

# Accession to WIPO Copyright Treaty, 1996

June 24, 2019

## Accession to WIPO Copyright Treaty, 1996 and WIPO Performance and Phonograms Treaty, 1996

The Union Cabinet has approved the proposal submitted by Department of Industrial Policy and Promotion, Ministry of Commerce and Industry regarding accession to the above-mentioned treaties which extends coverage of copyright to the internet and digital environment.

### Strengthening National IPR Policy

- The approval is a step towards the objective laid in the **National Intellectual Property Rights (IPR) Policy adopted by the Government on 12th May 2016.**
- It is aimed to get **value for IPRs through commercialization by providing guidance and support to IPR owners** about commercial opportunities of e-commerce through the Internet and mobile platforms.
- Both the treaties provide a **framework for creators and right owners to use technical tools to protect their works and safeguard information about their use.** Protection of Technological Protection Measures (TPMs) and Rights Management Information (RMI).

### Benefits of these Treaties

Meeting the demand of the copyright industries, these treaties will help India:

- **To enable creative right-holders** enjoy the fruit of their labour, through international copyright system that can be used to secure a return on the investment made in producing and distributing creative works;

- **To facilitate international protection of domestic rights holder** by providing them level-playing field in other countries as India already extends protection to foreign works through the International Copyright order and these treaties will enable Indian right holders to get reciprocal protection abroad;
- **To instil confidence and distribute creative works** in digital environment with return on investment; and
- **To spur business growth** and contribute to the development of a vibrant creative economy and cultural landscape.

### **Copyright Act, 1957**

- The Copyright Act 1957(wef 21 January 1958) (as amended by the Copyright Amendment Act 2012) governs the subject of copyright law in India.
- The Copyright Act 1957 was the first post-independence copyright legislation in India and the law has been amended six times since 1957.
- The most recent amendment was in the year 2012, through the Copyright (Amendment) Act 2012.
- The history of copyright law in India can be traced back to its colonial era under the British Empire.
- India is a member of most of the important international conventions governing the area of copyright law, including
  - The Berne Convention of 1886 (as modified at Paris in 1971),
  - The Universal Copyright Convention of 1951,
  - The Rome Convention of 1961 and
  - The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)

India accessed as a member of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) in July, 2018.

## **WIPO Copyright Treaty**

- It is a Special agreement under Berne Convention (for protection of literary and artistic works).
- It came in force on March 6, 2002 and has been adopted by 96 contracting parties till date.
- It has provisions to extend the protection of copyrights contained therein to the digital environment.
- Further it recognises the rights specific to digital environment, of making work available, to address “on-demand” and other interactive modes of access.

## **WIPO Performances and Phonograms Treaty**

- It came in force on May 20, 2002 and has 96 contracting parties as its members.
- WPPT deals with rights of two kinds of beneficiaries, particularly in digital environment:
  - Performers (actors, singers, musicians etc.)
  - Producers of Phonograms (Sound recordings).

The treaty empowers right owners in the negotiations with new digital platforms and distributors.

It recognizes moral rights of the performers for the first time & provides exclusive economic rights to them.