

## 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
73. Lesotho
74. Liberia
75. Libiyan Arab Jamahiriya
76. Liechtenstein
77. Lithuania
78. Luxumberg
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

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
95. Panama
96. Paraguay
97. Peru
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

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
115. Spain
116. Sri Lanka
117. Surinam
118. Swaziland
119. Sweden
120. Switzerland
121. Tajikstan
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

65. Italy

134. Yugoslavia

66. Jamaica

135. Zambia

67. Japan

136. Zimbabwe

68. Jordan

69. Kazakhstan

70. Kenya

## **PART-II**

### **BERNE CONVENTION COUNTRIES WHICH ARE YET TO RATIFY/ ACCEPT/ ACCEDE TO THE 1971 TEXT OF CONVENTION**

*[See Paragraph 2(a)]*

1. Chad

6. Madagascar

2. Fiji

7. New Zealand

3. Ireland

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
6. Barbados
7. Bolivia
8. Bosnia & 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
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



25. Guinea

54. Tunisia

26. Holy See

55. United Kingdom

27. Hungary

56. United States of America

28. Italy

57. Uruguay

29. Japan

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

19. Lao People's Democratic

Republic

2. Argentina

20. Lebanon

3. Belarus

21. Liberia

4. Belgium

22. Liechtenstein

5. Belize

23. Luxembourg

6. Cambodia

24. Malawi

7. Canada

25. Malta

8. Chile

26. Mauritius

9. Cuba

27. New Zealand

10. Fiji

28. Nicaragua

11. Ghana

29. Nigeria

12. Greece

30. Pakistan

13. Guatemala

31. Paraguay

14. Haiti

32. Phillipines

15. Iceland

33. Tajikistan

16. Ireland

34. Ukraine

17. Israel

35. Venezuela

18. Kazakhstan

36. Zambia

#### **PART-V**

#### **PHONOGRAMS CONVENTION COUNTRIES**

[See Paragraph 2(c)]

1. Argentina

30. Israel

2. Australia

31. Italy

3. Austria

32. Jamaica

4. Barbados

33. Japan

5. Brazil

34. Kenya

6. Bulgaria

35. Latvia

36. Liechtenstein

37. Lithuania

7. Burkina Faso

38. Luxembourg

8. Chile

39. Mexico

9. China

40. Monaco

10. Colombia
11. Costa Rica
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
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
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

28. Honduras

61. Uruguay

29. Hungary

62. Venezuela

## **PART-VI**

### **THE WORLD TRADE ORGANISATION COUNTRIES**

[See Paragraph 2(1)]

1. Albania

71. Kyrgyz Republic

2. Angola

72. Latvia

73. Lesotho

3. Antigua and Barbuda

68. Liechtenstein

4. Argentina

69. Luxembourg

5. Australia

70. Macau, China

6. Austria

71. Madagascar

7. Bahrain

72. Malawi

8. Bangladesh

73. Malaysia

9. Barbados

74. Maldives

10. Belgium

75. Mali

11. Belize

76. Malta

12. Benin

77. Mauritania

13. Bolivia

78. Mauritius

14. Botswana

79. Mexico

15. Brazil

80. Mongolia

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

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

90. Norway

91. Pakistan

92. Panama

93. Papua New Guinea

100 Paraguay

101. Peru

102. Philippines

103. Poland

104. Portugal

105. Qatar

106. Romania

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

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

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
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