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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 14th September, 1984/Bhadra 23, 1906 (Saka)

The following Act of Parliament received the assent of the President on the 14th September, 1984 and is hereby published for general information:—

THE COPYRIGHT (AMENDMENT) ACT, 1984

[*14th September*, 1984.]

No. 65 OF 1984

An Act further to amend the Copyright Act, 1957.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Copyright (Amendment) Act, 1984.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

14 of 1957.

2. In section 2 of the Copyright Act, 1957 (hereinafter referred to as the principal Act),—

(*a*) in clause (*f*), the following *Explanation* shall be inserted at the end, namely:—

'*Explanation*.—For the purposes of this clause, "video films' shall also be deemed to be work produced by a process analogous to cinematography;';

(*b*) after clause (*h*), the following clause shall be inserted namely:—

'(*hh*) "duplicating equipment" means any mechanical contrivance or device used or intended to be used for making copies of any work;':

(*c*) in clause (*o*), for the words "and compilations", the words , compilations and computer programmes, that is to say, programmes recorded on any disc, tape, perforated media or other information storage device, which, if fed into or located in a computer or computer based equipment is capable of reproducing any information" shall be substituted;

(*d*) in clause (*t*), after the word "negative", the words ", duplicating equipment" shall be inserted.

Amendment of section 51.

3. In section 51 of the principal Act, in clause (*b*),—

(*a*) in sub-clause (*iv*), the brackets and words "(except for the private and domestic use of the importer)" shall be omitted;

(*b*) the following proviso shall be inserted at the end, namely:—

"Provided that nothing in sub-clause (*iv*) shall apply to the import of two copies of any work, other than a cinematograph film or record, for the private and domestic use of the importer.".

Insertion of new section 52A.

4. After section 52 of the principal Act, the following section shall be inserted, namely:—

Particulars to be included in records and video films.

"52A. (*1*) No person shall publish a record in respect of any work unless the following particulars are displayed on the record and on any container thereof, namely:—

(*a*) the name and address of the person who has made the record;

(*b*) the name and address of the owner of the copyright in such work; and

(*c*) the year of its first publication.

(*2*) No person shall publish a video film in respect of any work unless the following particulars are displayed in the video film, when exhibited and on the video cassette or other container thereof, namely:—

(*a*) if such work is a cinematograph film required to be certified for exhibition under the provisions of the Cinematograph Act, 1952, a copy of the certificate granted by the Board of Film Certification under section 5A of that Act in respect of such work; 37 of 1952.

(*b*) the name and address of the person who has made the video film and a declaration by him that he has obtained the necessary licence or consent from the owner of the copyright in such work for making such video film; and

(c) the name and address of the owner of the copyright in such work.".

Amendment of section 63.

5. In section 63 of the principal Act, for the words "shall be punishable with imprisonment which may extend to one year, or with fine, or with both", the following shall be substituted, namely.—

"shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees".

Insertion of new section 63A

6. After section 63 of the principal Act, the following section shall be inserted, namely:—

Enhanced penalty on second and subsequent convictions

"63A Whoever having already been convicted of an offence under section 63 is again convicted of any such offence shall be punishable for the second and for every subsequent offence with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year or a fine of less than one lakh rupees:

Provided further that for the purposes of this section, no cognizance shall be taken of any conviction made before the commencement of the Copyright (Amendment) Act, 1984.".

Amendment of section 64

7 In section 64 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Any police officer, not below the rank of a sub-inspector, may, if he is satisfied that an offence under section 63 in respect of the infringement of copyright in any work has been, is being, or is likely to be, committed, seize without warrant, all copies of the work, and all plates used for the purpose of making infringing copies of the work, wherever found, and all copies and plates so seized shall, as soon as practicable, be produced before a Magistrate.";

(*b*) in sub-section (*2*),—

(*i*) after the words "copies of a work", the words ", or plates," shall be inserted;

(*ii*) after the words "such copies", the words "or plates" shall be inserted.

Amendment of section 65

8. In section 65 of the principal Act, for the words "one year, or with fine, or with both", the words "two years and shall also be liable to fine" shall be substituted.

9. After section 68 of the principal Act, the following section shall be inserted, namely:—

"68A. Any person who publishes a record or a video film in contravention of the provisions of section 52A shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.".

10. In the Economic Offences (Inapplicability of Limitation) Act, 1974,—

(*a*) in section 2, in clause (*i*), after the word "enactments", the words "or provisions, if any, thereof" shall be inserted;

(*b*) in the Schedule, after entry 1 relating to the Indian Income-tax Act, 1922, the following entry shall be inserted, namely:— 11 of 1922.

"1A. Clause (*a*) of section 63 of the Copyright Act, 1957 (14 of 1957).".

IndiaCode

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

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