

Copyright Introduction

The Copyright Act, 1957 (the 'Act') came into effect from January 1958. The Act has been amended five times since then, i.e., in 1983, 1984, 1992, 1994, 1999 and 2012. The Copyright (Amendment) Act, 2012 is the most substantial. The main reasons for amendments to the Copyright Act, 1957 include to bring the Act in conformity with two WIPO internet treaties concluded in 1996 namely, the WIPO Copyright Treaty ("WCT") and WIPO Performances and Phonograms Treaty ("WPPT"); to protect the Music and Film Industry and address its concerns; to address the concerns of the physically disabled and to protect the interests of the author of any work; Incidental changes; to remove operational facilities; and enforcement of rights. Some of the important amendments to the Copyright Act in 2012 are extension of copyright protection in the digital environment such as penalties for circumvention of technological protection measures and rights management information, and liability of internet service provider and introduction of statutory licenses for cover versions and broadcasting organizations; ensuring right to receive royalties for authors, and music composers, exclusive economic and moral rights to performers, equal membership rights in copyright societies for authors and other right owners and exception of copyrights for physically disabled to access any works.

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Prior to the Act of 1957, the Law of Copyrights in the country was governed by the Copyright Act of 1914. This Act was essentially the extension of the British Copyright Act, 1911 to India. Even the Copyright Act, 1957 borrowed extensively

from the new Copyright Act of the United Kingdom of 1956. The Copyright Act, 1957 continues with the common law traditions. Developments elsewhere have brought about certain degree of convergence in copyright regimes in the developed world.

Presently, the Act is compliant with most international conventions and treaties in the field of copyrights. India is a member of the Berne Convention of 1886 (as modified at Paris in 1971), the Universal Copyright Convention of 1952 and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement of 1995. Though India is not a member of the Rome Convention of 1961, the Act is fully compliant with the Rome Convention provisions.

Substantial amendments were made to the provisions of the Act in the year 2012. These amendments had the effect of making the Act compliant with the WCT and WPPT. Both WCT and WPPT came into force in 2002 and were negotiated essentially to provide for protection of the rights of copyright holders, performers and producers of phonograms in the Internet and digital era. India acceded to both these treaties in 2018; Further, the provisions of the Act are also in harmony with two other WIPO treaties namely, the Beijing Audiovisual Performers Treaty, 2012 and the Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired or Otherwise Print Disabled Persons, 2013.

The Copyright (Amendment) Rules, 2016 were published in Official Gazette of India on 10th August 2016 and came into effect from 12th August 2016 replacing the old Copyright Rules of 2013. These Rules inter alia brought about amendments to the terms and conditions of the office of Chairman and members of the Board and in the process of application for registration of copyright. Particularly In Rule 70, Sub-Rule (6), the phrase "in relation to any goods" was substituted by the words "*in relation to any goods or services*". Accordingly, item 14 under the 'Statement of Particulars' of FORM XIV under the First Schedule of the Act, the words "in relation to any goods" were substituted by "*in relation to any goods or services*".