THE INTERNATIONAL COPYRIGHT ORDER, 1999

[S.O.228(E), dated 24th March 1999, published in the Gazette of India, Extra Pt II, Sec. 3 (i), dated 6th 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, 111, IV and VI of the Schedule, in like manner, as if the author was a citizen of Indian 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, 111, 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, 111, 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
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
<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th></th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>45.</td>
<td>Estonia</td>
<td>115.</td>
<td>Spain</td>
</tr>
<tr>
<td>46.</td>
<td>Finland</td>
<td>116.</td>
<td>Sri Lanka</td>
</tr>
<tr>
<td>47.</td>
<td>France</td>
<td>117.</td>
<td>Surinam</td>
</tr>
<tr>
<td>48.</td>
<td>Gabon</td>
<td>118.</td>
<td>Swaziland</td>
</tr>
<tr>
<td>49.</td>
<td>Gambia</td>
<td>119.</td>
<td>Sweden</td>
</tr>
<tr>
<td>50.</td>
<td>Georgia</td>
<td>120.</td>
<td>Switzerland</td>
</tr>
<tr>
<td>51.</td>
<td>Germany</td>
<td>121.</td>
<td>Tajikstan</td>
</tr>
<tr>
<td>52.</td>
<td>Ghana</td>
<td>122.</td>
<td>Thailand</td>
</tr>
<tr>
<td>53.</td>
<td>Greece</td>
<td>123.</td>
<td>The Former Yugoslavia Republic of Macedonia</td>
</tr>
<tr>
<td>54.</td>
<td>Grenada</td>
<td>124.</td>
<td>Togo</td>
</tr>
<tr>
<td>55.</td>
<td>Guatemala</td>
<td>125.</td>
<td>Trinidad and Tobago</td>
</tr>
<tr>
<td>56.</td>
<td>Guinea</td>
<td>126.</td>
<td>Tunisia</td>
</tr>
<tr>
<td>57.</td>
<td>Guinea-Bissau</td>
<td>127.</td>
<td>Turkey</td>
</tr>
<tr>
<td>58.</td>
<td>Guyana</td>
<td>128.</td>
<td>Ukraine</td>
</tr>
<tr>
<td>59.</td>
<td>Haiti</td>
<td>129.</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>60.</td>
<td>Holy See</td>
<td>130.</td>
<td>United Republic of Tanzania</td>
</tr>
<tr>
<td>61.</td>
<td>Honduras</td>
<td>131.</td>
<td>United States of America</td>
</tr>
<tr>
<td>62.</td>
<td>Hungary</td>
<td>132.</td>
<td>Uruguay</td>
</tr>
<tr>
<td>63.</td>
<td>Iceland</td>
<td>133.</td>
<td>Venezuela</td>
</tr>
<tr>
<td>64.</td>
<td>Indonesia</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
65. Italy
66. Jamaica
67. Japan
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
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
30. Kenya
31. Mexico
32. Monaco
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
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
12. Greece

13. Guatemala

14. Haiti

15. Iceland

16. Ireland

17. Israel

18. Kazakhistan

30. Pakistan

31. Paraguay

32. Phillippines

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

30. Israel

31. Italy

32. Jamaica

33. Japan

34. Kenya

35. Latvia

36. Liechenstein

37. Lithuania

38. Luxembourg

39. Mexico

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
28. Indonesia
29. Ireland
30. Isle of Man
31. Israel
32. Italy
33. Japan
34. Jamaica
35. Jordan
36. Kazakhstan
37. Kenya
38. Korea, Republic of
39. Kuwait
40. Kyrgyzstan
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
**PART-VI**

**THE WORLD TRADE ORGANISATION COUNTRIES**

[See Paragraph 2(1)]

<table>
<thead>
<tr>
<th>No.</th>
<th>Country</th>
<th>No.</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Albania</td>
<td>71.</td>
<td>Kyrgyz Republic</td>
</tr>
<tr>
<td>2.</td>
<td>Angola</td>
<td>72.</td>
<td>Latvia</td>
</tr>
<tr>
<td>3.</td>
<td>Antigua and Barbuda</td>
<td>73.</td>
<td>Lesotho</td>
</tr>
<tr>
<td>4.</td>
<td>Argentina</td>
<td>68.</td>
<td>Liechtenstein</td>
</tr>
<tr>
<td>5.</td>
<td>Australia</td>
<td>69.</td>
<td>Luxembourg</td>
</tr>
<tr>
<td>6.</td>
<td>Austria</td>
<td>70.</td>
<td>Macau, China</td>
</tr>
<tr>
<td>7.</td>
<td>Bahrain</td>
<td>71.</td>
<td>Madagascar</td>
</tr>
<tr>
<td>8.</td>
<td>Bangladesh</td>
<td>72.</td>
<td>Malawi</td>
</tr>
<tr>
<td>9.</td>
<td>Barbados</td>
<td>73.</td>
<td>Malaysia</td>
</tr>
<tr>
<td>10.</td>
<td>Belgium</td>
<td>74.</td>
<td>Maldives</td>
</tr>
<tr>
<td>11.</td>
<td>Belize</td>
<td>75.</td>
<td>Mali</td>
</tr>
<tr>
<td>12.</td>
<td>Benin</td>
<td>76.</td>
<td>Malta</td>
</tr>
<tr>
<td>13.</td>
<td>Bolivia</td>
<td>77.</td>
<td>Mauritania</td>
</tr>
<tr>
<td>14.</td>
<td>Botswana</td>
<td>78.</td>
<td>Mauritius</td>
</tr>
<tr>
<td>15.</td>
<td>Brazil</td>
<td>79.</td>
<td>Mexico</td>
</tr>
<tr>
<td></td>
<td></td>
<td>80.</td>
<td>Mongolia</td>
</tr>
</tbody>
</table>
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. Côte 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
<table>
<thead>
<tr>
<th>Number</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>36.</td>
<td>Dominican Republic</td>
</tr>
<tr>
<td>37.</td>
<td>Ecuador</td>
</tr>
<tr>
<td>38.</td>
<td>Egypt</td>
</tr>
<tr>
<td>39.</td>
<td>El Salvador</td>
</tr>
<tr>
<td>40.</td>
<td>Estonia</td>
</tr>
<tr>
<td>41.</td>
<td>European Community</td>
</tr>
<tr>
<td>42.</td>
<td>Fiji</td>
</tr>
<tr>
<td>43.</td>
<td>Finland</td>
</tr>
<tr>
<td>44.</td>
<td>France</td>
</tr>
<tr>
<td>45.</td>
<td>Gabon</td>
</tr>
<tr>
<td>46.</td>
<td>Gambia</td>
</tr>
<tr>
<td>47.</td>
<td>Georgia</td>
</tr>
<tr>
<td>48.</td>
<td>Germany</td>
</tr>
<tr>
<td>49.</td>
<td>Ghana</td>
</tr>
<tr>
<td>50.</td>
<td>Greece</td>
</tr>
<tr>
<td>51.</td>
<td>Grenada</td>
</tr>
<tr>
<td>52.</td>
<td>Guatemala</td>
</tr>
<tr>
<td>53.</td>
<td>Guinea</td>
</tr>
<tr>
<td>54.</td>
<td>Guinea-Bissau</td>
</tr>
<tr>
<td>55.</td>
<td>Guyana</td>
</tr>
<tr>
<td>107.</td>
<td>Rwanda</td>
</tr>
<tr>
<td>108.</td>
<td>Saint Kitts &amp; Nevis</td>
</tr>
<tr>
<td>109.</td>
<td>Saint Lucia</td>
</tr>
<tr>
<td>110.</td>
<td>Saint Vincent and the Grenadines</td>
</tr>
<tr>
<td>111.</td>
<td>Senegal</td>
</tr>
<tr>
<td>112.</td>
<td>Sierra Leone</td>
</tr>
<tr>
<td>113.</td>
<td>Singapore</td>
</tr>
<tr>
<td>114.</td>
<td>Slovak Republic</td>
</tr>
<tr>
<td>115.</td>
<td>Slovenia</td>
</tr>
<tr>
<td>116.</td>
<td>Solomon Islands</td>
</tr>
<tr>
<td>117.</td>
<td>South Africa</td>
</tr>
<tr>
<td>118.</td>
<td>Spain</td>
</tr>
<tr>
<td>119.</td>
<td>Sri Lanka</td>
</tr>
<tr>
<td>120.</td>
<td>Suriname</td>
</tr>
<tr>
<td>121.</td>
<td>Swaziland</td>
</tr>
<tr>
<td>122.</td>
<td>Sweden</td>
</tr>
<tr>
<td>123.</td>
<td>Switzerland</td>
</tr>
<tr>
<td>124.</td>
<td>Tanzania</td>
</tr>
<tr>
<td>56. Haiti</td>
<td>125. Thailand</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>57. Honduras</td>
<td>126. Togo</td>
</tr>
<tr>
<td>58. Hong Kong, China</td>
<td>127. Trinidad and Tobago</td>
</tr>
<tr>
<td>59. Hungary</td>
<td>128. Tunisia</td>
</tr>
<tr>
<td>60. Iceland</td>
<td>129. Turkey</td>
</tr>
<tr>
<td>61. Indonesia</td>
<td>130. Uganda</td>
</tr>
<tr>
<td>62. Ireland</td>
<td>131. United Arab Emirates</td>
</tr>
<tr>
<td>63. Israel</td>
<td>132. United Kingdom</td>
</tr>
<tr>
<td>64. Italy</td>
<td>133. United States of America</td>
</tr>
<tr>
<td>65. Jamaica</td>
<td>134. Uruguay</td>
</tr>
<tr>
<td>66. Japan</td>
<td>135. Venezuela</td>
</tr>
<tr>
<td>67. Jordan</td>
<td>136. Zambia</td>
</tr>
<tr>
<td>68. Kenya</td>
<td>137. Zimbabwe</td>
</tr>
<tr>
<td>69. Korea</td>
<td></td>
</tr>
<tr>
<td>70. Kuwait</td>
<td></td>
</tr>
</tbody>
</table>