

The International Copyright Order, 1999¹

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:—

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 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 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

1. *Vide* Noti. No. S.O. 228(E), dt. 24-3-1999, pub. in the Gaz. of India, Extra., Pt. II, Section 3(ii), dt. 6th April, 1999, pp. 8-14 [F. No. 12-6/94-IC].

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 domiciled in any country mentioned in Part I, II, III, IV or VI 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, IV or 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, 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 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)], 32-A and 32-B 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 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 Universal Copyright 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.

²[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

2. Subs. by S.O. 1109(E), dt. 12-12-2000 (w.e.f. 12-12-2000).

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
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/accedeto the 1971 Text of the 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 and 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
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
22. Finland
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(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. 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
-