

Copyright (Amendment) Rules, 2021

The Government of India notified the Copyright (Amendment) Rules, 2021 (“Rules”) on 30 March 2021. The said Rules amend the Copyright Rules, 2013, which were last amended in 2016.

Electronic Communication Mode:

The Rules recognize electronic resources as one of the primary modes of communication by the Copyright Office.

Copyright Journal:

The Rules include a new provision as to the publication of a Copyright Journal; thereby eliminating the requirement of publication in the Official Gazette. The Copyrights Journal will be available on the Copyright Office website.

Software Works or Computer Programmes:

The Rules also streamline the compliance requirements for registration of “Software Works/Computer Programmes”, particularly. An applicant who files an application for copyright registration of a software or a computer programme, as a literary work, may file the 10 and last 10 pages of the source code pertaining to the copyrightable software or a computer programme. In case the entire source code is less than 20 pages, the entire source code is to be filed without any blocked out or redacted portions.

Copyright Society:

The time limit for the Central Government to respond to an application made for registration as a Copyright Society has been extended to 180 days from 60 days, as specified earlier. Further, to encourage accountability and transparency in the functioning of the Copyright Societies, new provisions have been introduced, mentioned below:



Sana Singh
Associate
E: sana@singhania.in

- Separate account to be maintained by the Copyright Society for the royalties not distributed within the stipulated period because of the delay in the contact information of the relevant author or other owner;
- At the end of three years, as calculated from the end of the financial year in which collection of the royalty occurred, in case the royalty due to the author and other owners remains undistributed, the Copyright Society shall transfer such amount to its welfare fund;
- Copyright societies shall have further obligations to make available on their respective websites:
 - a facility to search from database of works;
- An Annual Transparency Report is to be published by the Copyright societies, for each financial year containing details such as:
 - report on the activities in the financial year;
 - number of refusals to grant a licence;
 - financial information on total royalties collected;
 - the total royalties paid to author and other owners;
 - the total royalties collected but not yet attributed to author and other owners;
 - the total administrative deductions made from royalty collected;
 - the details and use of the amounts deducted for the activities conducted under the welfare scheme;
 - the information on amounts received from and paid to the foreign societies or organisation

Abolition of the Intellectual Property Appellate Board and effects over Appellate Board under the Copyright Act, 1957:

The Tribunals Reforms (Rationalisation and Conditions of Service Ordinance), 2021 (Ordinance) was notified and brought into force from 5 April 2021. The Ordinance abolishes various tribunals under various statutes including the Intellectual Property Appellate Board (IPAB) and effects consequential amendments in intellectual property laws, viz. those relating to trade marks, copyright, patents and geographical indications.

The references to the “Appellate Board” in the Copyright Act, 1957, i.e. the IPAB have been omitted and substituted with “Commercial Court” or “High Courts”, as applicable. A wide definition of “Commercial Court” has been included by drawing reference to the ‘commercial courts’ as designated under section 3 and 4 of the Commercial Courts Act, 2015.

Singhania & Partners © 2019. All rights reserved

© 2019 All rights reserved. This article is for information purposes only. No part of the article may be reproduced or copied in any form or by any means [graphic, electronic or mechanical, including photocopying, recording, taping or information retrieval systems] or reproduced on any disc, tape, perforated media or other information storage device, etc., without the explicit written permission of Singhania & Partners LLP, Solicitors & Advocates ("The Firm").

Disclaimer: Though every effort has been made to avoid errors or omissions in this article, errors might creep in. Any mistake, error or discrepancy noted by the readers may be brought to the notice of the firm along with evidence of it being incorrect. All such errors shall be corrected at the earliest. It is notified that neither the firm nor any person related with the firm in any manner shall be responsible for any damage or loss of action to anyone, of any kind, in any manner, therefrom