

# COPYRIGHT ACT

## PROTECTION TO AUTHORS

NEW DELHI, Jan. 2.

The word Copyright followed by the symbol "C" inscribed inside a circle, accompanied by the name of the copyright proprietor and the year of first publication, will after January 21, 1958, secure for Indian authors copyright protection in other countries who are signatories to the Universal Copyright Convention.

This would be the effect of the new Copyright Act passed by Parliament which will come into force on that day.

India had hitherto followed only the Berne Convention first adopted in 1887 and revised from time to time; but the drawback of this Convention was that there were a number of countries which had not signed the Berne Convention. With such non-Berne countries, separate copyright arrangements had to be concluded. In the absence of such separate arrangements, Indian authors enjoyed no protection for their publications in those countries.

In September 1952, following an inter-Governmental Conference of about 50 countries convened under the auspices of UNESCO a Universal Copyright Convention was prepared which was intended to 'bridge' Berne and non-Berne countries in this matter.

The Universal Copyright Convention does not supersede the Berne Convention, but establishes a relationship between Berne countries and non-Berne countries, thus avoiding the necessity for separate arrangements with the latter as heretofore.

Legislation was introduced in Parliament in May 1957 for amending India's old Copyright Act and following the passing of this Act, the instrument of ratification of the Universal Copyright Convention was deposited with UNESCO in October. The benefits of this Convention, therefore, become operative from January 21, 1958, that is three months from the date of ratification.

### BASIC PRINCIPLE

The basic principle adopted in the Universal Copyright Convention is of 'National treatment'. It is expressed in Article II of the Convention in the following words:

"1. Published works of nationals of any contracting State and works first published in that State shall enjoy in each other Contracting State the same protection as that other State accords to works of its nationals first published in its own territory.

"2. Unpublished works of nationals of each contracting State shall enjoy in each other contracting State the same protection as that other State accords to unpublished works of its own nationals."

Accordingly, Indian works and works of Indian nationals can by virtue of this provision, claim in every non-Berne Universal Copyright Convention country the same protection which is enjoyed by the national of that country in respect of his works published in that country.

Many countries require under their domestic law compliance with certain formalities (e.g., registration, deposit of copies, notice etc.) for acquisition of copyright within their territory.

The Universal Copyright Convention dispenses with this requirement and provides that it shall be deemed to have been satisfied if all copies of a work bear at a prominent place merely the symbol (C) (the letter C in a circle) accompanied by the name of the copyright proprietor and the year of first publication (Article III of the Convention); Indian works have thus not now to comply with the formalities prescribed in the laws of the non-Berne Universal Copyright Convention countries and will secure Copyright protection by reason of the aforesaid symbol.

The Universal Copyright Convention also permits translation of published writings under certain conditions (Article V of the Convention).

The following non-Berne countries have so far ratified the Universal Copyright Convention:

Andorra, Argentine Republic, Cambodia, Chile, Costa Rica, Cuba, Ecuador, the German Federal Republic, Guatemala, Haiti, Ireland, Laos, Liberia, Mexico, Nicaragua, Republic of El Salvador, Republic of Honduras, Republic of San Marino, Uruguay and the United States of America.