

INTERNATIONAL COPYRIGHT ORDER, 1991

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SCHEDULE 1 :- SCHEDULE

INTERNATIONAL COPYRIGHT ORDER, 1991

¹1. Vide Order No. SO. 657(E), dated 30-9-1991. In exercise of the powers conferred by S.40 of the Copyright Act, 1957, and in supersession of the International Copyright Order, 1958, the Central Government hereby makes the following Order:-

1. 1 :-

(1) This Order may be called the International Copyright Order, 1991.

(2) It shall come into force¹ on the date of its publication in the Official Gazette.

1. 30-9-1991.

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) 'Phonograms Convention Country' means a country which has either ratified, or accepted or acceded to the Convention for the Protection or 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;

(c) 'Schedule' means the Schedule appended to this Order;

(d) '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.

3. 3 :-

Subject to the provisions of paragraph 4, all the provisions of the Copyright Act, 1957 (hereinafter referred to as the Act), except those of 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 or IV of the Schedule, in like manner as if it was first published in India;

(b) to any work first made or published in a country other than a country mentioned in Part I, II, III or IV 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, III or IV of the Schedule, in like manner, as if the author was a citizen of India 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(c) to an unpublished work, the author whereof was, at the time of the making or publication of the work, a national or domiciled in any country mentioned in Part I, II, III or IV of the Schedule, in like manner, as if the author was a citizen of, or 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, III or IV of the Schedule, in like manner, as if it was incorporated under a law in force in India; and

(e) to a record first made, the producer of which was, at the date of such production, a national of a country mentioned in Part V 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.

4. 4 :-

Notwithstanding anything contained in paragraph 3(a), 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 or II of the Schedule; and

(ii) shall apply to a work first made or published in any Universal Copyright Convention Country mentioned in Part III or 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 .

5. 5 :-

The provision 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.

6. 6 :-

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

(a) in the case of a work first made or published in a Berne Convention Country or a Universal Copyright Convention 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 and in a country which is neither a Berne Convention Country nor a Universal Copyright Convention 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 copy- right 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 an unpublished work or a work first made or published in a country other than a Berne Convention Country or a Universal Copyright Convention 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.

7. 7 :-

The provisions of the International Copyright Order, 1958 shall cease to have effect from the date this Order comes into force.

SCHEDULE 1

SCHEDULE

PART 1 Berne Convention Countries which have ratified/accepted/acceded to the 1971 Text of the Convention [See Paragraph 2(a)] 1. \Australia \ 2. \Austria \ 3. \Barbados 4. \Benin \ 5. Brazil \ 6. \Bulgaria 7. \Burkina Faso \ 8. \Cameroon \ 9. \Central African Republic 10. \Chile \ 11. \Colombia \ 12. \Congo 13. \Costa Rica \ 14. \Coto D'Ivoire \ 15. \Cyprus 16. \Czechoslovakia \ 17. \Denmark \ 17A. \Ecuador 18. \Egypt \ 19. \Finland \ 20. \France 21. \Gabon \ 22. \Germany \ 22A. \Ghana 23. \Greece \ 24. \Guinea \ 25. \Guinea-Bissau 26. \Holy See \ 27. \Honduras \ 28. \Hungary 29. \Italy \ 30. \Japan \ 31. \Lesotho 32. \Liberia \ 33. \Libya \ 34. \Luxembourg 34A. \Malawi \ 35. \Malayasia \ 36. \Mali 37. \Mauritania \ 38. \Mauritius \ 39. \Mexico 40. \Monaco \ 41. \Morocco \ 42. \Netherlands 43. \Niger \ 43A. \Paraguay \ 44. \Peru 45. \Poland \ 46. \Portugal \ 47. \Rwanda 48. \Senegal \ 49. \Spain \ 50. \Surinam 51. \Sweden \ 52. \Togo \ 53. \Trinidad and Tobago 54. \Tunisia \ 55. \United Kingdom \ 56. \United States of America 57. \Uruguay \ 58. \Venezuela \ 59. \Yugoslavia 60. \Zaire \ 61. \Zambia \ \ PART 2 Berne Convention Countries which are yet to ratify/accept/accede to the 1971 Text of the Convention [See Paragraph 2(a)] 1. \Argentina \ 2. Bahamas \ 3. Belgium 4. \Canada \ 5. Chad \ 6. Fiji 7. \Iceland \ 8. Ireland \ 9. Israel 10. \Lebanon \ 11. \Liechtenstein \ 12. \Madagascar 13. \Malta \ 14. \New Zealand \ 15. \Norway 16. \Pakistan \ 17. \Philippines \ 18. \Romania 19. \South Africa \ 20. \Sri Lanka \ 21. \Switzerland 22. \Thailand \ 23. \Turkey \ 24. \Zimbabwe PART 3 Universal Copyright Convention Countries which have ratified/ accepted/acceded to the 1971 Text of the Convention [See Paragraph 2(d)] 1. \Algeria \ 2. \Australia \ 3. \Austria 4. \Bahamas \ 5. \Bangladesh \ 6. \Barbados 7. \Bolivia \ 8. \Brazil \ 9. \Bulgaria 10. \Cameroon \ 11. \Colombia \ 12. \Costa Rica 12A. \Cyprus \ 13. \Czechoslovakia \ 14. \Denmark 15. \Dominican Republic \ 16. \El Salvador \ 17. \Finland 18. \France \ 19. \Germany \ 20. \Guinea 21. \Holy See \ 22. \Hungary \ 23. \Italy 24. \Japan \ 25. \Kenya \ 26. \Mexico 27. \Monaco \ 28. \Morocco \ 29. \Netherlands 30. \Niger \ 31. \Norway \ 32. \Panama 33. \Peru \ 34. \Poland \ 35. \Portugal 36. \Republic of Korea \ 37. \Rwanda \ 38. \Saint Vincent and the Grendines 39. \Senegal \ 40. \Spain \ 41. \Sri Lanka 42. \Sweden \ 43. \Trinidad and Tobago \ 44. \Tunisia 45. \United Kingdom \ 46. \United States of America \ 47. \Yugoslavia PART 4 Universal Copyright Convention Countries which are yet to ratify/ accept/accede to the 1971 Text of the Convention [See Paragraph 2(d)] 1. Andorra \ 2. Argentina \ 3. Belgium 4. Belize \ 5. Cambodia \ 6. Canada 7. Chile \ 8. Cuba \ 9. Ecuador 10. Fiji \ 10A. Ghana \ 11. Greece 12. \Guatemala \ 13. \Guinea \ 14. \Haiti 15. \Iceland \ 16. \Ireland \ 17. \Israel 18. \Laos \ 19. \Lebanon \ 20. \Liberia 21. \Liechtenstein \ 22. \Luxembourg \ 23. \Malawi 24. \Malta \ 25. \Mauritius \ 26. \New Zealand 27. \Nicaragua \ 28. \Nigeria \ 29. \Pakistan 30. \Paraguay \ 31. \Philippines \ 32. \Switzerland 33. \Union of Soviet Socialist Republics \ 34. \Venezuela \ 35. \Zambia PART 5 Phonograms Convention Countries [See Paragraph 2(b)] 1. \Argentina \ 2. \Australia \ 3. \Austria 4. \Barbados \ 5. \Brazil \ 6. \Burkina Faso 7. \Chile \ 8. \Costa Rica \ 9. \Czechoslovakia 10. \Denmark \ 11. \Ecuador \ 12. \Egypt 13. \El Salvador \ 14. \Fiji \ 15. \Finland 16. \France \ 17. \Germany \ 18. \Guatemala 19. \Holy See \ 20. \Honduras \ 21. \Hungary 22. \Israel \ 23. \Italy \ 24. \Japan 25. \Kenya \ 26. \Luxembourg \ 27. \Mexico 28. \Monaco

\ 29. \New Zealand \ 30. \Norway 31. \Panama \ 32. \Paraguay \ 33. \Peru
34. \Republic of Korea \ 35. \Spain \ 36. \Sweden 37. \Trinidad and Tobago
\ 38. \United Kingdom \ 39. \United States of America 40. \Uruguay \ 41.
\Venezuela \ 42. \Zaire