

Standing Committee Report Summary

The Copyright (Amendment) Bill, 2010

- The Standing Committee on Human Resource Development submitted its 227th Report on 'The Copyright Amendment 2010' on November 23, 2010. The Chairman was Shri Oscar Fernandes. The Bill was introduced in the Rajya Sabha on April 19, 2010. The Bill seeks to amend the Copyright Act, 1957.
- The Bill includes the principal director as author of the film along with producer. The Committee recommends that this proposal may be dropped. The principal director is not defined in the Bill. Also, he does not have any liability or responsibility assigned to him. The Committee feels that the proposal of joint ownership is unfair since it is the producer alone who has a stake in the production/performance of a film.
- Lyricists and music composers often assign their rights to producers as part of their contract. The Bill proposes to remove this imbalance by removing their right to assign copyright for use in media other than films or music recordings (such as mobile phone caller tunes) to anyone other than their legal heirs or copyright societies. The Committee concurs with this proposal. It also recommends that the institutionalized system of the copyright society licensing new uses of any work, collecting royalties and distributing them back to copyright owners needs to be strengthened. This is important so that contracts of service and contracts for service are negotiated with equity. The Committee feels that there should be a viable profit sharing system for other categories of craftsmen/technical experts engaged in the making of a film.
- The Act provides for compulsory licensing by the Copyright Board of Indian works if the author has refused to republish and the work is withheld from the public. The Bill extends this to foreign work. It also substitutes 'complainant' with persons qualified to complain. The Committee states that international agreements would need to be complied with while making this amendment. It also states that criteria qualifying a person to file a complaint before the Copyright Board needs to be specifically provided for, either in the Act or the rules. It also feels that a time frame for disposal of such complaints also needs to be mentioned in the rules if not already mentioned.
- The Act provides the Copyright Board with the power to conduct inquiry and pass orders to settle disputes with respect to assignment of copyright. The Bill adds a proviso providing the power to pass an interim order. The Committee concurs with this proposal.
- The Bill provides exemption from copyright for any work prepared for the physically challenged in special formats (such as Braille). It also permits compulsory licence to be granted for a certain number of copies in non-special formats (such as audio books) to non-profit organisations working to help disabled persons. The Committee feels that these benefits should not be restricted only to the visually impaired but should also include other disabled persons. They also suggested that the restriction of number of copies deserved to be revisited.
- The Bill amends the term 'infringing copy' to exclude any imported work with the permission of the author. The Committee supports this amendment stating that this will increase access of books to Indian students.
- The Bill amends the registration of copyright societies and their administration and control. It states that only authors may register a society and administer it (excluding the owners of rights). The Committee notes that owners of works and music companies are currently dominating these societies to the detriment of the original creators (authors). However, it feels that this proposal would keep the owners of the rights out of the societies, and the step would not be fair. It recommends that the proposed amendments may not be carried out. It feels that a mechanism has to be evolved, where both authors and owners should have equal rights and powers.
- The Bill requires every Copyright Society to publish its tariff scheme. It also empowers the Copyright Board to revise the tariff if there is any unreasonable element. The Committee supports this amendment, and expects this to lead to a transparent system of tariff fixation.
- The Bill adds a section to provide for statutory licence to radio broadcasters to air recordings. They need to pay the owner of the copyright the royalties at the rate fixed by the Copyright Board. The Committee agrees with this provision, stating that this increases public access to musical works.

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