COPYRIGHT RULES, 1958

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) These rules may be called the Copyright Rules, 1958.

(2) They extend to the whole of India.

(3) They shall come into force on the date on which the Act comes into force.

2. **Interpretations. -** In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Copyright Act, 1957 (14 of 1957);

(*aa*) "copyright business" means the business of issuing or granting licence in respect of any class of works in which copyright or any other right conferred by the Act subsists, and includes the functions referred to in sub-section (3) of section 34;

(*b*) "Form" means a form set out in the First Schedule;

(*c*) "Schedule" means Schedule to these rules; and

(*d*) "Section" means a section of the Act.

CHAPTER II

THE COPYRIGHT BOARD

3.Terms and conditions of office of the Chairman and members of the Copyright Board. — (1) The Chairman and other members of the Copyright Board shall be appointed for such period not exceeding five years as the Central Government may in each case deem fit.

(2) The Chairman and other members of the Copyright Board shall, on the expiry of the period of their appointment, be eligible for re-appointment.

(3) The Chairman or any other member of the Copyright Board may resign his office by giving three months' notice in writing to the Central Government.

(4) The Chairman and other members of the Copyright Board shall be paid such salary or honorarium as may be determined by the Central Government in each case.

(5) A non-official appointed as the Chairman or other members of the Copyright Board shall be entitled to travelling allowances for journeys performed on duty and to daily allowances for the period on duty on the scale provided in the rules applicable to the class of officers to which the Central Government may declare him to correspond in status :

Provided that it shall be competent for the Central Government to provide a different scale of such allowances if the circumstances of any case so require.

(6) An official appointed as the Chairman or other members of the Copyright Board shall be entitled to such travelling allowances for journeys performed on duty and to such daily allowances for the period spent on duty as may be admissible to him as such official.

(7) The other conditions of service of the Chairman and other members of the Copyright Board shall be regulated by orders made in that behalf by the Central Government from time to time.

4.Functions of the Secretary of the Copyright Board. — The registrar of Copyrights shall perform all secretarial functions relating to the Copyright Board under the direction and control of the Chairman of the Copyright Board.

CHAPTER III

RELINQUISHMENT OF COPYRIGHT

5.Notice of relinquishment. —The author of a work desiring to relinquish under section 21 all or any of the rights comprised in the copyright in the work shall give notice to the Registrar of Copyright in accordance with

Form I.

CHAPTER IV

LICENCES FOR TRANSLATIONS

6. **Application for licence. —** (1) An application for a licence under section 32 to produce and publish a translation of a literary or dramatic work in any language shall be made in triplicate in accordance with Form 11 and shall be accompanied by the fee prescribed in Second Schedule.

(2) Every such application shall be in respect of one work only and for translation of that work into one language only.

7.Notice of application. — (1) When any such application has been made, the Copyright Board shall, as soon as possible, give notice of the application in the Official Gazette and also, if the Copyright Board thinks fit, in one or two newspapers and shall send a copy of the notice to the owner of the Copyright, wherever practicable.

(2) Every such notice shall contain the following particulars :

(*a*) the date of the application;

(*b*) the name, address and nationality of the applicant;

(*c*) particulars of the work which is to be translated;

(*d*) the date and country of the first publication of the work;

(*e*) the name, address and nationality of the owner of the Copyright as stated in the application;

(*f*) the language in which the work is to be translated; and

(*g*) the Registration number of the work in the Register of Copyrights, if any.

8.Consideration of the application. — (1) The Copyright Board shall consider the application after the expiry of not less than one hundred and twenty days from the date of the publication of the notice in the Official Gazette.

(2) The Copyright Board shall give an opportunity to the applicant and also, wherever practicable to any person claiming any interest in the Copyright of the work, to be heard and may take such evidence in respect of the application as it thinks fit.

(3) If more than one application for translation of the work in the same language is pending before the Copyright Board at the expiry of one hundred and twenty days after the publication in the Official Gazette of the notice of the application first received, all such applications shall be considered together.

(4) If the Copyright Board is satisfied that the licence for a translation of the work in the language applied for may be granted to the applicant or, if there are more applicants than one to such one of the applicants as, in the opinion of the Copyright Board, would best serve the interests of the general public, it shall grant a licence accordingly.

(5) Every such licence shall be subject to the condition provided in sub-section (4) of section 32 relating to the payment of royalties and shall specify—

(*a*) the period within which the translation shall be produced and published;

(*b*) the language in which the translation shall be produced and published;

(*c*) the rate at which royalties in respect of the copies of the translation of the work sold to the public shall be paid to the owner of the copyright in the work; and

(*d*) the person or persons to whom such royalties shall be payable.

(6) The grant of every such licence shall, as soon as possible, be notified in the Official Gazette and in the newspapers, if any, in which the notice under rule 7 was published and a copy of the licence shall be sent to the other parties concerned.

9.Manner of determining royalties. —The Copyright Board shall determine the royalties payable to the owner of the copyright under sub-section (4) of section 32 after taking into consideration—

(*a*) the proposed retail price of a copy of the translation of the work;

(*b*) the prevailing standards of royalties in regard to translation of works; and

*(c)*such other matters as may be considered relevant by the Copyright Board.

10.Extension of the period of licence. —The Copyright Board may, on the application of the licensee and after notice to the owner of the copyright, wherever practicable, if it is satisfied that the licensee was for sufficient reasons unable to produce and publish the translation within the period specified in the licence, extend such period.

11.Cancellation of licence. —The Copyright Board may, after giving the licensee an opportunity of being heard, cancel the licence on any of the following grounds, namely:—

(*a*) that the licensee has failed to produce and publish the translation within the time specified in the licence or within the time extended on the application of the licensee;

(*b*) that the licence was obtained by fraud or misrepresentation as to any essential fact;

(*c*) that the licensee has contravened any of the terms and conditions of the licence.

CHAPTER IV-A

COMPULSORY LICENCE FOR PUBLICATION OF UNPUBLISHED WORKS, TRANSLATION AND REPRODUCTION OF WORK

11A.Application for licence. —An application for a licence under section 31A, sub-section (1A) of section 32 and section 32A to publish any unpublished work or to translate any work in any language or to reproduce any published work shall be made in triplicate in accordance with Form II-A and shall be accompanied by the fee prescribed in the Second Schedule.

11B. Every such application shall be in respect of one work only and in respect of translation of a work into one language only.

11C.Notice of application. — (1) A copy of such application shall be served by registered mail on the owner of copyright and if the owner of such copyright is not known or is not traceable, a copy of the application shall be served on the publisher whose name appears on the work.

(2) The Copyright Board shall give an opportunity to the applicant and also, wherever practicable, to any person claiming any interest in the copyright of the work, to be heard and may take such evidence in respect of the application as it thinks fit.

(3) If more than one application for translation of the work in the same language or for reproduction of the work or for publication of any unpublished work is pending before the Copyright Board, all such applications shall be considered together.

(4) If the Copyright Board is satisfied that the licence for a translation of the work in the language or for reproduction of the work or for publication of unpublished work, applied for may be granted to the applicant, or if there are more applicants than one, to such one of the applicants, as in the opinion of the Copyright Board, would best serve the interest of the general public, it shall grant a licence accordingly.

(5) Every such licence shall be subject to the conditions provided in sub-section (7) of section 31A, clause (*i*) of sub-section (4) of section 32 and clause (*i*) of sub-section (4) of section 32A relating to payment of royalties and shall specify :—

(*a*) the period within which such work shall be published;

(*b*) the rate at which royalties in respect of the copies of such work sold to the public shall be paid to the owner of the copyright in the work;

(*c*) in a case of translation of the work, the language in which the translation shall be produced and published; and

(*d*) the person or persons to whom such royalties shall be payable.

(6) The grant of every such licence shall, as soon as possible, be notified in the Official Gazette and a copy of the licence shall be sent to the other parties concerned.

11D.Manner of determining royalties. —The Copyright Board shall determine the royalties payable to the owner of the copyright under sub-section (7) of section 31A, clause (*i*) of sub-section (4) of section 32 and clause (*i*) of sub-section (4) of section 32A after taking into consideration :

(*a*) the proposed retail price of a copy of such work;

(*b*) the prevailing standards of royalties in regard to such works; and

(*c*) such other matters as may be considered relevant by the Copyright Board.

11E.Extension of the period of licence.—The Copyright Board may, on the application of the licensee and after notice to the owner of the copyright, wherever practicable, if it is satisfied that the licensee was for sufficient reasons unable to produce and publish the translation or reproduce the work or publish the unpublished work within the period specified in the licence, extend such period.

11F.Cancellation of licence. —The Copyright Board may, after giving the licensee an opportunity of being heard, cancel the licence on any of the following grounds, namely:—

(*a*) that the licensee has failed to produce and publish such work within the time specified in the licence or within the time extended on the application of the licensee;

(*b*) that the licence was obtained by fraud or misrepresentation as to any essential fact;

(*c*) that the licensee has contravened any of the terms and conditions of the licence.

11G.Notice for termination of licence. —Notice for termination of licence under proviso to sub-section (1) or sub-section (2) of section 32-B shall be served on the person holding the licence by the owner of copyright in

Form II-B of the First Schedule to these rules.

CHAPTER V

COPYRIGHT SOCIETIES

12.Conditions for submission of applications for registration of copyright societies. — (1) Any association of persons, whether incorporated or not, comprising seven or more owners of copyright (hereinafter referred to as "the applicant") formed for the purpose of carrying on the business of issuing or granting licences in respect of any class of works in which copyright subsists or in respect of any other right conferred by the Act may file with the Registrar of Copyrights an application in

Form II-C for submission to the Central Government for grant of permission to carry on such business and for its registration as a copyright society.

(2) An application under sub-rule (1) shall be signed by all the members of the governing body (by whatever name called) and the chief executive of the applicant (who need not be a member of the applicant).

13.Application for registration by performing right societies. —

A performing right society functioning in accordance with the provisions of section 33 on the date immediately before the coming into force of the Copyright (Amendment) Act, 1994 (38 of 1994) and desirous of carrying on the business as a copyright society under the Act shall submit an application in

Form II-C to the Registrar of Copyrights as early as possible but not later than ten months from the date of commencement of the said Act.

14.Conditions for grant of permission to carry on copyright business. —An applicant including a performing right society referred to in rule 13 for registration of it as a copyright society shall not be eligible to be considered for such registration unless—

(*i*) the instrument by which the applicant is established or incorporated creates a commitment on it to deal with only copyright business and other activities ancillary thereto; and

(*ii*) the applicant is willing to comply with the provisions of the Act and the rules made thereunder.

Explanation : In this rule, and in rule 14A, "instrument" means the memorandum and articles of association.

14A.Documents accompanying applications. —Every application made under rule 12 or rule 13 shall be accompanied by—

(*a*) a true copy of the instrument by which the applicant is established or incorpo-rated ;

(*b*) the consent in writing of the individuals named in the application to act as members of the governing body (by whatever name called) of the applicant;

(*c*) a declaration containing the objectives of the applicant, the bodies through which it will function and arrangements for accounting and auditing;

(*d*) an undertaking to the effect that the instrument by which the application is established or incorporated provides for conforming the same to the provisions of the Act and these rules.

14B.Conditions for registration of a copyright society. — (1) When an application for registration is submitted to the Central Government through the Registrar of Copyrights, that Government may, within sixty days from the date of its receipt by the Registrar of Copyrights either register the applicant as a copyright society or, if —

(*i*) the applicant has no professional competence to carry on its business or has not sufficient funds to manage its affairs; or

(*ii*) there exists another copyright society registered under the Act for administering the same class of works and it is functioning well; or

(*iii*) the Central Government has reason to believe that the members of the applicant are not *bona fide* copyright owners or they have not voluntarily signed the instrument setting up the applicant and the application for registration ; or

(*iv*) the application is found to be incomplete in any respect, reject the application :

Provided that no such application shall be rejected without giving the applicant an opportunity of being heard.

(2) Upon the registration of a copyright society by the Central Government, the Registrar of Copyrights shall issue a certificate of registration in

Form II-D under his hand and seal.

(3) On and from the date of its registration as specified in the certificate of registration, the copyright society shall be entitled to commence and carry on the permitted copyright business in the name by which it has been so registered.

14C.Procedure for holding inquiry. —If the Central Government, on a complaint of the Registrar of Copyrights or of any owner of rights, has reason to believe that a copyright society is being managed in a manner detrimental to the interests of the owners of rights concerned, it may, after making an inquiry in the following manner, cancel or suspend the registration of the copyright society made under these rules, namely :—

(*i*) The Central Government shall provide a copy of the complaint to the society and require the society to submit within such time as may be specified by the Central Government a written statement of its defence and to state whether it desires to be heard.

(*ii*) If, after considering the written statement furnished by the society, the Central Government is satisfied that a *prima facie* case is established, it shall order an inquiry into the allegations and appoint an inquiry officer not below the rank of a Deputy Secretary to the Government of India for holding the inquiry.

(*iii*) On being appointed as such, the inquiry officer shall conduct the inquiry having regard to the principles of natural justice.

(*iv*) The inquiry officer may, if he considers it necessary, engage a chartered accountant or an audit officer in the office of the Comptroller and Auditor-General of India to assist him in the inquiry. The concerned copyright society shall render all assistance and shall make available all such documents as may be called for by the inquiry officer to enable him to complete the inquiry within a period of three months or such further time as may be allowed by the Central Government.

(*v*) If, according to the findings of the inquiry officer, the complaints against the copyright society are found to be true or if the society fails to cooperate with the inquiry officer, the Central Government shall cancel the registration of the copyright society.

14D.Suspension of registration and appointment of administrator. —If, pending inquiry under sub-section (4) of section 33, the Central Government is of the opinion that in the interests of the owners of rights concerned, it is necessary so to do, it may, by order, suspend the registration of the society for a period not exceeding one year, as may be specified in that order and shall appoint an administrator to discharge the functions of the copyright society.

14E.Powers and functions of the administrator. — (1) On appointment of the administrator referred to in rule 14D under sub-section (5) of section 33, all powers of the copyright society shall vest in him and all other representative bodies or committees of the copyright society other than the general body shall stand dissolved.

(2) The administrator shall, within six months before the expiry of the period of suspension, arrange election for reconstituting the dissolved bodies failing which, the bodies so superseded shall stand revived at the end of the period of suspension for their remaining term, excluding the period of suspension.

14F.Cancellation of registration of a copyright society. —The registration of a copyright society as such may be cancelled by the Central Government if —

(*a*) any of the particulars furnished in the application for registration is, at any time, found to be untrue or incorrect and misleading in any manner;

(*b*) after holding an inquiry by an officer duly appointed by the Central Government and giving the copyright society a reasonable opportunity of being heard, the Central Government is satisfied that the copyright society is being managed in a manner detrimental to the interests of the owners of rights concerned or if the copyright society persistently fails to manage its affairs properly or if it persistently fails to properly maintain its accounts and get them audited or it utilises its funds for purposes other than the copyright business.

14G.Conditions subject to which a copyright society may accept authorisation and an owner of rights may withdraw such authorisation. — (1) A copyright society may accept from an owner of rights or his duly authorised agent, exclusive authorisation to administer any right in a work if such owner or such agent enters into an agreement, in writing, with the copyright society specifying the rights to be administered, the duration for which such rights are authorised to be administered, the quantum of fees agreed to and the frequency at which such fees shall be paid by the copyright society in accordance with its Scheme of Tariff and Distribution.

(2) The owner of copyrights shall, without prejudice to the rights under the agreement and subject to the condition of a prior notice of sixty days, be free to withdraw such authorisation in case the copyright society fails to fulfil its commitments as laid down in the agreement.

14H Conditions subject to which a copyright society may issue licences, collect fees and distribute such fees. —. (1) A copyright society may issue licences and collect fees in accordance with its Scheme of Tariff in relation to only such works as it has been authorised to administer in writing by the owners of rights and for the period for which it has been so authorised.

(2) The distribution of fees collected shall be subject to a deduction not exceeding fifteen per cent of the collection on account of administrative expenses incurred by the copyright society.

14-I.Procedure for obtaining approval of owners of rights for collection and distribution of fees, etc. —Every copyright society shall maintain the following registers at its registered or administrative office :

(*i*) A register of owners of copyright and other rights to be called the "Register of Owners" in respect of which the copyright society has been authorised by the owners to issue or grant licences. The register shall contain the names of the owners, their addresses, the nature of rights authorised to be administered by the copyright society, date of publication of the work, the date on which the copyright society becomes entitled to and the duration of such right.

(*ii*) A register to be called the "Register of Agreements" containing a copy of every agreement entered into by the copyright society with the owners for the purpose.

(*iii*) A register to be called the "Register of Fees" containing particulars of fees and mentioning the name of persons or organisations from whom the fees have been realised, the amount so realised and the date of realisation.

(*iv*) A register to be called the "Disbursement Register" containing details of disbursements made to each owner of copyright, category-wise, mentioning the name of the owner, nature of his copyright and the date and amount of disbursement made to him.

14J.Tariff Scheme. —As soon as may be, but in no case later than three months from the date on which a copyright society has become entitled to commence its copyright business, it shall frame a scheme of tariff to be called the "Tariff Scheme" setting out the nature and quantum of fees or royalities which it proposes to collect in respect of such copyright or other rights administered by it.

14K.Distribution Scheme. — (1) As soon as may be, but in no case later than three months from the date on which a copyright society has become entitled to commence its copyright business, it shall frame a scheme to be called the "Distribution Scheme" setting out the procedure for collection and distribution of the fees or royalities specified in the Tariff Scheme among the owners of copyright or other rights whose names are borne on its Register of Owners [maintained under clause (*i*) of rule 14-I for the approval of such owners.

(2) Any distribution under the Distribution Scheme shall, as far as possible, be in proportion to the income of the copyright society from actual use of the work or works of each owner of rights.

14L.Meeting of a copyright societies. — (1) As soon as the Tariff Scheme and the Distribution Scheme have been prepared, the copyright society shall call a general meeting of the owners of rights whose names are recorded in the Register of Owners to approve the same.

(2) A notice of not less than twenty-one clear days shall be given to every such owner of rights of the meeting and a copy each of the proposed Tariff Scheme and Distribution Scheme shall be annexed to the notice.

(3) The notice under sub-rule (2) shall specify that any owner of rights who objects to the Tariff Scheme or Distribution Scheme shall be entitled to withdraw the authorisation given to the copyright society to administer any right in his work.

(4) The copyright society shall keep a record of the owners of rights who have given their approval and those who have objected thereto.

(5) Approval by owners of rights for the Scheme shall be by a majority of such owners present in person.

(6) The quorum for a general meeting shall be one-third of the members.

(7) The copyright society shall not amend an approved Tariff Scheme or Distribution Scheme except with the consent of the owners obtained at a subsequent general meeting called for the purpose.

14M.Accounts and audit. — (1) Every copyright society shall maintain proper accounts of the fees and royalties collected in a financial year, payments made out of such collections to the owners of rights and other expenditure incurred for meeting administrative expenses and related matters with the approval of the owners of rights:

Providedthat a copyright society shall not spend more than fifteen per cent of its collection towards its administrative expenses.

(2) Every copyright society shall get its accounts audited by a chartered accountant annually.

14N.Annual general meeting of owners of rights. — (1) Every copyright society shall, within a period of twelve months from the holding of a meeting in pursuance of sub-rule (1) of rule 14L, hold a general meeting of owners of rights, herein called the annual general meeting of owners :

Providedthat a special meeting of the owners of rights may also be held, if considered necessary.

(2) The meeting of owners of rights shall be held in the town or city in which its registered or administrative office is situated and the notice calling the meeting shall specify the time, date and address of the venue of the meeting.

14-O.Documents to be presented in the annual general meeting of owners of rights. —

Every copyright society shall place before its annual general meeting the following documents, namely :—

(*i*) an up-to-date list of the owners of rights, their names and addresses as recorded in the Register of Owners maintained by the copyright society, as provided in sub-rule (1) of rule 14-I;

(*ii*) audited accounts of the society for the previous year;

(*iii*) the Tariff Scheme ;

(*iv*) the Distribution Scheme ;

(*v*) a statement approved by its governing body (by whatever name called) setting out a full and detailed account of all its activities during the previous years; and

(*vi*) details of budget estimates for the succeeding year and a programme of action for the succeeding year.

14P.Returns to be filed by the copyright societies with the Registrar of Copyrights. — Every copyright society shall file a return called the annual return with the Registrar of Copyrights within one month from the conclusion of each annual general meeting of owners setting out the following details, namely :—

(*i*) the date of the annual meeting of owners held immediately preceding the filing of the annual return, the number of owners who attended the meeting in person or by proxy, and the minutes of such meeting ;

(*ii*) the up-to-date list of the owners of rights, their names and addresses as recorded in the Register of Owners maintained by the copyright society, as provided in rule 14-I;

(*iii*) audited accounts of the copyright society ;

(*iv*) the Tariff Scheme ;

(*v*) the Distribution Scheme ; and

(*vi*) a statement approved by its governing body or Board of directors setting out a full and detailed account of all its activities during the year in relation to the rights of the owners.

CHAPTER VI

REGISTRATION OF COPYRIGHT

15. Form of Register of Copyrights. — (1) The Register of Copyrights shall be kept in six parts as follows :—

Part I - Literary works other than computer programmes, tables and compilations including computer data bases and dramatic works.

Part II - Musical works

Part III - Artistic works

Part IV - Cinematograph films

Part V - Sound recordings

Part VI - Computer programmes, tables and compilations including computer data bases.

Form III.

16.Application for Registration of Copyright. — (1) Every application for registration of copyright shall be made in accordance with Form IV and every application for registration of changes in the particulars of copyright entered in the Register of Copyright shall be made in accordance with Form V.

(2) Every such application shall be in respect of one work only, shall be made in triplicate and shall be accompanied by the fee specified in the Second Schedule in this behalf.

(3) The person applying for registration shall give notice of his application to every person who claims or has any interest in the subject-matter of the copyright or disputes the rights of the applicant to it.]

(4) If no objection to such registration is received by the Registrar of Copyrights within thirty days of the receipt of the application by him, he shall, if satisfied about the correctness of the particulars given in the application, enter such particulars in the Register of Copyrights.

(5) If the Registrar of Copyrights receives any objections for such registration within the time specified in sub-rule (4), or, if he is not satisfied about the correctness of the particulars given in the application, he may, after holding such inquiry as he deems fit, enter such particulars of the work in the Register of Copyrights as he considers proper.

(6) The Registrar of Copyrights shall, as soon as may be, send, wherever practicable, a copy of the entries made in the Register of Copyrights to the parties concerned.

17.Correction of entries in the Register of Copyrights. —

The Registrar of Copyrights may, on his own motion or on application of any interested person, amend, or alter the Register of Copyrights in the manner specified in section 49 after giving, wherever practicable, to the person affected by such amendment or alteration, an opportunity to show cause against such amendment or alteration, and communicate to such person the amendment or alteration made.

18.Indexes. —

(1) There shall be kept at the Copyright Office the following indexes for each part of the Register of Copyrights, namely:—

(*i*) a general Author Index;

(*ii*) a general Title Index;

(*iii*) an Author Index of works in each language; and

(*iv*) a Title Index of works in each language.

(2) Every Index shall be arranged alphabetically in the form of cards.

19.Inspection of the Register of Copyrights and Indexes. —

The Register of Copyrights and Indexes thereof shall at all reasonable time be open to inspection by any person in such manner and subject to such conditions as the Registrar of Copyrights may specify.

20.Copies and extracts of the Register of Copyrights and Indexes. —

(1) Any person shall be entitled to take copies of, or make extracts from, the Register of Copyrights or Indexes on payment of the fee specified in the Second Schedule subject to such supervision as the Registrar of Copyrights may arrange.

(2) The Registrar of Copyrights shall, on an application made in that behalf and on payment of the fee specified in the Second Schedule, furnish a certified copy of any entries made in the Register of Copyrights and Indexes thereof.

CHAPTER VII

MAKING OF SOUND RECORDINGS

21.Making of sound recordings—

(1) Any person intending to make sound recording under clause (*j*) of sub-section (1) of section 52 shall give a notice of such intention to the owner of the copyright and to the Registrar of Copyrights at least fifteen days in advance of making of the sound recordings and shall pay to the owner of the copyright, along with the notice, the amount of royalities due in respect of all the sound recordings to be made at the rate fixed by the Copyright Board in this behalf and provide copies of all covers and labels with which the sound recordings are to be sold.

(2) Such notice shall contain the following information, namely:—

(*a*) the particulars of the work in respect of which sound recording are to be made;

(*b*) alterations, if any, which are proposed to be made for the adaptation of the work to the sound recording;

(*c*) the name, address and nationality of the owner of the copyright in the work;

(*d*) particulars of the sound recording made previously recording the work;

(*e*) the number of sound recording intended to be made; and

(*f*) the amount paid to the owner of the copyright in the work by way of royalties and the manner of payment.

CHAPTER VIII

IMPORTATION OF INFRINGING COPIES

22.Importation of infringing copies. —Every application, under sub-section (1) of section 53 shall be made in accordance with Form VI and shall be accompanied by the fee specified in the Second Schedule.

23. Procedure for examination of infringing copies. —The Registrar of Copyrights or the person authorised by him in this behalf shall, in taking action under sub-section (2) of section 53, act in collaboration with customs authorities.

CHAPTER IX

MISCELLANEOUS

24. Mode of making applications, etc. —

Every application, notice, statement or any other document to be made, given, filed or sent under the Act or under these Rules may, unless otherwise directed by the authority concerned, be sent by hand or pre-paid registered post.

25.Mode of communication by the Copyright Board, etc. —

Every written intimation from the Copyright Board, the Copyright Office or the Registrar of Copyrights shall be deemed to have been duly communicated to any person if such intimation is sent to the known address of such person by pre-paid registered post.

26.Fees. —

(1) The fees payable under the Act in respect of any matter shall be as specified in the Second Schedule.

(2) The fees may be paid to the Registrar of Copyrights, New Delhi, by a postal order or a bank draft issued by a Scheduled Bank as defined in the Reserve bank of India Act, 1934, or by deposit into a Government Treasury or a branch of the Reserve Bank of India or the State Bank of India under the head of account : Major Head—"XLVI-Miscellaneous", Minor Head— "Naturalisation, Passport and Copyright Fees".

(3) Postal orders and bank drafts shall be crossed and drawable in New Delhi.

(4) Payment by bank drafts shall not be valid unless the amount of bank commission is included therein.

(5) Where payment is made by deposit in a Government Treasury or a branch of the Reserve Bank of India or the State Bank of India, the challan evidencing the payment shall be sent to the authority concerned by pre-paid registered post.

27.Right of audience. —

In any proceedings before the Copyright Board or the Registrar of Copyrights any party may appear and be heard either in person or by a pleader or other person duly authorised by such party.

28.Costs. —

The cost of, and incidental to, the proceedings before the Copyright Board or the Registrar of Copyrights shall be in the discretion of the Copyright Board or the Registrar of Copyrights, as the case may be.

SCHEDULES

FIRST SCHEDULE

FORM I

Notice of Relinquishment of Copyright

[*See* rule 5]

To

The Registrar of Copyrights,
Copyright Office,
New Delhi.

Sir,

In accordance with section 21 of the Copyright Act, 1957 (14 of 1957), I hereby give notice that, with effect from the date of this notice, I do relinquish, to the extent specified in the enclosed affidavit, my rights in the work described in the said affidavit.

Yours faithfully,

Place.....

Date.....

(*Signature*) *Form of Affidavit referred to above*

I,.....
....., of
(full name in block letters)
.....
..... do hereby or
(address)
solemnly affirmation state that—

(1) I am the author of the work described in the statement below;

(2) I am the owner of the copyright in the said work to the extent specified in the said statement; and

(3) I do hereby relinquish my rights in the said work to the extent specified in the said statement :

STATEMENT

Description of the work :

(*a*) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record).

(*b*) Title of the works.

(*c*) Full name, address and nationality of the author.

(*d*) Language of the work.

(*e*) Name, address and nationality of the publisher.

(*f*) Year of first publication.

(*g*) Country of first publication.

(*h*) If the copyright in the work is regstered under section 45, the Registration number. 2. Rights owned by the deponent on the date of the affidavit.

(If the rights are owned jointly with others, state names, addresses and nationalities of the joint owners.)

3. Extent to which rights are relinquished.

4. Reasons for reliquishment of the rights.

(The information given here will be kept strictly confidential).

5. Remarks, if any.

Place.....

Date..... (*Signature*)

Solemnly affirmed before me by

.....

who is known to me personally/

(name of deponent in block letters)

who is identified to me by.....

...../

(name of identifier in block letters) who is known to me personally.

Place.....

Date.....

(*Signature and seal of the Magistrate*)

FORM II

Application for a licence for translation

[*See* rule 6]

(To be submitted in triplicate) To

The Registrar of Copyrights/Secretary,
Copyright Board,
Copyright Office,
New Delhi.

Sir,

In accordance with section 32 of the Copyright Act, 1957 (14 of 1957), I hereby apply to the Copyright Board for a licence to produce and publish a translation of the work in accordance with the particulars given in the enclosed statement.

2. I hereby undertake to abide strictly by the terms and conditions of the licence, if granted to me.

Yours faithfully,

Place.....

Date.....

(*Signature*)

STATEMENT

1. Full name of the applicant.....

(in block letters) 2.

Full address and nationality of the applicant.

3. Telegraphic address, if any.

4. Description of the work :

(*a*) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record).

(*b*) Title of the work.

(*c*) Full name, address and nationality of the author and if the author is deceased, the date of his decease.

(*d*) Language of the work.

(*e*) Name, address and nationality of the publisher.

(*f*) Year of first publication.

(*g*) Country of first publication.

(*h*) Price of a copy of the work.

(*i*) If the copyright in the work is registered under section 45, the Registration number. 5. Language into which the work is proposed to be translated.

6. Full name, qualifications and address of the translator.

7. Qualification of the applicant to produce and publish the translation.

8. Number of copies of the translation proposed to be published.

9. Estimated cost of production and publication of the translation.

10. Proposed retail price per copy of the translation.

11. Rate of royalty, which the applicant considers reasonable, to be paid to the copyright owner. 12. Means of the applicant for payment of the royalty.

13. Whether the prescribed fee has been paid and, if so, particulars of payment (give Postal Order/Bank Draft/Treasury *challan* number).

14. (*a*) Full name, address and nationality of the person competent to issue a licence for translation.

(*b*) Whether the applicant was able to find the said person.

(*c*) Whether the applicant had requested and had been defined authorisation by the said person to produce and publish the translation.

(*d*) If the applicant was unable to find that owner, whether he had sent a copy of the request for authorisation to the publisher. If so, the date on which the copy was sent.

15. Whether the author of the work has withdrawn from circulation copies of the work.

16. (*a*) Whether a translation in the same language has been published before.

(*b*) Whether the earlier translation is out-of-print.

(*c*) Full name, address and nationality of the earlier translator and, if the said translator is deceased, the date of his decease.

(*d*) Title of the earlier translation.

(*e*) Full name, address and nationality of the publisher of the earlier translation.

(*f*) Year of publication.

(*g*) Price per copy of the earlier translation.

(*h*) If the earlier translation is registered under section 45, the Registration number.

(*i*) Rate and amount of royalty paid to the copyright owner in respect of the earlier translation, if known.

17. (*a*) Whether translation has been made into any language other than the language stated in 5 above.

(*b*) Full name, address and nationality of the translator and, if the said translator is deceased, the date of his decease.

(*c*) Title of the translation.

(*d*) Language of the translation.

(*e*) Full name, address and nationality of the publisher of the translation.

(*f*) Year of publication.

(*g*) Price per copy of the translation.

(*h*) If the translation is registered under section 45, the Registration number.

(*i*) Rate and amount of royalty paid to the copyright owner, if known.

18. Remarks, if any.

19. List of enclosures.

Place.....

Date.....

(*Signature*)

FORM II-A

Application for a licence for publication/translation/reproduction

[*See* Rule 11A]

(To be submitted in triplicate)

To

The Registrar of Copyrights/Secretary,
Copyright Board,
Copyright Office,
New Delhi.

Sir,

1. In accordance with section 31/32/32A of the [2][Copyright Act, 1957 (14 of 1957)], I hereby apply to the Copyright Board for a licence to publish an unpublished Indian work, or reproduce a published work or to translate a work in accordance with the particulars given in the enclosed Statement.

2. I hereby undertake to abide strictly by the terms and conditions of the licence, if granted to me.

3. I hereby verify that the particulars given in this form are true to the best of my knowledge, belief and information and nothing has been concealed therefrom.

Place.....

Date.....

Yours faithfully,
(*Signature*)

STATEMENT

1. Full name of the applicant.....

(In block letters) 2.

Full address and nationality of the applicant.

3. Telegraphic address, if any.

4. Description of the work :

(*a*) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record).

(*b*) Title of the work.

(*c*) Full name, address and nationality of the author and if the author is deceased, the date of his decease.

(*d*) Language of the work.

(*e*) Name, address and nationality of the publisher.

(*f*) Year of first and last publication.

(*g*) Country of first and last publication.

(*h*) Price of a copy of the work.

(*i*) If the copyright in the work is registered under section 45, the Registration Number.

5. If the licence is applied for translation, state :

(*a*) Language into which the work is proposed to be translated.

(*b*) Full name, qualifications and

(*c*) Qualifications of the applicant to produce and publish the translation. 6. Indicate the purpose for which the licence is required.

7. Number of copies of work proposed to be published under the licence applied for. 8. Estimated cost of the work to be published.

9. Proposed retail price per copy of the work.

10. Rate of royalty, which the applicant considers reasonable, to be paid to the copyright owner.

11. Means of the applicant for payment of the royalty.

12. Whether the prescribed fee has been paid and, if so, particulars of payment (give Postal Order/Bank Draft/Treasury Challan number).

13. (*a*) Full name, address and nationality of the person competent to issue a licence.

(*b*) Whether the applicant after due diligence on his part was unable to find the owner.

(*c*) Whether the applicant has requested and had been denied authorisation by the said person to produce and publish the translation or reproduce the work or publish the unpublished work.

(*d*) If the applicant was unable to find the owner, whether he had sent a copy of the request by registered air mail post to the publisher whose name appears on the work. If so, the date on which the copy was sent.

14. Whether the author of the works has withdrawn from circulation copies of the work.

15. In case of application for translation furnish following additional information :— (*a*) Whether a translation in the same language has been published before.

(*b*) Whether the earlier translation is out of print.

(*c*) Full name, address and nationality of the earlier translator and if the said translator is deceased, the date of his decease.

(*d*) Title of the earlier translation.

(*e*) Full name, address and nationality of the publisher of the earlier translation.

(*f*) Year of publication.

(*g*) Price per copy of the earlier translation.

(*h*) If the earlier translation is registered under section 45, the Registration Number.

(*i*) Rate and amount of royalty paid to the copyright owner in respect of the earlier translation, if known.

16. (*a*) Whether translation has been made into any language other than the language stated in 5 above.

(*b*) Full name, address and nationality of the translator and if the said translator is deceased, the date of his decease.

(*c*) Title of the translation.

(*d*) Language of the translation.

(*e*) Full name, address and nationality of the publisher of the translation.

(*f*) Year of publication.

(*g*) Price per copy of the translation.

(*h*) If the translation is registered under section 45, the Registration Number.

(*i*) Rate and amount of royalty paid to the copyright owner, if known.

17. Remarks, if any.

18. List of enclosures.

Place.....

Date..... (*Signature*)

FORM II-B

[*See* rule 11G] To

.....

.....

.....

Sir,

[2][In accordance with first proviso to sub-section (1) or the first proviso to sub-section (2) of section 32B of the Copyright Act, 1957 (14 of 1957)], I hereby give notice, that copies of translation/reproduction of the work given below (mention language) have been published by me/under my authorization.

Place.....

Date.....

Yours faithfully,

(*Signature*)

STATEMENT 1. Title of the work.

2. Name and address of the owner of copyright.

3. Year and country of first publication and name, address and nationality of the publisher.

4. Name and address of the author who has translated the work.

5. Name and address of the publisher and year in which the translation has been published in India.

6. Name and address of the publisher and year in which the reproduction of the work has been published in India.

7. Retail price of the published work.

FORM II-C

[*See* rules 12 and 13]

Application form for permission to carry on copyright business and for registration as a copyright society*

1. Names and addresses of the persons forming the association of persons (in capital letters) (hereinafter referred to as "applicant")

2. The profession or occupation of such persons

3. Details of works in which copyright or other rights of such individuals subsist 4. The class or category of works or the rights in respect of which the applicant proposes to carry on the copyright business.

5. The territory or territories to which the business shall extend

6. The name in which the applicant desires registration as copyright society

7. The names and addresses of individuals comprising the governing body (by whatever name called) of the applicant in whom the ultimate management, control and direction of the applicant is vested

8. Address of the registered or administrative office of the applicant at which its records will be maintained and kept and the designation of the chief executive officer of the applicant with address on whom communications may be served.

9. Financial position of the applicant on the date of making the application *i.e.,* last audited balance sheet and income and expenditure account/bank balance.

10. Signature along with the name of the members of the governing body

11. Name and signature of the chief executive

Place.....

Date.....

*In the case of a performing rights society functioning as such immediately before the commencement of the Copyright (Amendment) Act, 1994, the application shall be accompanied by any documentary proof in support of its claim of functioning as a performing right society.

FORM II-D

[*See* rule 14B]

Certificate of registration under section 33(3) of the Copyright Act, 1957 It is certified that.....(name of the society and address) has been registered by the Central Government, *vide* Registration No.....as a copyright society under sub-section (3) of section 33 of the Copyright Act, 1957 (14 of 1957) and permitted to commence and carry on the copyright business in.....(here indicate the name of the particular class of works).

The registration and the permission hereby granted are subject to the following conditions and liable to be cancelled on non-compliance with, or contravention of, any of them, namely :—

(*i*) that the particulars furnished in the application are true and correct and not misleading in any manner; and

(*ii*) that the copyright society shall duly comply with all the obligations imposed on it by or under the Copyright Act, 1957 (14 of 1957) and the Copyright Rules, 1958.

New Delhi

Date..... *(Seal)* *Registrar of Copyrights*

FORM III

Form of Register of Copyrights

[*See* rule 15]

1. Registration number.

2. Name, address and nationality of the applicant.

3. Nature of the applicant's interest in the copyright of the work.

4. Class and description of the work.

5. Title of the work.

6. Language of the work.

7. Name, address and nationality of the author and, if the author is deceased, the date of his decease.

8. Whether work is published or unpublished.

9. Year and country of first publication and name, address and nationality of the publisher.

10. Years and countries of subsequent publications, if any, and names, addresses and nationalities of the publishers.

11. Names, addresses and nationalities of the owners of the various rights comprising the copyright in the work and the extent of rights held by each, together with particulars of assignments and licences, if any.

12. Names, addresses and nationalities of other persons, if any, authorised to assign or license the rights comprising the copyright.

13. If the work is an artistic work the location of the original work, including name, address and nationality of the person in possession of it (in the case of an architectural work, the year of completion of the work should also be shown.)

14. Remarks, if any.

FORM IV

Application for Registration of Copyright

[*See* rule 16]

To

The Registrar of Copyrights,

Copyright Office

New Delhi.

Sir,

In accordance with section 45 of the Copyright Act, 1957 (14 of 1957), I hereby apply for registration of copyright and request that entries may be made in the Register of Copyrights as in the enclosed statement of particulars sent herewith in triplicate.

I also send herewith duly completed the statement of further particulars relating to the work.

2. In accordance with rule 16 of the Copyright Rules, 1958, I have sent by pre-paid registered post copies of this letter and of the enclosed statement(s) to the other partiesconcerned, as shown below :

Names and addresses of the parties	*Date of despatch*
1	*2*

3. The prescribed fee has been paid, as per details below :

.....
.....

4. Communications on this subject may be addressed to :

.....
.....

5. I hereby declare that to the best of my knowledge and belief, no person, other than to whom a notice has been sent as per paragraph 2 above has any claim or interest or dispute to my copyright of this work or to its use by me.]

6. I hereby verify that the particulars given in this Form and the Statement of Particulars and Statement of further Particulars are true to the best of my knowledge, belief and information and nothing has been concealed therefrom.]

5. List of enclosures.

Place..... Yours faithfully,

Date..... (*Signature*)

STATEMENT OF PARTICULARS

(To be sent in triplicate)

1. Registration number (To be filled in the Copyright Office)

2. Name, address and nationality of the applicant

3. Nature of the applicant’s interest in the copyright of the work

4. Class and description of the work

5. Title of the work

6. Language of the work

7. Name, address and nationality of the author and, if the author is deceased, the date of his decease

8. Whether work is published or unpublished

9. Year and country of first publication and name, address and nationality of the publishers.

10. Years and countries of subsequent publications, if any, and names, addresses and nationalities of the publisher.

11. Names, address and nationalities of the owners of the various rights comprising the copyright in the work and the extent of rights held by each, together with particulars of assignment and licences, if any.

12. Names, addresses and nationalities of their persons, if any, authorized to assign or license the rights comprising the copyright.

13. If the work is an "artistic work", the location of the original work, including name, address and nationality of the person in possession of the work. (In the case of an architectural work, the year of completion of the work should also be shown).

[1][13-A. If the work is an 'artistic work' which is used or is capable of being used in relation to any goods, the application shall include a certificate from the Registrar of Trade Marks in terms of the proviso to sub-section (1) of section 45 of the Copyright Act, 1957.]

14. Remarks, if any.

Place.....

Date..... (*Signature*)

STATEMENT OF FURTHER PARTICULARS (*For Literary, Dramatic, Musical and Artistic Works only*) (To be sent in triplicate)

1. Is the work to be registered—

(*a*) an original work ?

(*b*) a translation of a work in the public domain ?

(*c*) a translation of a work in which copyright subsists ?

(*d*) an adaptation of a work in the public domain ?

(*e*) an adaptation of a work in which copyright subsists ?

2. If the work is a translation or adaptation of a work in which copyright subsists : (*a*) Title of the original work.

(*b*) Language of the original work.

(*c*) Name, address and nationality of the author of the original work and, if the author is deceased, the date of his decease.

(*d*) Name, address and nationality of the publisher, if any, of the original work.

(*e*) Particulars of the authorization for a translation or adaptation including the name, address and nationality of the party authorising.

3. Remarks, if any.

Place.....

Date..... (*Signature*)

FORM V

Application for registration of changes in the particulars of copyright entered in the Register of Copyrights

[*See* rule 16]

To

The Registrar of Copyrights,

Copyright Office,

New Delhi.

Sir,

In accordance with rule 16 of the Copyright Rules, 1958, I hereby apply for registration of changes in the particulars of copyright entered in the Register of Copyrights and request that changes in the existing entries may be made as specified in the enclosed statement of particulars.

2. I have sent by registered post copies of this letter and of the statement of particulars to the other parties concerned as shown below :

Names and addresses of parties	*Date of despatch*
1	*2*

3. The prescribed fee has been paid, as per details below :

.....
.....

4. Commissioner on subject may be addressed to :

.....
.....

5. I hereby declare that, to the best of my knowledge and belief, no person other than to whom a notice has been sent as per paragraph 2, has any claim, interest or dispute to my copyright of this work, or to its use by me.]

6. I hereby verify that the particulars given in this Form and the Statement of particulars are true to the best of my knowledge, belief and information and nothing has been concealed therefrom.]

Yours faithfully

Place..... *(Signature)*

Date.....

STATEMENT OF PARTICULARS

1. Registration number in the Register of Copyrights.

2. Changes sought in the particulars of copyright as entered in the Register of Copyrights.

Reference to column number of the *Register of Copyrights*	Existing entry in the Register of *Copyrights*	Proposed entry in *place of the existing entry in the Register of Copyrights*	Reasons for *the changes proposed*
1	*2*	*3*	*4*

Note.— Where the changes proposed are consequent on assignment or licences of copyright, attested copies of the deeds of assignments or licences should be enclosed.

3. List of enclosures.

Place.....

Date..... (*Signature*)

FORM VI

Application under section 23 of the Act

[*See* rule 22]

To

The Registrar of Copyrights,

Copyright Office,

New Delhi.

Sir,

In accordance with section 53 of the Copyright Act, 1957 (14 of 1957), I hereby state that—

I am the owner of the copyright

_____ ..... who is the owner of copyright in the

I am the duly authorised agent of (full name)

work specified in the enclosed affidavit and I hereby apply for an order that the copies of the said work as specified in the said affidavit shall not be imported into India.

2. I am also enclosing a copy of the work the copyright in which is being infringed.

3. I produce herewith the following additional evidence in proof of infringement of copyright by the works in respect of which the order is sought—

(Give particulars)

4. The prescribed fee has been paid as per details below :—

(Give particulars)

5. Communications on this subject may be addressed to—

Place.....

Yours faithfully,

Date.....

(*Signature*)

Form of Affidavit

I,.....
....., of

(full name in block letters)

.....

do hereby

(full address)

on solemn affirmation state that—

(1) the particulars in the statement below are true to the best of my knowledge and belief;

(2) the works which are being imported in accordance with the particulars in the said statement are infringing copies of the work described in the said statement; and

(3) I am interested in the prevention of importation of the said infringing copies for the following reasons :

(State reasons)

(4) the infringing copies are not being imported for the private and domestic use of the importer.

STATEMENT A.

Particulars of the Work and Rights held :

1. Full name, address and nationality of the applicant.

2. Telegraphic address of the applicant.

3. If the applicant is not the owner of the copyright, full name, address and nationality of the owner of the copyright.

4. Description of the work :

(*a*) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record).

(*b*) Title of the work.

(*c*) Full name, address and nationality of the author and, if the author is deceased, the date of his decease.

(*d*) Language of the work.

(*e*) Name and address of the publisher.

(*f*) Year of first publication.

(*g*) Country of first publication.

(*h*) If the copyright in the work is registered under section 45, the registration number.

B. Details of import of infringing copies :

1. Country of origin of the infringing copies.

2. Name, address and nationality of the importer in India.

3. Name, address and nationality of the maker of the infringing copies.

4. Expected time and place of import of the infringing copies into India.

5. In case a consignment of the infringing copies is detected and detained, will the applicant be prepared to go himself or depute an authorised agent to identify the said copies to the satisfaction of the Registrar of Copyrights ?

C. Any other relevant information not covered above.

Place..... (*Signature*)

Date.....

Solemnly affirmed before me by.....

(full name of deponent in block letters)

who is known to me personally/who is identified to me by...../

(name of identifier inblock letters) who is known to me personally.

Place.....

Date..... (*Signature and seal of the Magistrate*)

SECOND SCHEDULE

[*See* rule 26]

Sl. No.	*Item*	*Fee*
(1)	*(2)*	*(3)*
1.	For a licence to republish a literary, dramatic, musical or artistic work (sections 31, 31A and 32A)	Rs. 400 per work
2.	For a licence to republish a cinematograph film (section 31)	Rs. 600 per work
3.	For a licence to republish a sound recording (section 31)	Rs. 400 per work
4.	For a licence to perform an Indian work in public or to communicate the work to the public by broadcast (section 31)	Rs. 200 per work
5.	For an application for a licence to produce and publish a translation of a literary or dramatic work in any language (sections 32 and 32A)	Rs. 200 per work
6.	For an application for registration of copyright in a —	
	(*a*) literary, dramatic, musical or artistic work	Rs. 50 per work
	(*b*) provided that in respect of a literary or artistic work which is is capable of being used in relation to any goods (section	Rs. 400 per used or work 45)
7.	For an application for change in particulars of copyright entered in the Register of Copyrights in respect of a —	
	(*a*) literary, dramatic, musical or artistic work	Rs. 50 per work
	(*b*) provided that in respect of a litrary, or artistic work which is used or is capable of being used in relation to any goods 45)	Rs. 200 per work (section
8.	For an application for registration of copyright in a cinematograph film (section 45)	Rs. 600 per work
9.	For an application for registration of changes in particulars of copyright entered in the Register of cinematograph film (section 45)	Rs. 400 per work
10.	For an application for registration of copyright in a sound recording (section 45)	Rs. 400 per work
11.	For an application for registration of changes in particulars of copyright entered in the Register of Copyrights in respect of a sound recording (section 45)	Rs. 200 per work
12.	For taking extracts from the Register of Copyrights (section 47)	Rs. 20 per work
13.	For taking extracts from the Indexes (section 47)	Rs. 20 per work
14.	For a certified copy of an extract from the Register of Copyrights or the Indexes (section 47)	Rs. 20 per copy
15.	For a certified copy of any other public document in the custody of the Registrar of Copyrights or the Copyright Board	Rs. 20 per copy
16.	For an application for pre nfringing	Rs. 400 per

copies (section 53)	work, per place of entry