

International Copyright Order, 1991

(As amended in 1999 & 2000)

(Passed by the Govt of India)

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 1999, the Central Government hereby makes of following Order:—

1.

—(i) This Order may be called the International Copyright Order, 2000.

(ii) 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 or Producers of Phonograms against Unauthorized 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 appointed 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 Organization 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 paragraph 4, 5, 6, all the provisions of the Copyright Act, 1957 (14 of 1957), (hereafter 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 Parts I, II, III, IV or VI 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, 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, III, IV or VI 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 a domiciled in any country mentioned in Parts I, II, III 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 incorporate under any law of a country mentioned in Parts I, II, III, IV or VI of the Schedule, in like manner, as if it was incorporate 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 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.

4.

Notwithstanding anything contained in paragraph 3, the provisions of chapter VIII of the act shall apply to a Broadcasting Organization and a performer in a World Trade Organization country mentioned in part VI of the schedule.

5.

Notwithstanding anything contained in clause (a) of paragraph 3 and paragraph 4 the provisions of the 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 Part II of the Schedule;

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

(iii) shall apply to a work first made or published in any Universal Copyright 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.

6.

The provisions of sections 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 Organization 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 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 or a Universal Copyright Convention Country, nor a World Trade Organisation Country, the former country;

(c) in the case of 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 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 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, or a World Trade Organisation Countries, the country or which the author was a citizen, or the country in which he was domiciled at the time of its first publication, which ever grants the longer term of copyright.

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
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 and Herzegovina
19. Botswana
20. Brazil
21. Bulgaria
22. Burkina Faso
23. Cameroon
24. Canada
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. Dominica



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40. Dominican Republic

41. Ecuador

42. Egypt

43. El Salvador

44. Equatorial Guinea

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

65. Italy

66. Jamaica

67. Japan

68. Jordan

69. Kazakhstan

70. Kenya

71. Kyrgyzstan

72. Latvia

73. Lesotho

74. Liberia

75. Libyan Arab Jamahiriya

76. Liechtenstein

77. Lithuania

78. Luxembourg

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

95. Panama

96. Paraguay

97. Peru

98. Philippines

99. Poland

100. Portugal

101. Qatar

102. Republic of Korea

103. Republic of Moldova

104. Romania

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
115. Spain
116. Sri Lanka
117. Surinam
118. Swaziland
119. Sweden
120. Switzerland
121. Tajikistan
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

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

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

5. Bangladesh

6. Barbados

7. Bolivia

8. Bosnia & Herzegovina

9. Brazil

10. Bulgaria

11. Cameroon

12. China

13. Colombia

14. Costa Rica

15. Croatia

16. Cyprus

17. Czech Republic

18. Denmark

19. Dominican Republic

20. Ecuador

21. El Salvador

22. Finland

23. France

24. Germany

25. Guinea

26. Holy See

27. Hungary

28. Italy

29. Japan

30. Kenya

31. Mexico

32. Monaco

33. Morocco

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

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

12. Greece

13. Guatemala

14. Haiti

15. Iceland

16. Ireland

17. Israel

18. Kazakhstan

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
30. Pakistan
31. Paraguay
32. Philippines
33. Tajikistan
34. Ukraine
35. Venezuela
36. Zambia

Part-V

Phonograms Convention Countries

[See paragraph 2 (c)]

1. Argentina
2. Australia
3. Austria
4. Barbados
5. Brazil
6. Bulgaria
7. Burkina Faso
8. Chile
9. China
10. Colombia
11. Costa Rica

12. Croatia
13. Cyprus
14. Czech Republic
15. Democratic Republic of 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
28. Honduras
29. Hungary
30. Israel
31. Italy
32. Jamaica
33. Japan



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34. Kenya
35. Latvia
36. Liechtenstein
37. Lithuania
38. Luxembourg
39. Mexico
40. Monaco
41. Netherlands
42. New Zealand
43. Norway
44. Panama
45. Paraguay
46. Peru
47. Republic of Korea
48. Republic of Moldova
49. Romania
50. Russian Federation
51. Slovakia
52. Slovenia
53. Spain
54. Sweden
55. Switzerland



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56. The former Yugoslav Republic of Macedonia

57. Trinidad and Tobago

58. Ukraine

59. United Kingdom

60. United States of America

61. Uruguay

62. Venezuela

Part-VI

The World Trade Organization Countries

[See Paragraph 2 (f)]

1. Albania

2. Angola

3. Antigua and Barbuda

4. Argentina

5. Australia

6. Austria

7. Bahrain

8. Bangladesh

9. Barbados

10. Belgium

11. Belize

12. Benin

13. Bolivia

14. Botswana

15. Brazil

16. Brunei Darussalam

17. Bulgaria

18. Burkina Faso

19. Burundi

20. Cameroon

21. Canada

22. Central African Republic

23. Chad

24. Chile

25. Colombia

26. Congo

27. Costa Rica

28. Cote d'Ivoire

29. Cuba

30. Cyprus

31. Czech Republic

32. Democratic Republic of the Congo

33. Denmark

34. Djibouti

35. Dominica

36. Dominican Republic

37. Ecuador

38. Egypt

39. El Salvador

40. Estonia

41. European Community

42. Fiji

43. Finland

44. France

45. Gabon

46. The Gambia

47. Georgia

48. Germany

49. Ghana

50. Greece

51. Grenada

52. Guatemala

53. Guinea

54. Guinea-Bissau

55. Guyana

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, Republic of

70. Kuwait

71. Kyrgyz Republic

72. Latvia

73. Lesotho

74. Liechtenstein

75. Luxembourg

76. Macau, China

77. Madagascar

78. Malawi

79. Malaysia

80. Maldives

81. Mali

82. Malta

83. Mauritania

84. Mauritius

85. Mexico

86. Mongolia

87. Morocco

88. Mozambique

89. Myanmar

90. Namibia

91. Netherlands—for the Kingdom in Europe and for the Netherlands Antilles

92. New Zealand

93. Nicaragua

94. Niger

95. Nigeria

96. Norway

97. Pakistan

98. Panama

99. Papua New Guinea

100. Paraguay

101. Peru

102. Philippines

103. Poland

104. Portugal

105. Qatar

106. Romania

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

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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