THE INTERNATIONAL COPYRIGHT ORDER, 1999

[S.O.228(E), dated 24th March 1999, published in the Gazette of India, Extra Pt II, Sec. 3 (i), dated 6th April 1999]

S.O. 228(E)- In exercise of the powers conferred by section 40 of the Copyright Act, 1957 (14 of 1957) and in supersession of the International Copyright Order, 1991, the Central Government hereby makes the following Order, namely:-

1. (1) This Order may be called the International Copyright Order, 1999.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In this Order, unless the context otherwise requires:-

(a) "Berne Convention Country" means a country which is a member of the Berne Copyright Union, and includes a country mentioned either in Part I or in Part II of the Schedule;

(b) "Phonogram" means an exclusively aural fixation of a performance or other sounds;

(c) "Phonograms Convention Country" means a country which has either ratified, or accepted, or acceded to the Convention for the Protection of Producers of Phonograms against Unauthorised Duplication of their Phonograms, done at Geneva on the Twenty ninth day of October, one; thousand nine hundred and seventy-one, and includes a country mentioned in Part V of the Schedule;

(d) "Schedule" means the Schedule appended to this Order.

(e) "Universal Copyright Convention Country" means a country which has either ratified, or accepted, or acceded to the Universal Copyright Convention, and includes a country mentioned either in Part III or in Part IV of the Schedule.

(f) "World Trade Organisation Country" means a country which is a member of the World Trade Organisation and which has either ratified, or accepted, or acceded to the Agreement on Trade Related Aspects of Intellectual Property Right, 1994 and includes a country mentioned in Part VI of the Schedule.

3. Subject to the provisions of paragraphs 4,5 and 6, all the provisions of the Copyright Act, 1957 (14 of 1957), (hereafter referred to as the Act), except those in Chapter VIII, and those other provisions which apply exclusively to Indian works, shall apply :-

(a) to any work first made or published in a country mentioned in Part I, II, III, IV or VI of the Schedule, in like manner as if it was first published in India;

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(b) to any work first made or published in a country other than a country mentioned in Part I, II, III, IV or VI of the Schedule, the author of which was, at the date of such publication, or, where the author was dead on that date, he was at the time of his death, a national of a country mentioned in Part I, II, 111, IV and VI of the Schedule, in like manner, as if the author was a citizen of Indian at that point of time;

(c) to an unpublished work, the author whereof was, at the time of the making or publication of the work, a national or domiciled in any country mentioned in Part I, II, 111, IV and VI of the Schedule, in like manner, as if the author was a citizen of, domiciled in, India;

(d) to any work first made or published by a body corporate incorporated under any law of a country mentioned in Part I, II, 111, IV or Part VI of the Schedule, in like manner, as if it was incorporated under a law in force in India; and

(e) to a sound recording first made, the producer of which was, at the date of such production, a national of a country mentioned in Part V or Part VI of the Schedule or a body corporate incorporated under a law in force in such a country, in like manner as if the producer was the citizen of India or a body corporate incorporated under a law in force in India, as the case may be, at that point of time.

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4. Notwithstanding anything contained in paragraph 3, the provisions of Chapter VIII of the Act shall apply to a Broadcasting Organisation and a Performer in a World Trade Organisation Country mentioned in Part VI of the Schedule.

5. Notwithstanding anything contained in clause (a) of paragraph 3 and paragraph 4 of the provisions of sub-section (1) of section 32 of the Act-

(i) shall not apply to a work first made or published in any Berne Convention Country mentioned in Part I and Part II of the Schedule.

(ii) shall not apply to a work first made or published in any World Trade Organisation Country mentioned in Part VI of the Schedule.

(iii) shall apply to a work first made or published in any Universal Copyright Convention Country mentioned in Part III or Part IV of the Schedule. Only in respect of the translation of such work into any language specified in the Eighth Schedule to the Constitution of India.

6. The provisions of section 32 (excluding its sub section (1) 32A and 32B shall apply to a work first made or published in a Berne Convention Country mentioned in Part I of the Schedule or in a Universal Copyright Convention Country mentioned in Part III of the Schedule or in a World Trade Organisation Country mentioned in Part VI of the Schedule.

7. The term of copyright in a work shall not exceed that which is enjoyed by it in its country of origin.

Explanation- In this paragraph, "the country of origin" shall mean-

(a) in the case of a work first made or published in a Berne Convention Country or in a Universal Copyright Convention Country or a World Trade Organisation Country, that country;

(b) in the case of a work made or published simultaneously either in a Berne Convention Country or a Universal Copyright Convention Country or in a World Trade Organisation Country and in a country which is neither a Berne Convention Country nor a World Trade Organisation Country, the former country.

(c) in the case of a work which is made or published simultaneously in several Berne Convention Countries, the country whose laws grant the shortest term of copyright to such a work'

(d) in the case of a work which is made or published simultaneously in several Universal Copyright Convention Countries, the country whose laws grant the shortest term of copyright to such a work;

(e) in the case of a work which is made or published simultaneously in several World Trade Organisation Countries, the country whose laws grant the shortest term of copyright to such a work;

(f) in the case of an unpublished work or a work first made or published in a country other than a Berme Convention Country or a Universal Copyright Convention Country or a World Trade Organisation Country, the country of which the author was a citizen, or the country in which he was domiciled at the time of its first publication, whichever grants the longer term of copyright.

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SCHEDULE

PART - I

BERNE CONVENTION COUNTRIES WHICH HAVE RATIFIED/ACCEPTED/ ACCEDED TO THE 1971 TEXT OF THE CONVENTION

[See Paragraph 2(a)]

1. Albania
2. Algeria
71. Kyrgyzstan
72. Latavia

3. Antigua and Barbuda
4. Argentina
5. Armenia
6. Australia
7. Austria
8. Azerbaijan
9. Bahamas
10. Bahrain
11. Bangladesh
12. Barbados
13. Belarus
14. Belgium
15. Belize
16. Benin
17. Bolivia
18. Bosnia & Herzegovina
19. Botswana
20. Brazil
21. Bulgaria
22. Burkina Faso
23. Cameroon
24. Canada
73. Lesotho
74. Liberia
75. Libiyan Arab Jamahiriya
76. Liechtenstein
77. Lithuania
78. Luxumberg
79. Malawi
80. Malaysia
81. Mali
82. Malta
83. Mauritania
84. Mauritius
85. Mexico
86. Monaco
87. Mongolia
88. Morocco
89. Namibia
90. Netherlands
91. Niger
92. Nigeria
93. Norway
94. Oman

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25. Cape Verde

26. Central African Republic

27. Chile

28. China

29. Colombia

30. Congo

31. Costa Rica

32. Cote d'Ivoire

33. Croatia

34. Cuba

35. Cyprus

36. Czech Republic

37. Democratic Republic of the Congo

38. Denmark

39. Domonica

40. Dominican Republic

41. Ecuador

42. Egypt

43. El Salvador

44. Equatorial Guinea

95. Panama

96. Paraguay

97. Peru

98. Philippines

99. Poland

100. Portugal

101. Qatar

102. Republic of Korea

103. Republic of Moldova

104. Panama

105. Russian Federation

106. Rwanda

107. Saint Kitts & Nevis

108. Saint Lucia

109. Saint Vincent and the Grenadines

110. Senegal

111. Singapore

112. Slovakia

113. Slovenia

114. South Africa

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45. Estonia

46. Finland

47. France

48. Gabon

49. Gambia

50. Georgia

51. Germany

52. Ghana

53. Greece

54. Grenada

55. Guatemala

56. Guinea

57. Guinea-Bissau

58. Guyana

59. Haiti

60. Holy See

61. Honduras

62. Hungary

63. Iceland

64. Indonesia

115. Spain

116. Sri Lanka

117. Surinam

118. Swaziland

119. Sweden

120. Switzerland

121. Tajikstan

122. Thailand

123. The Former Yugoslavia Republic of Macedonia

124. Togo

125. Trinidad and Tobago

126. Tunisia

127. Turkey

128. Ukraine

129. United Kingdom

130. United Republic of Tanzania

131. United States of America

132. Uruguay

133. Venezuela

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65. Italy

66, Jamaica

67. Japan

68. Jordan

69. Kazakhstan

70. Kenya

134. Yugoslavia

135. Zambia

136. Zimbabwe

PART-II

BERNE CONVENTION COUNTRIES WHICH ARE YET TO RATIFY/ ACCEPT/ ACCEDE TO THE 1971 TEXT OF CONVENTION

[See Paragraph 2(a)]

1. Chad

2. Fiji

3. Ireland

4. Israel

5. Lebanon

6. Madagascar

7. New Zealand

8. Pakistan

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PART-III

UNIVERSAL COPYRIGHT CONVENTION COUNTRIES WHICH HAVE RATIFIED/ ACCEPTED/ACCEDED TO THE 1971 TEXT OF THE CONVENTION

[See Paragraph 2(e)]

1. Algeria

2. Australia

3. Austria

4. Bahamas

30. Kenya

31. Mexico

32. Monaco

33. Morocco

5. Bangladesh

6. Barbados

7. Bolivia

8. Bosnia & Herzegovina

9. Brazil

10. Bulgaria

11. Cameroon

12. China

13. Colombia

14. Costa Rica

15. Croata

16. Cyprus

17. Czech Republic

18. Denmark

19. Dominican Republic

20. Ecudor

21. El Salvador

22. Finland

23. France

24. Germany

34. Netherlands

35. Niger

36. Norway

37. Panama

38. Peru

39. Poland

40. Portugal

41. Republic of Korea

42. Russian Federation

43. Rwanda

44. Saint Vincent and the Grenadines

45. saudi Arabia

46. Senegal

47. Slovakia

48. Slovenia

49. Spain

50. Sri Lanka

51. Sweden

52. Switzerland

53. Trinidad and Tobago

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25. Guinea

26. Holy See

27. Hungary

28. Italy

29. Japan

54. Tunisia

55. United Kingdom

56. United States of America

57. Uruguay

58. Yugoslavia

PART-IV

UNIVERSAL COPYRIGHT CONVENTION COUNTRIES WHICH ARE YET TO RATIFY/ ACCEPT/ACCEDE TO THE 1971 TEXT OF THE CONVENTION

[See Paragraph 2(e)]

1. Andorra

2. Argentina

3. Belarus

4. Belgium

5. Belize

6. Cambodia

7. Canada

8. Chile

9. Cuba

10. Fiji

11. Ghana

19. Lao People's Democratic Republic

20. Lebanon

21. Liberia

22. Liechtenstein

23. Luxembourg

24. Malawi

25. Malta

26. Mauritius

27. New Zealand

28. Nicaragua

29. Nigeria

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12. Greece

13. Guatemala

14. Haiti

15. Iceland

16. Ireland

17. Israel

18. Kazakhistan

30. Pakistan

31. Paraguay

32. Phillippines

33. Tajikistan

34. Ukraine

35. Venezuela

36. Zambia

PART-V

PHONOGRAMS CONVENTION COUNTRIES

[See Paragraph 2(c)]

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1. Argentina

2. Australia

3. Austria

4. Barbados

5. Brazil

6. Bulgaria

7. Burkina Faso

8. Chile

9. China

30. Israel

31. Italy

32. Jamaica

33. Japan

34. Kenya

35. Latvia

36. Liechenstein

37. Lithuania

38. Luxembourg

39. Mexico

40. Monaco

10. Colombia

11. Costa Rica

12. Cyprus

13. Croatia

14. Czech Republic

15. Democratic Republic of the Congo

16. Denmark

17. Ecuador

18. Egypt

19. El Salvador

20. Estonia

21. Fiji

22. Finland

23. France

24. Germany

25. Greece

26. Guatemala

27. Holy See

41. Netherlands

42. New Zealand

43. Norway

44. Panama

45. Paraguay

46. Peru

47. Republic of Korea

48. Republic of Maoldova

49. Romania

50. Russian Federation

51. Slovakia

52. Slovenia

53. Spain

54.. Sweden

55. Switzerland

56. The Former Yugoslav Republic of Macedonia

57. Trinidad and Tobago

58. Ukraine

59.. United Kingdom

60. United States of America

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28. Honduras

29. Hungary

61. Uruguay

62. Venezuela

PART-VI

THE WORLD TRADE ORGANISATION COUNTRIES

[See Paragraph 2(1)]

1. Albania
2. Angola
3. Antigua and Barbuda
4. Argentina
5. Australia
6. Austria
7. Bahrain
8. Bangaladesh
9. Barbados
10. Belgium
11. Belize
12. Benin
13. Bolivia
14. Botswana
15: Brazil

71. Kyrgye Republic
72. Latavia
73. Lesotho

68. Liechtenstein

69. Luxembourg

70. Macau, China

71. Madagascar

72. Malawi

73. Malaysia

74. Maldives

75. Mali

76. Malta

77. Mauritania

78. Mauritius

79. Mexico

80. Mongolia

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16. Brunei Oarussalam

17. Bulgaria

18. Burkina Paso

19. Burundi

20. Cameroon

21. Canada

22. Central African Republic

23. Chad

24. Chile

25. Colombia

26. Congo

27. Costa Rica

28. Cote d'lvoire

29. Cuba

30. Cyprus

31. Czech Republic

32. Democratic Republic of the Congo

33. Denmark

34. Djibouti

35. Dominica

81. Morocco

82. Mozambique

83. Myanmar

84. Namibia

85. Netherlands- for the Kingdom in Europe and for the Netherlands Antilles

86. New Zealand

87. Nicaragua

88. Niger

89. Nigeria

90. Norway

91. Pakistan

92. Panama

93. Papua New Guinea

100 Paraguay

101. Peru

102. Philippines

103. Poland

104. Portugal

105. Qatar

106. Romania

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36. Dominican Republic

37. Ecuador

38. Egypt

39. El Salvador

40. Estonia

41. European Community

42. Fiji

43. Finland

44. France

45. Gabon

46. Gambia

47. Georgia

48. Germany

49. Ghana

50. Greece

51. Grenada

52. Guatemala

53. Guinea

54. Guinea-Bissau

55. Guyana

107. Rwanda

108. Saint Kitts & Nevis

109. Saint Lucia

110. Saint Vincent and the Grenadines

111. Senegal

112. Sierra Leone

113. Singapore

114. Slovak Republic

115. Slovenia

116. Solomon Islands

117. South Africa

118. Spain

119. Sri Lanka

120. Suriname

121. Swaziland

122. Sweden

123. Switzerland

124. Tanzania

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56. Haiti

57. Honduras

58. Hong Kong, China

59. Hungary

60. Iceland

61. Indonesia

62. Ireland

63.Israel

64. Italy

65. Jamaica

66. Japan
67. Jordan

68. Kenya

69. Korea

70. Kuwait

125. Thailand

126. Togo

127. Trinidad and Tobago

128. Tunisia

129. Turkey

130. Uganda

131. United Arab Emirates

132. United Kingdom

133. United States of America

134. Uruguay

135. Venezuela

136. Zambia

137. Zimbabwe

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