

# Copyright Rules

July 4, 2019

## **Draft amendments to the Copyright Rules, 2013**

The Ministry of Commerce and Industry released draft amendments to the Copyright Rules, 2013, for public feedback.

### **Background**

The Copyright Rules, 2013, were notified under the Copyright Act, 1957. The Act defines the rights of authors of creative works such as books, plays, music, films and other works of art, and computer software.

### **Key changes proposed in the draft amendments are as follows:**

#### **Appellate Board:**

- The Copyright Act, 1957 provided for a Copyright Board to adjudicate disputes under the Act, such as those related to the assignment of copyright, and the term of copyright. In **2017, the functions of the Copyright Board were subsumed by the Intellectual Property Appellate Board**, which was set up under the Trade Marks Act, 1999.
- The **draft amendments seek to replace references to the Copyright Board with the Intellectual Property Appellate Board**.

#### **Public broadcasting:**

- The Copyright Act allows public broadcast of literary or musical works, and sound recordings, without the consent of the owner of the copyright. In case of public broadcast, a broadcaster is required to:
  1. Give prior notice to the owner of the work of its intent to publicly broadcast their work, and
  2. Pay certain royalties as determined by the

Appellate Board.

- The 2013 Rules state that separate notices must be provided for radio or television broadcast and that the Appellate Board must determine separate royalties for radio and television.
- **The draft amendments seek to remove references to radio and television**, and state that separate notices must be provided and royalties determined for each mode of the broadcast.

### **Copyright Societies:**

- The Copyright Act provides for copyright societies, which issue licenses for copyrighted works, and collect and distribute license fees to authors. **The draft amendments state that every copyright society must publish an Annual Transparency Report** on its website.
- The report must include, information on:
  1. Activities in the financial year, and
  2. Revenue for each category of rights administered by society