रजिस्ट्री सं. डी.एल.-33004 / 99 REGISTERED NO. DL-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 62] नई दिल्ली, बृहस्पतिवार, दिसम्बर 30, 1999 / पौष 9, 1921
No. 62] NEW DELHI, THURSDAY, DECEMBER 30, 1999 / PAUSA 9, 1921

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 30th December, 1999, /Pausa 9, 1921 (Saka)

The following Act of Parliament received the assent of the President on the 30th December, 1999, and is hereby published for general information:—

THE COPYRIGHT (AMENDMENT) ACT, 1999

No. 49 OF 1999

[30*th December*, 1999.]

An Act further to amend the Copyright Act, 1957.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title and commencement

1. (*1*) This Act may be called the Copyright (Amendment) Act, 1999.

(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 the Copyright Act, 1957 (hereinafter referred to as the principal Act), in section 2, in clause (*o*), for the words "data basis", the word "databases" shall be substituted.

Amendment of section 14.

3. In section 14 of the principal Act, in clause (*b*), for sub-clause (*ii*), the following shall be substituted, namely:—

"(*ii*) to sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programme:

Provided that such commercial rental does not apply in respect of computer programmes where the programme itself is not the essential object of the rental.".

Amendment of section 38.

4. In section 38 of the principal Act, in sub-section (*2*), for the words "twenty-five years", the words "fifty years" shall be substituted.

Insertion of new section 40A. Power of Central Government to apply Chapter VIII to broadcasting organisations and performers in certain other countries.

5. After section 40 of the principal Act, the following section shall be inserted, namely:—

"40A. (*1*) If the Central Government is satisfied that a foreign country (other than a country with which India has entered into a treaty or which is a party to a convention relating to rights of broadcasting organisations and performers to which India is also a party) has made or has undertaken to make such provisions, if any, as it appears to the Central Government expedient to require, for the protection in that foreign country, of the rights of broadcasting organisations and performers as is available under this Act, it may, by order published in the Official Gazette, direct that the provisions of Chapter VIII shall apply—

(*a*) to broadcasting organisations whose headquarters is situated in a country to which the order relates or, the broadcast was transmitted from a transmitter situated in a country to which the order relates as if the headquarters of such organisation were situated in India or such broadcast were made from India;

(*b*) to performances that took place outside India to which the order relates in like manner as if they took place in India;

(*c*) to performances that are incorporated in a sound recording published in a country to which the order relates as if it were published in India;

(*d*) to performances not fixed on a sound recording broadcast by a broadcasting organisation the headquarters of which is located in a country to which the order relates or where the broadcast is transmitted from a transmitter which is situated in a country to which the order relates as if the headquarters of such organisation were situated in India or such broadcast were made from India.

(*2*) Every order made under sub-section (*1*) may provide that—

(*i*) the provisions of Chapter VIII shall apply either generally or in relation to such class or classes of broadcasts or performances or such other class or classes of cases as may be specified in the order;

(*ii*) the term of the rights of broadcasting organisations and performers in India shall not exceed such term as is conferred by the law of the country to which the order relates;

(*iii*) the enjoyment of the rights conferred by Chapter VIII shall be subject to the accomplishment of such conditions and formalities, if any, as may be specified in that order;

(*iv*) Chapter VIII or any part thereof shall not apply to broadcast and performances made before the commencement of the order or that Chapter VIII or any part thereof shall not apply to broadcasts and performances broadcast or performed before the commencement of the order;

(*v*) in case of ownership of rights of broadcasting organisations and performers, the provisions of Chapter VIII shall apply with such exceptions and modifications as the Central Government may, having regard to the law of the foreign country, consider necessary.".

Insertion of new section 42A.

6. After section 42 of the principal Act, the following section shall be inserted, namely:—

Power to restrict rights of foreign broadcasting organisations and performers.

"42A. If it appears to the Central Government that a foreign country does not give or has not undertaken to give adequate protection to rights of broadcasting organisations or performers, the Central Government may, by order published in the Official Gazette, direct that such of the provisions of this Act as confer right to broadcasting organisations or performers, as the case may be, shall not apply to broadcasting organisations or performers whereof are based or incorporated in such foreign country or are subjects or citizens of such foreign country and are not incorporated or domiciled in India, and thereupon those provisions shall not apply to such broadcasting organisations or performers.".

Amendment of section 52.

7. In section 52 of the principal Act, in sub-section (*1*),—

(*a*) after clause (*aa*), the following clauses shall be inserted, namely:—

"(*ab*) the doing of any act necessary to obtain information essential for operating inter-operability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available;

(*ac*) the observation, study or test of functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied;

(*ad*) the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use;";

(*b*) in the proviso to clause (*p*), for the words "fifty years", the words "sixty years" shall be substituted.

RAGHBIR SINGH,
Secy. to the Govt. of India.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS (PLU), MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2000.

IndiaCode