

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION.

BOOKS.

Simla, the 17th November 1914.

NOTIFICATION.

The following Indian Copyright Regulations, 1914, are published for general information :—

THE INDIAN COPYRIGHT REGULATIONS, 1914.

IN exercise of the powers conferred by sections 3, 14 and 19 of the Copyright Act, 1911, 1 & 2 Geo. 5, c. 46. as modified in its application to British India by the Indian Copyright Act, 1914, the Governor General in Council is pleased to make the following Regulations :— III of 1914.

PRELIMINARY.

Short title and application.

1. (1) These Regulations may be called the Indian Copyright Regulations, 1914.

(2) Regulations 1 to 11 apply to works first published in British India and to records, perforated rolls and other contrivances, the original plate of which was made in British India, and regulations 12 to 19 apply to copies of works the importation of copies of which into British India is prohibited by section 6 of the Indian Copyright Act, 1914.

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Interpretation.

2. In these Regulations, unless there is anything repugnant in the subject or context,—

(1) " The Act " means the Copyright Act, 1911, as modified in its application to British India by the Indian Copyright Act, 1914. 1 & 2 Geo 5, c. 46. III of 1914.

(2) The expression " book or other printed work " means every part of or division of a book, pamphlet, sheet of letterpress, sheet of music, map, plan, chart or table separately published.

(3) " Form " means a form annexed to these regulations.

(4) The expression " owner of the copyright " includes the duly authorized agent of such owner.

(5) " Section " means a section of the Act.

ROYALTIES.

3. (1) Unless otherwise agreed, royalties shall be payable by means of adhesive labels purchased from the owner of the copyright. Royalties to be ordinarily payable by adhesive labels.

(2) After the person reproducing a work referred to in section 3 or making a contrivance referred to in section 19 has given the notice prescribed by these Regulations of his intention to reproduce the work or to make or sell the contrivance, the owner of the copyright shall, if the royalty is payable by means of adhesive labels, intimate to him, by registered post, some reasonably convenient place within British India from which adhesive labels can be obtained ; and, on demand in writing and tender of the price, shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

(3) The adhesive label supplied as aforesaid shall be an adhesive paper label, square in shape, the design to be entirely enclosed within a circle and the side of the label not to be greater than $\frac{3}{4}$ inch in length. The label shall not bear the effigy of the Sovereign or any other person, nor any word, mark or design such as to suggest that the label is issued by or under the authority of the Government for the purpose of denoting any duty payable to the Government.

Form of labels.

(4) Subject to these Regulations, when royalties are payable by means of adhesive labels—
 Labels to be affixed to copy or contrivance before delivery to purchaser. shall no copy of any such work and no such contrivance shall be delivered to a purchaser until such label or labels denoting the amount of royalty have been affixed thereto.

Provided that in the case of cylinders, to which it is not reasonably practicable to affix the labels, the requirements of this regulation shall be deemed to be fulfilled if such label or labels have been affixed to a carton or box enclosing the cylinder.

4. (1) When royalties are payable by means of adhesive labels, if at any time labels of the required denomination are not available either because—
 Exception in certain cases when labels not available.

(a) after the expiration of one month from the date of the prescribed notice referred to in regulation 3 (2), the owner of the copyright has not duly sent to the person reproducing the work or making the contrivance, as the case may be, an intimation of some reasonably convenient place within British India from which such labels can be obtained; or

(b) the owner of the copyright refuses or neglects to supply such labels within one month after demand duly made,

copies of the work or the contrivances, as the case may be, may be delivered to purchasers without having labels affixed thereto as required by regulation 3 (4), and the amount of royalties shall be a debt due from the person reproducing the work or making the contrivances, as the case may be, to the owner of the copyright, and the person aforesaid shall keep an account of all such copies or contrivances sold by him.

(2) For the purposes of this regulation "the date of the prescribed notice" means—

(i) in cases where the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;

(ii) in cases where the notice is required to be advertised in the *Gazette of India* and in two newspapers published in British India, the date of the latest of such advertisement, or of the latest of such advertisements.

5. Where royalties are by agreement payable in any other mode than by means of adhesive labels, the time and frequency of the payment shall be such as are specified in the agreement.
 Payment of royalties when payable otherwise than by adhesive labels.

NOTICES.

Notice required by section 3.

6. The notice required by section 3 shall contain the following particulars:—

- (a) the name and address of the person intending to reproduce the work,
- (b) the name of the work which it is intended to reproduce and (if necessary) a description sufficient to identify it,
- (c) the manner in which it is intended to reproduce the work (*e.g.*, whether by printing, lithography, photography, etc.),
- (d) the price or prices at which it is intended to publish the work, and
- (e) the earliest date at which any of the copies will be delivered to a purchaser,

and shall be sent or advertised in the manner provided in regulation 8 not less than one month before any copies of the work are delivered to a purchaser.

7. (1) The notice required by section 19, sub-section (2), shall contain the following particulars:—
 Notice required by section 19 (2).

- (a) the name and address of the person intending to make the contrivances,
- (b) the name of the musical work which it is intended to reproduce and of the author (if known) and (if necessary) a description sufficient to identify the musical work,
- (c) the class of contrivance on which it is intended to reproduce the musical work (*e.g.*, whether discs, cylinders or music rolls),
- (d) the ordinary retail selling prices of the contrivances and the amount of the royalty payable on each contrivance in respect of the musical work,
- (e) the earliest date at which any of the contrivances will be delivered to a purchaser, and
- (f) whether any other work is to be reproduced on the same contrivance with the musical work specified in accordance with paragraph (b),

and shall be sent or advertised in the manner provided in regulation 8 not less than one month before any contrivances on which the musical work is reproduced are delivered to a purchaser:

Provided that any number of musical works may be included in the same advertisement.

(2) In cases where royalties are payable on contrivances made before the 30th day of October 1912, being the commencement in British India of the Copyright Act, 1911, the person making such contrivances may give notice of his intention to sell them, containing *mutatis mutandis* the same particulars and given in the same manner as is prescribed by these Regulations in the case of the notice required by section 19, sub-section (2).

(3) The ordinary retail selling price of any contrivance shall be calculated at the marked or catalogued selling price of single copies to the public or, if there is no such marked or catalogued selling price at the highest price at which single copies are ordinarily sold to the public; and one half anna shall be deemed to be the equivalent of one half penny and one quarter anna of one farthing.

8. The notices referred to in the two last foregoing regulations shall be sent by registered Service and advertisement of notices. post or advertised as follows:—

- (a) if the name and an address within British India of the owner of the copyright are known or can with reasonable diligence be ascertained, the notice shall be sent to him at such address;
- (b) if such name and address are not known and cannot with reasonable diligence be ascertained, the notice shall be advertised in the *Gazette of India* and in two newspapers published in British India; such advertisements shall give the particulars required by paragraphs (a) and (b) of regulation 6 or regulation 7, as the case may be, and shall also state an address from which a copy of the notice may be obtained.

INQUIRIES.

9. The inquiries referred to in section 19, sub-section (5), shall be directed to the owner of the copyright by name or (if his name is not known and cannot with reasonable diligence be ascertained) in general terms to "the owner of the copyright" of the musical work in respect of which the inquiries are made, and shall contain—

- (a) a statement of the name of the musical work in respect of which the inquiries are made and of the author (if known) and (if necessary) a description sufficient to identify it;
- (b) a statement of the name, address and occupation of the person making the inquiries;
- (c) an allegation that a contrivance has previously been made by means of which the musical work may be mechanically performed, with the trade name (if known) and a description of such contrivance; and
- (d) an inquiry whether the contrivance so described was made with the consent or acquiescence of the owner of the copyright.

Service and advertisement of inquiries. 10. The inquiries shall be sent by registered post or advertised as follows:—

- (a) if an address within British India of the owner of the copyright is known or can with reasonable diligence be ascertained, the inquiries shall be sent to such address; or
- (b) if such address is not known and cannot with reasonable diligence be ascertained, the inquiries shall be advertised in the *Gazette of India* and in two newspapers published in British India.

Prescribed time for reply to inquiries. 11. The prescribed time for reply to such inquiries shall be—

- (a) in cases where the inquiries are required to be sent by registered post, one month after the date when the inquiries would in ordinary course of post be delivered;
- (b) in cases where the inquiries are required to be advertised in the *Gazette of India* and in two newspapers published in British India, one month after the date of such advertisement or of the latest of such advertisements.

IMPORTATION OF COPIES.

12. The notice to be given to the Chief Customs officer under section 6 of the Indian Copyright Act, 1914, requesting that copies of any book or other printed work, printed or reprinted out of British India, shall not be imported into British India, shall be in Form No. 1 or as near thereto as circumstances permit. III of 1914.

13. The notice to be given to the Chief Customs officer under section 6 of the Indian Copyright Act, 1914, requesting that copies of any work made out of British India other than a book or other printed work, shall not be imported into British India, shall be either in Form No. 2 or in Form No. 3, or as near thereto as circumstances permit. III of 1914.

1 & 2 Geo.
5, s. 46.

14. Any notice given under section 14, sub-section (1), of the Copyright Act, 1911, to the Commissioners of Customs and Excise of the United Kingdom, and communicated by that authority through the Governor General in Council or the Local Government to the Chief Customs officer, shall be deemed to have been given to such officer by the owner of the copyright.

15. Before any article is detained as a copy of a work to which any such notice as aforesaid applies or any further proceedings with a view to the confiscation thereof under the law relating to the Customs are taken, the Chief Customs officer may require the owner of the copyright—

(a) to give him in writing such further information as such officer may consider necessary to satisfy himself that the article in question is liable to detention and confiscation, and such person shall be bound to give such information accordingly, and

(b) to verify the information contained in the notice or given under clause (a) by an affidavit.

16. Whenever any goods are detained in pursuance of a notice in Form No. 3, the Chief Customs officer may require the owner of the copyright to deposit with him as security a sum of money sufficient, in the opinion of such officer, to cover any expenses which may be incurred in the examination required by reason of the notice.

17. Whenever any goods are detained in pursuance of any notice given under these Regulations, the Chief Customs officer may require the owner of the copyright—

(a) to give an undertaking in writing to reimburse the Secretary of State for India in Council all expenses and damages incurred in respect of the detention and of any proceedings for confiscation subsequently taken, if such an undertaking has not already been given, and

(b) within four days after the detention to enter into a bond for such reimbursement, with two approved sureties, in such form and for such amount as the Chief Customs officer may require:

Provided that, on the completion of such bond, any money previously deposited under regulation 16 shall be returned.

18. If upon the examination of goods detained under these Regulations, the Chief Customs officer is satisfied that there is no ground for their detention, he may order them to be delivered.

19. Any notice in regard to any book in which copyright subsisted on the 24th February 1914, which was given to and accepted by the Chief Customs Authority on or before

VIII of
1878.
III of 1914.

that date under section 18 (a) of the Sea Customs Act, 1878, shall, so long as the copyright subsists, be treated as a notice given under section 6 of the Indian Copyright Act, 1914, unless the notice is withdrawn or superseded:

VIII of
1878.

Provided that the Chief Customs officer may require the owner of the copyright to give a fresh notice in accordance with these Regulations, or to comply with any of the provisions of these Regulations, regarding further information, verification, or security; and from such date as the Chief Customs officer may, by such requisition, fix in this behalf, the notice given under section 18 (a) of the Sea Customs Act, 1878, shall be deemed void and of no effect.

L. C. PORTER,

*Secretary to the Government of India,
Department of Education.*

FORM NO. 1.

NOTICE.

RELATING TO IMPORTATION OF COPYRIGHT BOOKS AND OTHER PRINTED WORKS.

To

THE CHIEF CUSTOMS OFFICER,

I _____ of _____

hereby give you notice that copyright in the original work (1) _____ mentioned in the Schedule hereto now subsists under the Copyright Act, 1911, as modified by the Indian Copyright Act, 1914, and that (2) _____ the owner of the copyright in the said work (1) _____ and that (3) _____ desirous that copies of the said work (1) _____ printed or reprinted out of British India, shall not be imported into British India.

Dated this _____ day of _____ 19 .

(Signature) _____

(4) _____

Schedule.

(5) The notice Title of book (5) _____

may apply to a number of books or printed works, in which case the particulars in the Schedule must be given as respects each book or printed work.

Description of printed work, if not a book _____

Full name of author or authors _____

Whether author or authors alive, if not, date of death _____

When and where (6) book or printed work first published _____

(6) It is sufficient to state the country of first publication.

(Note.—Where advantage has been taken of the provisions of the Copyright Act, 1911, as modified by the Indian Copyright Act, 1914, as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in British India.)

FORM NO. 2.

NOTICE.

RELATING TO IMPORTATION OF COPYRIGHT WORKS, OTHER THAN BOOKS OR OTHER PRINTED WORKS.

To

THE CHIEF CUSTOMS OFFICER,

I _____

of _____

hereby give you notice that copyright in the original work mentioned in the Schedule hereto

now subsists under the Copyright Act, 1911, as modified by the Indian Copyright Act, 1914,

and that (1) _____ the owner of the copyright in the said work, and that

(2) _____ desirous that copies of the said work made out of British India, shall not

be imported into British India.

Dated the _____ day of _____, 19 .

(Signature) _____

(3) _____

Schedule.

Title of work (if any) _____

Full description of work _____

Initials or marks (if any) usually placed on copies of work _____

Full name of author or authors _____

Whether author or authors alive, if not, date of death _____

When and where (4) work first published _____

(Note.—Where advantage has been taken of the provisions of the Copyright Act, 1911, as modified by the Indian Copyright Act, 1914, as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in British India.)

If work not published—

Whether author British subject or not _____

If not a British subject, name of country in which author was a resident or domiciled at date of the making of work _____

In the case of photographs, phonographic records and music rolls, date of making the original negative or original plate _____

(1) If notice is given by the owner insert "I am". If given by an agent insert name of owner and the word "is".
(2) "I am" or "he is".

(3) If an agent insert "Agent of owner".

(4) It is sufficient to state the country of the first publication.

FORM NO. 3.

NOTICE.

RELATING TO A PARTICULAR IMPORTATION.

To

THE CHIEF CUSTOMS OFFICER,

I _____ of _____

(1) or agent for hereby give you notice that I am the owner (1) _____
the owner.

(2) Describe the goods, number of packages, marks used, and any other particulars necessary for their identification. _____ of the copyright in a certain original work as to which copyright now subsists under the Copyright Act, 1911, as modified by the Indian Copyright Act, 1914, and that the undermentioned goods, that is to say, (2) _____

are about to be imported into British India through the port of _____
on or about the _____ day of _____ next(3) Describe the ship and give name or indication. in the (3) _____ from _____
That such goods are liable to detention and confiscation as being (4) _____

(4) State if the goods are copies of the original work made out of British India, or how otherwise the goods are liable to detention and confiscation.

And I request that the said goods may be detained and dealt with accordingly.

And I hereby undertake to reimburse the Secretary of State for India in Council all expenses and damages to be incurred in respect of the detention, and of any proceedings for confiscation which may be subsequently taken.

Dated this _____ day of _____ 19 _____

(Signature) _____

(5) If an agent insert "Agent of owner".

(5) _____

