

International Copyright Order, 1999

TREATY

India

International Copyright Order, 1999

Rule INTERNATIONAL-COPYRIGHT-ORDER-1999 of 1999

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7.

/413 In exercise of the powers conferred by section 40 of the Copyright Act, 1957 (14 of 1957), and in supersession of the International Copyright Order, 1991, the Central Government hereby makes the following Order, namely:

1.

(1) This Order may be called The International Copyright Order, 1999. (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 Organisation Country means a country which is a member of the World Trade Organisation and which has either ratified, or accepted, or acceded 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 paragraphs 4, 5 and 6, all the provisions of the Copyright Act, 1957 (14 of 1957) (hereafter referred to as the Act), except those in 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 Part 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 such a country, in like manner as if the producer was the citizen of India 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 not 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 sections 32 [excluding its sub-section (1), 32-A and 32-B 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 the case of a work first made or published in a Berne Convention Country or a Universal Copyright Convention Country or a World Trade Organisation 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 Berne 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 Countries, 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.

Schedule

PART - I Berne Convention Countries Which Have Ratified/accepted/ Acceded To The 1971 Text Of The Convention[See Paragraph 2(a)]

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|-----------------------|-----------------------------|
| 1.Albania | 71.Kyrgyzstan |
| 2.Algeria | 72. Latavia |
| 3.Antigua and Barbuda | 73.Lesotho |
| 4.Argentina | 74.Liberia |
| 5.Armenia | 75. Libiyan Arab Jamahiriya |
| 6.Australia | 76.Liechtenstein |
| 7.Austria | 77.Lithuania |
| 8.Azerbaijan | 78. Luxumberg |
| 9.Bahamas | 79.Malawi |
| 10.Bahrain | 80.Malaysia |
| 11.Bangladesh | 81.Mali |
| 12.Barbados | 82.Malta |
| 13.Belarus | 83.Mauritania |

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| 14.Belgium | 84.Mauritius |
| 15.Belize | 85.Mexico |
| 16.Benin | 86.Monaco |
| 17.Bolivia | 87.Mongolia |
| 18.Bosnia&Herzegovina | 88.Morocco |
| 19.Botswana | 89.Namibia |
| 20.Brazil | 90.Netherlands |
| 21.Bulgaria | 91.Niger |
| 22.Burkina Faso | 92.Nigeria |
| 23.Cameroon | 93.Norway |
| 24.Canada | 94.Oman |
| 25.Cape Verde | 95.Panama |
| 26.Central African Republic | 96.Paraguay |
| 27.Chile | 97.Peru |
| 28.China | 98.Philippines |
| 29.Colombia | 99.Poland |
| 30.Congo | 100.Portugal |
| 31.Costa Rica | 101.Qatar |
| 32.Coted'Ivoire | 102.RepublicofKorea |
| 33.Croatia | 103.RepublicofMoldova |
| 34.Cuba | 104.Panama |
| 35.Cyprus | 105.Russian Federation |
| 36.Czech Republic | 106.Rwanda |
| 37.Democratic Republic of the Congo | 107. Saint Kitts &Nevis |
| 38.Denmark | 108.Saint Lucia |
| 39. Domonica | 109.Saint Vincent and the Grenadines |
| 40.Dominican Republic | 110.Senegal |
| 41.Ecuador | 111.Singapore |
| 42.Egypt | 112.Slovakia |
| 43.El Salvador | 113.Slovenia |
| 44.Equatorial Guinea | 114.South Africa |
| 45.Estonia | 115.Spain |
| 46.Finland | 116.Sri Lanka |
| 47.France | 117.Surinam |
| 48.Gabon | 118.Swaziland |
| 49.Gambia | 119.Sweden |
| 50.Georgia | 120.Switzerland |

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| 51. Germany | 121. Tajikistan |
| 52. Ghana | 122. Thailand |
| 53. Greece | 123. The Former Yugoslavia Republic of Macedonia |
| 54. Grenada | 124. Togo |
| 55. Guatemala | 125. Trinidad and Tobago |
| 56. Guinea | 126. Tunisia |
| 57. Guinea-Bissau | 127. Turkey |
| 58. Guyana | 128. Ukraine |
| 59. Haiti | 129. United Kingdom |
| 60. Holy See | 130. United Republic of Tanzania |
| 61. Honduras | 131. United States of America |
| 62. Hungary | 132. Uruguay |
| 63. Iceland | 133. Venezuela |
| 64. Indonesia | 135. Zambia |
| 65. Italy | 136. Zimbabwe |
| 134. Yugoslavia | |
| 66. Jamaica | |
| 67. Japan | |
| 68. Jordan | |
| 69. Kazakhstan | |
| 70. Kenya | |

PART-II Berne Convention Countries Which Are Yet To Ratify/ Accept/ Accede To The 1971 Text Of Convention [See Paragraph 2(a)]

1. Chad

2. Fiji

3. Ireland

4. Israel

5. Lebanon

6. Madagascar

7. New Zealand

8. Pakistan

PART-III Universal Copyright Convention Countries Which Have Ratified/ Accepted/acceded To The 1971 Text Of The Convention[See Paragraph 2(e)]

1.Algeria	30.Kenya
2.Australia	31.Mexico
3.Austria	32.Monaco
4.Bahamas	33.Morocco
5.Bangladesh	34.Netherlands
6.Barbados	35.Niger
7.Bolivia	36.Norway
8.Bosnia&Herzegovina	37.Panama
9.Brazil	38.Peru
10.Bulgaria	39.Poland
11.Cameroon	40.Portugal
12.China	41.RepublicofKorea
13.Colombia	42.Russian Federation
14.Costa Rica	43.Rwanda
15. Croata	44.Saint Vincent and the Grenadines
16.Cyprus	45.saudi Arabia
17.Czech Republic	46.Senegal
18.Denmark	47.Slovakia
19.Dominican Republic	48.Slovenia
20. Ecudor	49.Spain
21.El Salvador	50.Sri Lanka
22.Finland	51.Sweden
23.France	52.Switzerland
24.Germany	53.Trinidad and Tobago
25.Guinea	54.Tunisia
26. Holy See	55.United Kingdom
27.Hungary	56.United States of America
28.Italy	57.Uruguay
29.Japan	58.Yugoslavia

PART-IV Universal Copyright Convention Countries Which Are Yet To Ratify/ Accept/accede To The 1971 Text Of The Convention[See Paragraph 2(e)]

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|----------------|--------------------------------------|
| 1.Andorra | 19. Lao People's Democratic Republic |
| 2.Argentina | 20.Lebanon |
| 3.Belarus | 21.Liberia |
| 4.Belgium | 22.Liechtenstein |
| 5.Belize | 23.Luxembourg |
| 6.Cambodia | 24.Malawi |
| 7.Canada | 25.Malta |
| 8.Chile | 26.Mauritius |
| 9.Cuba | 27.New Zealand |
| 10.Fiji | 28.Nicaragua |
| 11.Ghana | 29.Nigeria |
| 12.Greece | 30.Pakistan |
| 13.Guatemala | 31.Paraguay |
| 14.Haiti | 32. Phillippines |
| 15.Iceland | 33.Tajikistan |
| 16.Ireland | 34.Ukraine |
| 17.Israel | 35.Venezuela |
| 18. Kazakhstan | 36.Zambia |

PART-VPhonograms Convention Countries[See Paragraph 2(c)]

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|-------------------------------------|--------------------|
| 1.Argentina | 30.Israel |
| 2.Australia | 31.Italy |
| 3.Austria | 32.Jamaica |
| 4.Barbados | 33.Japan |
| 5.Brazil | 34.Kenya |
| 6.Bulgaria | 35.Latvia |
| 7.Burkina Faso | 36. Liechenstein |
| 8.Chile | 37.Lithuania |
| 9.China | 38.Luxembourg |
| 10.Colombia | 39.Mexico |
| 11.Costa Rica | 40.Monaco |
| 12.Cyprus | 41.Netherlands |
| 13.Croatia | 42.New Zealand |
| 14.Czech Republic | 43.Norway |
| 15.Democratic Republic of the Congo | 44.Panama |
| 16.Denmark | 45.Paraguay |
| 17.Ecuador | 46.Peru |
| 18.Egypt | 47.RepublicofKorea |

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| 19.El Salvador | 48.RepublicofMaoldova |
| 20.Estonia | 49.Romania |
| 21.Fiji | 50.Russian Federation |
| 22.Finland | 51.Slovakia |
| 23.France | 52.Slovenia |
| 24.Germany | 53.Spain |
| 25.Greece | 54.Sweden |
| 26.Guatemala | 55.Switzerland |
| 27. Holy See | 56. TheFormer Yugoslav Republic of Macedonia |
| 28.Honduras | 57.Trinidad and Tobago |
| 29.Hungary | 58.Ukraine |
| | 59.United Kingdom |
| | 60.United States of America |
| | 61.Uruguay |
| | 62.Venezuela |

PART-VIThe World Trade Organisation Countries[See Paragraph 2(1)]

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| 1.Albania | 71.Kyrgyz Republic |
| 2.Angola | 72. Latavia |
| 3.Antigua and Barbuda | 73.Lesotho |
| 4.Argentina | 74.Liechtenstein |
| 5.Australia | 75.Luxembourg |
| 6.Austria | 76.Macau,China |
| 7.Bahrain | 77.Madagascar |
| 8.Bangladesh | 78.Malawi |
| 9.Barbados | 79.Malaysia |
| 10.Belgium | 80.Maldives |
| 11.Belize | 81.Mali |
| 12.Benin | 82.Malta |
| 13.Bolivia | 83.Mauritania |
| 14.Botswana | 84.Mauritius |
| 15:Brazil | 85.Mexico |
| 16.BruneiOarussalam | 86.Mongolia |
| 17.Bulgaria | 87.Morocco |
| 18. Burkina Paso | 88.Mozambique |
| 19.Burundi | 89.Myanmar |
| 20.Cameroon | 90.Namibia |
| 21.Canada | 91.Netherlands-for the Kingdom in Europe and for |

	theNetherlands Antilles
22.Central African Republic	92.New Zealand
23.Chad	93.Nicaragua
24.Chile	94.Niger
25.Colombia	95.Nigeria
26.Congo	96.Norway
27.Costa Rica	97.Pakistan
28.Coted'Ivoire	98.Panama
29.Cuba	99.Papua New Guinea
30.Cyprus	100.Paraguay
31.Czech Republic	101.Peru
32.Democratic Republic of the Congo	102.Philippines
33.Denmark	103.Poland
34.Djibouti	104.Portugal
35.Dominica	105.Qatar
36.Dominican Republic	106.Romania
37.Ecuador	107.Rwanda
38.Egypt	108. Saint Kitts & Nevis
39.El Salvador	109.Saint Lucia
40.Estonia	110.Saint Vincent and the Grenadines
41. European Community	111.Senegal
42.Fiji	112.Sierra Leone
43.Finland	113.Singapore
44.France	114.Slovak Republic
45.Gabon	115.Slovenia
46.Gambia	116.Solomon Islands
47.Georgia	117.South Africa
48.Germany	118.Spain
49.Ghana	119.Sri Lanka
50.Greece	120.Suriname
51.Grenada	121.Swaziland
52.Guatemala	122.Sweden
53.Guinea	123.Switzerland
54.Guinea-Bissau	124.Tanzania
55.Guyana	125.Thailand
56.Haiti	126.Togo

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| 57.Honduras | 127.Trinidad and Tobago |
| 58.Hong Kong,China | 128.Tunisia |
| 59.Hungary | 129.Turkey |
| 60.Iceland | 130.Uganda |
| 61.Indonesia | 131.United Arab Emirates |
| 62.Ireland | 132.United Kingdom |
| 63.Israel | 133.United States of America |
| 64.Italy | 134.Uruguay |
| 65.Jamaica | 135.Venezuela |
| 66.Japan | 136.Zambia |
| 67.Jordan | 137.Zimbabwe |
| 68.Kenya | |
| 69.Korea, Republic of | |
| 70.Kuwait | |