

## THE INTERNATIONAL COPYRIGHT ORDER, 1999

[S.O.228(E), dated 24<sup>th</sup> March 1999, published in the Gazette of India, Extra Pt II, Sec. 3 (i), dated 6<sup>th</sup> 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;

(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 and 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 domiciled in any country mentioned in Part I, II, III, 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, III, 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.

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 Berne 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.

## **SCHEDULE**

### **PART - I**

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

[See Paragraph 2(a)]

1. Albania

71. Kyrgyzstan

2. Algeria

72. Latvia

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
25. Cape Verde
26. Central African Republic
27. Chile
73. Lesotho
74. Liberia
75. Libyan Arab Jamahiriya
76. Liechtenstein
77. Lithuania
78. Luxemburg
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

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

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
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
6. Madagascar
7. New Zealand
8. Pakistan

4. Israel
5. Lebanon

### **PART-III**

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

*[See Paragraph 2(e)]*

- |                         |                                      |
|-------------------------|--------------------------------------|
| 1. Algeria              | 30. Kenya                            |
| 2. Australia            | 31. Mexico                           |
| 3. Austria              | 32. Monaco                           |
| 4. Bahamas              | 33. Morocco                          |
| 5. Bangladesh           | 34. Netherlands                      |
| 6. Barbados             | 35. Niger                            |
| 7. Bolivia              | 36. Norway                           |
| 8. Bosnia & Herzegovina | 37. Panama                           |
| 9. Brazil               | 38. Peru                             |
| 10. Bulgaria            | 39. Poland                           |
| 11. Cameroon            | 40. Portugal                         |
| 12. China               | 41. Republic of Korea                |
| 13. Colombia            | 42. Russian Federation               |
| 14. Costa Rica          | 43. Rwanda                           |
| 15. Croata              | 44. Saint Vincent and the Grenadines |
| 16. Cyprus              | 45. saudi Arabia                     |
| 17. Czech Republic      | 46. Senegal                          |
| 18. Denmark             | 47. Slovakia                         |

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

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

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



11. Ghana

12. Greece

13. Guatemala

14. Haiti

15. Iceland

16. Ireland

17. Israel

18. Kazakhstan

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

30. Israel

31. Italy

32. Jamaica

33. Japan

34. Kenya

35. Latvia

36. Liechtenstein

37. Lithuania

38. Luxembourg

39. Mexico

40. Monaco

41. Netherlands

42. New Zealand

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
28. Honduras
29. Hungary
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
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 ORGANISATION COUNTRIES**

[See Paragraph 2(1)]

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. China
26. Colombia
27. Costa Rica
28. Cote d'Ivoire
29. Cuba
30. Cyprus
31. Czech Republic
32. Denmark
33. Dominican Republic
34. Ecuador
35. Egypt
36. El Salvador
37. Equatorial Guinea
38. Ethiopia
39. Finland
40. France
41. Gabon
42. Gambia
43. Germany
44. Ghana
45. Greece
46. Guatemala
47. Guinea
48. Guinea-Bissau
49. Haiti
50. Honduras
51. Hungary
52. Iceland
53. India
54. Indonesia
55. Jamaica
56. Japan
57. Jordan
58. Kazakhstan
59. Kenya
60. Korea, Republic of
61. Kuwait
62. Kyrgyz Republic
63. Latvia
64. Lebanon
65. Lesotho
66. Liberia
67. Lithuania
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
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

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. Gambia
47. Georgia
48. Germany
49. Ghana
50. Greece
90. Norway
91. Pakistan
92. Panama
93. 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

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
70. Kuwait
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