme for the purpose for which it was supplied;"</p>	<p>(i) in order to utilise the computer programme for the purposes for which it was supplied and for no other purpose; or  (ii) to make back-up copies purely as a temporary protection against loss, destruction or damage in order only to utilise the computer programme for the purpose for which it was supplied;</p>
	<p>"(ab) the doing of any act necessary to obtain information essential for operating inter-operability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available;</p>	<p>(iii) the doing of any act necessary to obtain information essential for operating inter-operability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available ;</p>
	<p>(ac) the observation, study or test of functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied;</p>	<p>(iv) <b><u>for the purpose of observing, studying or testing</u></b> the functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the</p>

		functions for which the computer programme was supplied;
	(ad) the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use;	(v) the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use;
	(b) a fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events- (i) in a newspaper, magazine or similar periodical, or (ii) by [broadcast] or in a cinematograph film or by means of photographs. [ <i>Explanation.</i> - The publication of a compilation of addresses or speeches delivered in public is not a fair dealing of such work within the meaning of this clause;]	<b>Delete</b>
		(c) (i) the transient and incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public;

		<p>(ii) such transient and incidental storage for the purpose of providing electronic links, access or integration, where such links, access or integration has not been expressly prohibited by the right holder, unless the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy;</p> <p>Provided that if the person responsible has prevented the storage of a copy on a complaint from any person, he may require such person to produce an order from the competent court for the continued prevention of such storage.</p>
	<p>(c) the reproduction of <b>*{ a literary, dramatic, musical or artistic }</b>* work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;</p>	<p>(d) the reproduction of <b><i>any</i></b> work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;</p>
	<p>(d) the reproduction or publication of <b>*{ a literary, dramatic, musical or artistic }</b>* work <b>*{ in any work }</b>* prepared by the Secretariat of a Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the</p>	<p>(e) the reproduction or publication of <b><i>any</i></b> work prepared by the Secretariat of a Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature;</p>

	members of that Legislature;	
	(e) the reproduction of any <b>*{ literary, dramatic or musical }</b> * work in a certified copy made or supplied in accordance with any law for the time being in force;	(f) the reproduction of <b><i>any</i></b> work in a certified copy made or supplied in accordance with any law for the time being in force;
	(f) the reading or recitation in public of any reasonable extract from a published literary or dramatic work;	(g) the reading or recitation in public of any reasonable extract from a published literary or dramatic work;
	(g) the publication in a collection, mainly composed of non-copyright matter, <i>bona fide</i> intended for <b>*{ the }</b> * use <b>*{ of educational institutions, }</b> * and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for <b>*{ the }</b> * use <b>*{ of educational institutions, }</b> * in which copyright subsists : Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years. <i>Explanation.</i> - In the case of a work of joint	(h) the publication in a collection, mainly composed of non-copyright matter, <i>bona fide</i> intended for <b><i>instructional</i></b> use, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for <b><i>such</i></b> use in which copyright subsists: Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years. <i>Explanation.</i> - In the case of a work of joint

	<p>authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;</p>	<p>authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;</p>
	<p>(h) the reproduction of <b>*{ a literary, dramatic, musical or artistic }</b>* work-  (i) by a teacher or a pupil in the course of instruction; or  (ii) as part of the questions to be answered in an examination; or  (iii) in answers to such questions;</p>	<p>(i) the reproduction of <u>any</u> work-  <i>(i)</i> by a teacher or a pupil in the course of instruction; or  <i>(ii)</i> as part of the questions to be answered in an examination; or  <i>(iii)</i> in answers to such questions;</p>
	<p>(i) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by staff and students of the institution, or of a cinematograph film or a [sound recordings] if the audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution [or the communication to such an audience of a cinematograph film or sound recording].</p>	<p><b><u>Shifted and renumbered as (k)</u></b></p>

	<p>(j) the making of sound recordings in respect of any literary, dramatic or musical work, if-</p> <p>(i) sound recordings of that work have been made by or with the licence or consent of the owner of the right in the work;</p> <p>(ii) the person making the sound recordings has given a notice of his intention to make the sound recordings, has provided copies of all covers or labels with which the sound recordings are to be sold, and has paid in the prescribed manner to the owner of rights in the work royalties in respect of all such sound recordings to be made by him, at the rate fixed by the Copyright Board in this behalf:</p> <p>Provided that-</p> <p>(i) no alterations shall be made which have not been made previously by or with the consent of the owner of rights, or which are not reasonably necessary for the adaptation of the work for the purpose of making the sound recordings;</p> <p>(ii) the sound recordings shall not be issued in any form of packaging or with any label which is likely to mislead or confuse the public as to their identity;</p> <p>(iii) no such sound recording shall be made until the expiration of two calendar years after the end</p>	<p><b><u>(j) he making of sound recordings in respect of any literary, dramatic or musical work, if-</u></b></p> <p><b><u>(i) sound recordings of that work have been made by or with the licence or consent of the owner of the right in the work;</u></b></p> <p><b><u>(ii) the sound recordings are in the same medium as the last recording, unless the medium of the last recording is no longer in current commercial use;</u></b></p> <p><b><u>(iii) the person making the sound recordings has given a notice of his intention to make the sound recordings, has provided copies of all covers or labels with which the sound recordings are to be sold, and has paid in the prescribed manner to the owner of rights in each work royalties in respect of all copies to be made by him, at the rate fixed by the Copyright Board in this behalf;</u></b></p> <p><b><u>(iv) The sound recordings are not sold or issued in any form of packaging or with any cover or label which is likely to mislead or confuse the public as to their identity, and in particular</u></b></p>

<p>of the year in which the first sound recording of the work was made; and</p> <p>(iv) the person making such sound recordings shall allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such sound recording:</p> <p>Provided further that if on a complaint brought before the Copyright Board to the effect that the owner of rights has not been paid in full for any sound recordings purporting to be made in pursuance of this clause, the Copyright Board is, <i>prima facie</i>, satisfied that the complaint is genuine, it may pass an order <i>ex parte</i> directing the person making the sound recording to cease from making further copies and, after holding such inquiry as it considers necessary, make such further order as it may deem fit, including an order for payment of royalty;</p>	<p><b><u>shall not contain the name or depict in any way any performer of an earlier sound recording of the same work or any cinematograph film in which such sound recording was incorporated and, further, shall state on the cover that it is a version made under section 52(1)(j) of the Act;</u></b></p> <p>(v) <b><u>no alterations to the composition of any literary or musical work are made which have not been made previously by or with the consent of the owner of rights, or which are not technically necessary for the purpose of making the sound recordings;</u></b></p> <p>(vi) <b><u>five calendar years have expired after the end of the year in which the first sound recording of the work was made;</u></b></p> <p>(vii) <b><u>royalty is paid for a minimum of 50,000 copies of each work during each calendar year in which copies of it are made;</u></b></p> <p><b><u>Provided that the Copyright Board may by general order fix a lower minimum in respect of works in a particular language or</u></b></p>
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		<p><u>dialect having regard to the potential circulation of such works;</u></p> <p>(viii) <u>the person making such sound recordings shall maintain such registers and books of account in respect thereof, including full details of existing stock, as may be prescribed and shall allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such sound recording;</u></p> <p><u>Provided that if on a complaint brought before the Copyright Board to the effect that the owner of rights has not been paid in full for any sound recordings purporting to be made in pursuance of this clause, the Copyright Board is, prima facie, satisfied that the complaint is genuine, it may pass an order ex parte directing the person making the sound recording to cease from making further copies and, after holding such inquiry as it considers necessary, make such further order as it may deem fit, including an order for payment of royalty;</u></p>
		<p><u>t</u></p>

		(k) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematograph film or a [sound recording] if the audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution [or the communication to such an audience of a cinematograph film or sound recording].
	(k) the causing of a recording to be heard in public by utilising it,- (i) in an enclosed room or hall meant for the common use of residents in any residential premises (not being a hotel or similar commercial establishment) as part of the amenities provided exclusively or mainly for residents therein; or (ii) as part of the activities of a club or similar organisation which is not established or conducted for profit; (iii) as part of the activities of a club, society or other organisation which is not established or conducted for profit;	(l) the causing of a recording to be heard in public by utilising it,- (i) in an enclosed room or hall meant for the common use of residents in any residential premises (not being a hotel or similar commercial establishment) as part of the amenities provided exclusively or mainly for residents therein; or (ii) as part of the activities of a club, society or other organisation which is not established or conducted for profit;
	(l) the performance of a literary, dramatic or	(m) the performance of a literary, dramatic or

	musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious institution;	musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious institution;
	(m) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the author of such article has expressly reserved to himself the right of such reproduction;	<b>Delete</b>
	(n) the publication in a newspaper, magazine or other periodical of a report of a lecture delivered in public;	<b>Delete</b>
	(o) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a public library for the use of the library if such book is not available for sale in India;	(n) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a public library for the use of the library if such book is not available for sale in India;
	(p) the reproduction, for the purpose of research or private study or with a view to publication, of an unpublished literary, dramatic or musical work kept	(o) the reproduction, for the purpose of research or private study or with a view to publication, of an unpublished literary, dramatic or musical work

	<p>in a library, museum or other institution to which the public has access:          Provided that where the identity of the author of any such work or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institution, as the case may be, the provisions of this clause shall apply only if such reproduction is made at a time more than sixty years from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known from the death of such of those authors who dies last;</p>	<p>kept in a library, museum or other institution to which the public has access:          Provided that where the identity of the author of any such work or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institution, as the case may be, the provisions of this clause shall apply only if such reproduction is made at a time more than sixty years from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known from the death of such of those authors who dies last;</p>
	<p>(q) the reproduction or publication of-</p> <ul style="list-style-type: none"> <li>(i) any matter which has been published in any Official Gazette except an Act of a Legislature;</li> <li>(ii) (ii) any Act of a Legislature subject to the condition that such Act is reproduced or published together with any commentary thereon or any other original matter;</li> <li>(iii) the report of any committee, commission, council, board or other like body appointed by the Government if such report has been</li> </ul>	<p>(p) the reproduction or publication of-</p> <ul style="list-style-type: none"> <li>(i) any matter which has been published in any Official Gazette except an Act of a Legislature;</li> <li>(ii) (ii) any Act of a Legislature subject to the condition that such Act is reproduced or published together with any commentary thereon or any other original matter;</li> <li>(iii) the report of any committee, commission, council, board or other like body appointed by the Government if such report has been</li> </ul>

	<p>laid on the Table of the Legislature, unless the reproduction or publication of such report is prohibited by the Government;</p> <p>(iv) any judgement or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the court, the tribunal or other judicial authority, as the case may be;</p>	<p>laid on the Table of the Legislature, unless the reproduction or publication of such report is prohibited by the Government;</p> <p>(iv) any judgement or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the court, the tribunal or other judicial authority, as the case may be;</p>
	<p>(r) the production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made thereunder-</p> <p>(i) if no translation of such Act or rules or orders in that language has previously been produced or published by the Government; or</p> <p>(ii) (ii) where a translation of such Act or rules or orders in that language has been produced or published by the Government, if the translation is not available for sale to the public:</p> <p>Provided that such translation contains a statement at a prominent place to the effect that the translation has not been authorised or accepted as authentic by the Government;</p>	<p>(q) the production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made thereunder-</p> <p>(i) if no translation of such Act or rules or orders in that language has previously been produced or published by the Government; or</p> <p>(ii) (ii) where a translation of such Act or rules or orders in that language has been produced or published by the Government, if the translation is not available for sale to the public:</p> <p>Provided that such translation contains a statement at a prominent place to the effect that the translation has not been authorised or accepted as authentic by the Government;</p>

	(s) the making or publishing of a painting, drawing, engraving or photograph of a work of architecture or the display of a work of architecture;	(r) the making or publishing of a painting, drawing, engraving or photograph of a work of architecture or the display of a work of architecture;
	(t) the making or publishing of a painting, drawing, engraving or photograph of a sculpture, or other artistic work falling under sub-clause (iii) of clause (c) of section 2, if such work is permanently situate in a public place or any premises to which the public has access;	(s) the making or publishing of a painting, drawing, engraving or photograph of a sculpture, or other artistic work falling under sub-clause (iii) of clause (c) of section 2, if such work is permanently situate in a public place or any premises to which the public has access;
	(u) the inclusion in a cinematograph film of- (i) any artistic work permanently situate in a public place or any premises to which the public has access; or (ii) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the film;	(t) the inclusion in a cinematograph film of- (i) any artistic work permanently situate in a public place or any premises to which the public has access; or (ii) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the film;
	(v) the use by the author of an artistic work, where the author of such work is not the owner of the	(u) the use by the author of an artistic work, where the author of such work is not the owner of the

	<p>copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work :</p> <p>Provided that he does not thereby repeat or imitate the main design of the work;</p>	<p>copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work :</p> <p>Provided that he does not thereby repeat or imitate the main design of the work;</p>
	<p>(x) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed :</p> <p>Provided that the original construction was made with the consent or licence of the owner of the copyright in such drawings and plans;</p>	<p>(v) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed :</p> <p>Provided that the original construction was made with the consent or licence of the owner of the copyright in such drawings and plans;</p>
	<p>(y) in relation to a literary, dramatic or musical work recorded or reproduced in any cinematograph film the exhibition of such film after the expiration of the term of copyright therein :</p> <p><b>*{ Provided that the provisions of sub-clause (ii) of clause (a), sub-clause (a) of clause (b) and clauses (d), (f), (g), (m) and (p) shall not apply as respects any act unless that act is accompanied by an acknowledgment-</b></p> <p><b>(i) identifying the work by its title or other description; and</b></p>	<p>(w) in relation to a literary, dramatic, <u>artistic</u> or musical work recorded or reproduced in any cinematograph film the exhibition of such film after the expiration of the term of copyright therein;</p> <p>Provided that the provisions of sub-clause (ii) and (iii) of clause (a), and clauses (e), (g), (h), and (o) shall not apply as respects any act unless that act is accompanied by an acknowledgment-</p> <p>(i) identifying the work by its title or other description; and</p> <p>(ii) unless the work is anonymous or the author of the work has previously agreed or required that no</p>

	<b>(ii) unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgement of his name should be made, also identifying the author. }*</b>	acknowledgement of his name should be made, also identifying the author.
	(z) the making of an ephemeral recording, by a broadcasting organisation using its own facilities for its own broadcast by a broadcasting organisation of a work which it has the right to broadcast; and the retention of such recording for archival purposes on the ground of its exceptional documentary character;	(x) the making of an ephemeral recording, by a broadcasting organisation using its own facilities for its own broadcast by a broadcasting organisation of a work which it has the right to broadcast; and the retention of such recording for archival purposes on the ground of its exceptional documentary character;
	(za) the performance of a literary, dramatic or musical work or the communication to the public of such work or of a sound recording in the course of any <i>bona fide</i> religious ceremony or an official ceremony held by the Central Government or the State Government or any local authority. <i>Explanation.</i> - For the purpose of this clause, religious ceremony including a marriage procession and other social festivities associated with a marriage.	(y) the performance of a literary, dramatic or musical work or the communication to the public of such work or of a sound recording in the course of any <i>bona fide</i> religious ceremony or an official ceremony held by the Central Government or the State Government or any local authority. <i>Explanation.</i> - For the purpose of this clause, religious ceremony including a marriage procession and other social festivities associated with a marriage.
		<b><u>(z) the making of a three-dimensional object from a two dimensional artistic work, such as a technical drawing, for the purposes of</u></b>



		<u><i>industrial application of any purely functional part of a useful device.</i></u>
		<u><i>(za) The reproduction, issue of copies or communication to the public of any work in a format, including sign language, specially designed <b>only</b> for the use of persons suffering from a visual, aural or other disability that prevents their enjoyment of such works in their normal format.</i></u>
		<u><i>(zb) the importation of copies of any literary or artistic work, such as labels, company logos or promotional or explanatory material, that is purely incidental to other goods or products being imported lawfully.</i></u>
	(2) The provisions of sub-section (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work itself.	(2) The provisions of sub-section (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work itself.
20.	<b>52B. Accounts and Audit.</b> (1) Every copyright society appointed under section 34A shall maintain	<u>Section 52 B</u>

<p>proper accounts and other relevant records and prepare an annual statement of accounts, in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.</p> <p>(2) The accounts of each of the copyright societies in relation to the payments received from the Central Government shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the copyright society to the Comptroller and Auditor-General.</p> <p>(3) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the audit of the accounts of the copyright society referred to in sub-section (2) shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts and other documents and papers and to inspect any of the offices of the copyright society for the purpose only of such audit.</p> <p>(4) The accounts of each of the copyright societies</p>	<p><b>Delete Section 52 B</b></p>
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	<p>as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.</p>	
<p>21.</p>	<p><b><u>Section 53. Importation of infringing copies.</u></b></p> <p>(1) The Registrar of Copyrights, on application by the owner of <b>*{the copyright }*</b> in any work or by his duly authorised agent and on payment of the prescribed fee, may, after making such inquiry as he deems fit, order that copies made out of India of the work which if made in India would infringe <b>*{ copyright }*</b> shall not be imported.</p>	<p><b><u>Section 53. Importation of infringing copies.</u></b></p> <p><b><u>(1) The owner of any right conferred by this Act in respect of any work or of any performance embodied in such work, or his duly authorised agent, may give notice in writing to the Commissioner of Customs, or to any other officer authorised in this behalf by the Central Board of Excise and Customs,</u></b></p> <p><b><u>(a) that he is the owner of the said right, with proof thereof, and</u></b></p> <p><b><u>(b) that he requests the Commissioner for a period specified in the notice, which shall not exceed one year, to treat infringing copies of the work as prohibited goods, and</u></b></p>

		<p><b><u>(c) that infringing copies of the work are expected to arrive in India at a time and a place specified in the notice.</u></b></p> <p><b><u>(2) The Commissioner on being satisfied, after scrutiny of the evidence furnished by the owner of the right, may, subject to the provisions of sub-section (3), treat infringing copies of the work as prohibited goods that have been imported into India, excluding goods in transit:</u></b></p> <p><b><u>Provided that the owner of the work deposits such amount as the Commissioner may require as security having regard to the likely expenses on demurrage, cost of storage and compensation to the importer in case it is found that the works are not infringing copies.</u></b></p> <p><b><u>(3) When any goods treated as prohibited under sub-section (2) have been detained, the Customs Officer detaining them shall inform the importer as well as the person who gave notice under sub-section (1) of the detention of such goods within forty-eight hours of their</u></b></p>
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		<p><u>detention.</u></p> <p><u>(4) The Customs Officer shall release the goods, and they shall no longer be treated as prohibited goods, if the person who gave notice under sub-section (1) does not produce any order from a court having jurisdiction as to the temporary or permanent disposal of such goods within fourteen days from the date of their detention.</u></p>
22.	<p><b>Section 55(2)</b> Where, in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author or the publisher, as the case may be, appears on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appears or appeared shall, in any proceeding in respect of infringement of copyright in such work, be presumed, unless the contrary is proved, to be the author or the publisher of the work, as the case</p>	<p>Section 55(2) <b>Where, in the case of a literary, dramatic, musical or artistic work <u>or, subject to the provisions of sub-section (3) of section 13, a cinematograph film or sound recording,</u> a name purporting to be that of the author, or the publisher, as the case may be, of that work, appears on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appears or appeared shall, in any</b></p>

	may be.	proceeding in respect of infringement of copyright in such work, be presumed, unless the contrary is proved, to be the author or the publisher of the work, as the case may be.
23	<p><b>57 Author’s special rights.</b></p> <p>(2) The right conferred upon an author of a work by sub-section (1), <b>*{ other than the right to claim authorship of the work, }</b>* may be exercised by the legal representatives of the author.</p>	Delete the words “other than the right to claim authorship of the work”
24		<p><b>Section 65A. Protection of Technological Measures. –</b></p> <p><b><i>(1) Any person who circumvents an effective technological measure applied for the purpose of protecting any of the rights conferred by this Act, with the intention of infringing such rights, shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.</i></b></p> <p><b><i>(2) Nothing in sub-section (1) shall prevent any person from:</i></b></p> <p><b><i>(a) doing anything referred to therein for a purpose not expressly prohibited</i></b></p>

		<p><b><u>by this Act:</u></b>  <b><u>Provided that any person facilitating circumvention by another person of a technological measure for such a purpose shall maintain a complete record of such other person including his name, address and all relevant particulars necessary to identify him and the purpose for which he has been facilitated; or</u></b>  <b><u>(b) doing anything necessary to conduct encryption research using a lawfully obtained encrypted copy; or</u></b>  <b><u>(c) conducting any lawful investigation; or</u></b>  <b><u>(d) doing anything necessary for the purpose of testing the security of a computer system or a computer network with the authorization of its owner or operator; or</u></b>  <b><u>(e) doing anything necessary to circumvent technological measures intended for identification or surveillance of a user; or</u></b>  <b><u>(f) taking measures necessary in the interest of national security.</u></b></p>
25		Section 65 B. Protection of Rights Management Information. –

		<p><b><u>Any person, who knowingly</u></b></p> <p>(i) <b><u>removes or alters any rights management information without authority, or</u></b></p> <p>(ii) <b><u>distributes, imports for distribution, broadcasts or communicates to the public, without authority, copies of any work, or performance knowing that electronic rights management information has been removed or altered without authority,</u></b></p> <p><b><u>shall be punishable with imprisonment which may extend to two years and shall also be liable to fine;</u></b></p> <p><b><u>Provided that if the rights management information has been tampered with in any work, the owner of copyright in such work may also avail of civil remedies provided under Chapter XII of this Act against the persons indulging in such acts described above.</u></b></p>
26	<b>Section 66. Disposal of infringing copies or</b>	<b>Section 66.</b>



<p><b>plates for purpose of making infringing copies.</b></p> <p>—</p> <p>The court trying any offence under this Act may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be delivered up to the owner of the copyright.</p>	<p>In section 66 after the words “delivered up to the owner of the copyright” insert the words “<b><u>or may make such order as it may deem fit regarding the disposal of such copies or plates.</u></b>”</p>
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