

Bill Summary

The Copyright (Amendment) Bill, 2010

- The Copyright (Amendment) Bill, 2010 was introduced in the Rajya Sabha on April 19, 2010. The Bill was referred to the Department related Standing Committee on Human Resource Development (Chairperson: Shri Oscar Fernandes), which is scheduled to submit its report within two months.
- The Bill amends the Copyright Act, 1957, which consolidates the law relating to copyrights in India. The Bill seeks to make the provisions of the law in conformity with the World Intellectual Property Organisation's WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty. The treaties deal with protection of authors of literary and artistic works and rights of performers and producers of phonograms.
- The Bill adds three definitions: "commercial rental", "rights management information" and "visual recording". It amends the definitions of "author", "cinematograph film", "communication to the public", "infringing copy", "performer" and "joint authorship". It includes the producer and principal director of a film and the producer of a sound recording in the definition of author. It excludes a person from the definition of "performer" in a film if his role was incidental and in the normal course of practice is not acknowledged in the credits of a film.
- The Act states that the author of a work (which includes literary work, cinematograph films and sound recordings) is the first owner of copyright. It defines "copyright" as the exclusive right of the author to reproduce a literary or dramatic work or computer programme or artistic work.
- The Bill protects performer's right by allowing him to make sound or visual recording of the performance and allow its reproduction in any medium, issuing copies to the public or selling or renting a copy of the recording. It also recognises the right of the performer to be identified as the performer or restrain any distortion of the performance even if he has a written agreement to include his performance in a cinematograph film.
- The Bill expands the definition of "copyright" to allow artistic works, cinematograph films and sound recording to be saved in electronic forms. It also allows the copy of the film or sound recording to be rented out or sold.
- The Bill states that in case of cinematograph films the producer and the principal director shall be the joint first owner of copyright. In case of a film produced before the Bill is passed, the principal director shall have copyright for 10 years after the expiry of the copyright subject to any agreement between the principal director and the owner of the copyright. The author retains his copyright even if his work is used in a cinematograph film.
- The Bill enhances the term of a copyright for a cinematograph film. For a principal director, the copyright is for 70 years. For a producer, the copyright is 60 years, extended to another 10 years if he enters into an agreement with the principal director. The term of copyright of photographs has been extended to life plus 60 years.
- Any recognised organisation working primarily for the disabled may apply to the Copyright Board for compulsory licence of any copyrighted work for the benefit of the disabled. The Copyright Board may direct the Registrar of Copyrights to grant the licence for prescribed time.
- The Bill seeks to introduce a system of statutory licencing for cover version of a sound recording so that right of copyright holder of literary or musical work is protected. Also, allow statutory licencing to broadcasting organisations of published works. The rate of royalty shall be fixed by the Copyright Board.
- The Act provides for registration of copyright societies by authors and other owners of rights for the interest of the author and the convenience of people seeking licences. The Bill amends this to allow copyright societies to be registered only by authors of works. Each copyright society shall publish a tariff scheme. In case of dispute, the aggrieved party can appeal to the Copyright Board.
- The Act includes a list of activities which does not constitute infringement of copyright. The Bill excludes copying of computer programme from the list. It includes reporting of current events (including public lectures) and non-commercial libraries.
- The Bill penalises any person who infringes a technological measure applied for protecting rights in the law with imprisonment of upto two years and a fine.

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