

Guidelines for requesting of Copyright in (India)

GOVERNMENT OF INDIA MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION)

To,

Sir/Madam,

Would you kindly refer to your letter dated enquiring about the procedure for the registration of Copyrights.

- Section 44 of the Copyright Act, 1957 (14 of 1957) provide for the registration of all works in which copyright subsists.

- Chapter IV of the Copyright Rules, 1956 sets out the procedure for the registration of a work. These Rules have been amended by the Ministry of Human Resource Development (Department of Education) Notification No GSR 602(E) published in the Gazette of India (extraordinary) Part III, Section 3, Sub Section (i) dated 10-8-1984, copies of the Act and Rules can be obtained from the Manager of Publications, Publication Branch, Civil Lines, Delhi or his authorized dealers on payment. (The Copyright Rules have been further amended vide Gazette Notification GSR(E) dated 27th April, 1992). The procedure for registration is as follows:

- a) Application for registration is to be made on Form IV (including Statement of Particulars and Statement of Further Particulars) as prescribed in the first schedule to the Rules, as amended;
- b) Separate applications should be made for registration of each work;
- c) Each application should be accompanied by the requisite fee prescribed in the second schedule to the Rules, as amended; and
- d) The applications should be signed by the applicant and if he has an advocate in whose favour a Vakalatnama or Power of Attorney has been executed, should also be signed by the Advocate.

Each and every column of the Statement of Particulars and Statement of Further Particulars should be replied specifically.

- Both published and unpublished works can be registered. Copyright in works published before 21st January, 1958, i.e., before the Copyright Act, 1957 came in force, can also be registered, provided the works are still in Copyright. Three copies of published work may be sent along with the application. If the work to be registered is unpublished, a copy of the manuscript has to be sent along with the application for affixing the stamp of the Copyright Office in profit of the work having been registered. In case two copies of the manuscript are sent, one copy of the same duly stamped will be returned, while the other will be retained as far as possible in this office for record and will be kept confidential. It would also be open to the applicant to sent only extracts from the unpublished work instead of the whole

manuscript and ask for the return of the extracts after being stamped with the seal of the Copyright Office.

- When a work has been registered as Unpublished and subsequently is it published, the applicant may apply for changes in particulars entered in the Register of Copyright in Form V as prescribed in the first schedule to the Copyright Rules, 1958, along with the prescribed fee and in accordance with Rule 16 of the Copyright Rules, 1958.
- To facilitate reference, relevant extracts from the Copyright Act, 1957 and the Copyright Rules, 1958 as amended, along with a specimen copy of the **Form IV** are sent herewith. Applications may be made on plain paper in accordance with **Form IV**, as this office does not supply blank application forms. A copy of the instructions for filling up the forms is also enclosed.

Yours faithfully,

.....
Dy. Registrar of Copyrights

Encls: As above.



FORM-I

Notice of Relinquishment of Copyright

[See rule 4]

To,

The Registrar of Copyrights,
Copyright Office,
New Delhi-110075

Sir,

In accordance with section 21 of the Copyright Act, 1957 (14 of 1957), I hereby give notice that, with effect from the date of this notice, I do relinquish, to the extent specified in the enclosed affidavit, my rights in the work described in the said affidavit.

Yours faithfully,

Place.....
Date.....

Form of Affidavit referred to above

I,.....
....., of
(Full name in block letters)
.....
..... Do hereby or
(Address)

Solemnly affirmation state that—

- (1) I am the author of the work described in the statement below;
- (2) I am the owner of the copyright in the said work to the extent specified in the said statement; and
- (3) I do hereby relinquish my rights in the said work to the extent specified in the said statement:

(STATEMENT)

Description of the work:

- (a) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Sound Recording).
- (b) Title of the work, if any;
- (c) Full name, address and nationality of the author;
- (d) Language of the work, if any;
- (e) Name, address and nationality of the publisher, if any;
- (f) Year of first publication, if any;
- (g) Country of first publication, if any;

(h) If the copyright in the work is registered under section 45, the Registration number, if known.

2. Rights owned by the deponent on the date of the affidavit.

(If the rights are owned jointly with others, state names, addresses and nationalities of the joint owners.)

3. Extent to which rights are relinquished.

4. Remarks, if any.

Place.....

Date.....

.....
(Signature)

Solemnly affirmed before me by

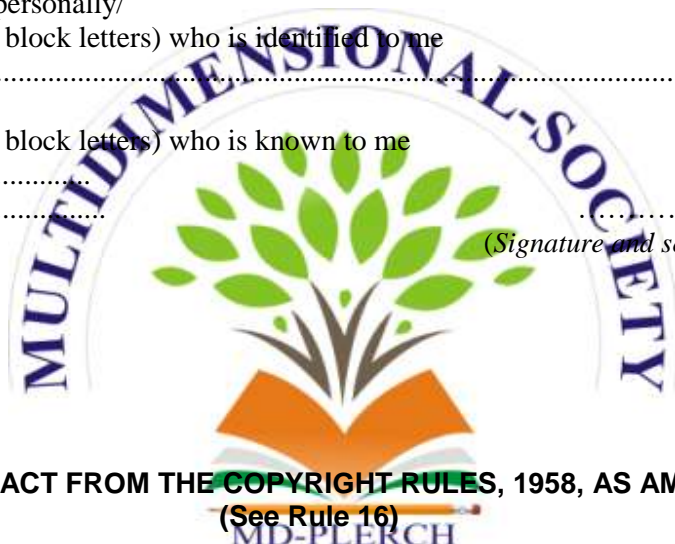
.....
Who is known to me personally/
(Name of deponent in block letters) who is identified to me

By.....
...../

(Name of identifier in block letters) who is known to me
Personally. Place.....

Date.....

.....
(Signature and seal of the Magistrate)



**EXTRACT FROM THE COPYRIGHT RULES, 1958, AS AMENDED
(See Rule 16)**

Form IV – Application for Registration of Copyright

To,

The Registrar of Copyrights
Copyright Office
New Delhi : 110001.

Sir,

In accordance with Section 45 of the Copyright Act, 1957 (14 of 1957), I hereby apply for registration of Copyright and request you that entries may be made in the Register of Copyrights in the enclosed Statement of Particulars sent herewith in triplicate.

- I also send herewith duly completed Statement of further Particulars relating to the work.
(for Literary, Dramatic, Musical and Artistic works only)

- In accordance with rule 70 of the Copyright Rules, 2012, I have sent by pre-paid registered post copies of this letter and of the enclosed statement(s) to the other parties concerned, as shown below:

Name and address of the parties

(1)

Date of dispatch

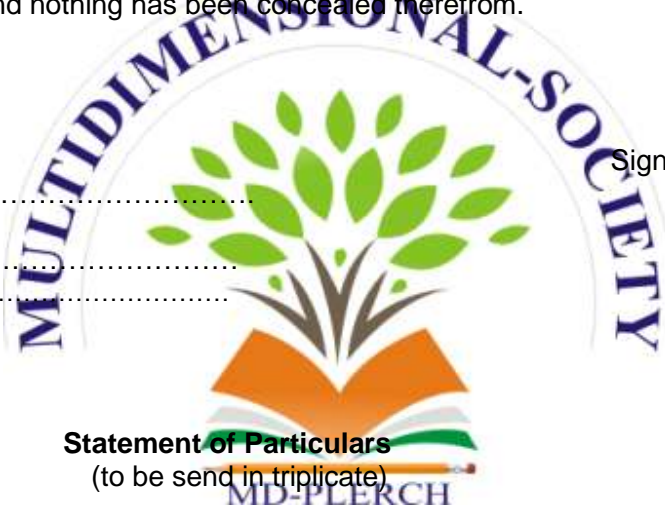
(2)

- The prescribed fee has been paid, as per details
- Communications on this subject may be addressed to:
- I hereby declare that to the best of my knowledge and belief, no person, other than to whom a notice has been sent to as per paragraph 2 above any claim or interest or dispute to my copyright of this work or to its use by me.
- I hereby verify that the particulars given in this Form and in the Statement of Particulars and Statement of Further Particulars are true to the best of my knowledge, belief and information and nothing has been concealed therefrom.

List of enclosures:.....

Place:.....

Date:



Yours faithfully,

.....
Signature of the applicant

Statement of Particulars
(to be send in triplicate)

1. Registration number (*To be filled in the Copyright Office*):
2. Name, Address and Nationality of the Applicant:.....
3. Nature of the applicant's interest in the copyright of the work:.....
4. Class and description of the work:.....
5. Title of the work:.....
6. Language of the work:.....
7. Name, address and nationality of the author and, if the author is deceased, the date of his decease:.....
8. Whether work is Published or Unpublished:.....

9. Year and country of first publication and name, address and nationality of the publishers:.....

10. Years and countries of subsequent publications, if any, and names, addresses and nationalities of the publisher:.....

11. Names, address and nationalities of the owners of the various rights comprising the copyright in the work and the extent of rights held by each, together with particulars of assignment and licenses, if any:.....

12. Names, addresses and nationalities of other persons, if any, authorized to assign or license the rights comprising the copyright:.....

13. If the work is an "artistic work", the location of the original work, including name, address and nationality of the person in possession of the work. (In the case of an architectural work, the year of completion of the work should also be shown):.....

14. If the work is an 'artistic work' which is used or is capable of being used in relation to any goods, the application shall include a certificate from the Registrar of Trade Marks in terms of the proviso to sub-section (1) of section 45 of the Copyright Act, 1957.]:.....

15. If the work is an "artistic work" whether it is registered under the Designs Act 2000. If yes give details:.....

16. If the work is an "artistic work" capable of being registered as a design under the Designs Act 2000, whether it has been applied to an article through an industrial process and , if yes, the number of times it is reproduced:.....

17. Remarks, if any:.....

.....
(Signature of the Applicant)

Place:.....
Date:.....

STATEMENT OF FURTHER PARTICULARS

(For Literary, including Software, Dramatic, Musical and Artistic Works only)

1. Is the work to be registered
 - (a) An original work?
 - (b) Translation of a work in the public domain?
 - (c) A translation of a work in which copyright subsists?

- (d) An adaptation of a work in the public domain?
(e) An adaptation of a work in which copyright subsists?

2. If the work is a translation or adaptation of a work in which copyright subsists:

- (a) Title of the original work.
(b) Language of the original work.
(c) Name, address and nationality of the author of the original work and, if the author is deceased, the date of his decease.
(d) Name, address and nationality of the publisher, if any, of the original work.
(e) Particulars of the authorization for a translation or adaptation including the name, address and nationality of the party authorizing.
3. Remarks, if any.

Place:.....

Date:.....

.....
(Signature of the Applicant)

**Instructions for filling up the Statement of Particulars
annexed to Form IV for the Registration of Copyrights**

- Col.3:- State whether the applicant is the author or publisher of the work or whether he/she is the owner assignee or licence of any rights comprising the copyright in the work or whether he has any other interest in the work.
- Col.4:- State whether the work is 'Literary work' or 'Dramatic Work' or 'Musical Work' or 'Computer Software Work' or 'Artistic Work' or 'Cinematograph Film' or 'Sound Recording' [see sub-section (i) of Section 13]
Describe in brief the nature of the work (i.e., Drama, Novel, Biography, Poems, Lectures, Opera, Painting, Engraving, Photograph, Disco taps, etc.)
- Col.5:- In regard to a work, a title must be given.
- Col.6:- If the work is in more than one language, all the languages should be shown.
- Col.7:- For the definition of Author see clause 'd' of Section 2. Moreover irrespective of the person who gave the ideas or suggestions, the author is the person who has actually drawn or executed the work in question.
- Col.8:- For definition of the Publication, see Section 3 of the Act, and if the work is posthumous work, see sub-section (2) of Section 24.
- Col.9:- If a work is published simultaneously in more than one country, state particulars of countries in which it is published and the exact date of publication (and not merely the year of publication in each country. For meaning of simultaneous publication see Section 5).
- Col.10:- In case of subsequent publication, state briefly the changes, if any, made in the first publication.
- Col.11:- For the rights comprising the Copyright, see Section 14, if the rights are owned separately by different persons the rights of each person should be stated separately, including the extent of rights held by each person. In the case of a 'Cinematograph Film' or Sound Recording' also state full particulars (viz. full names, addresses and nationalities) of the owners of Copyright of the work recorded in the Sound Recording like the composers, lyricists, story writers, etc.)
- Col.12:- State the Particulars of the persons other than those mentioned in Col.11, authorized to assign or licence the rights comprising the copyrights, if any.

Col.13:- State where and with whom the original work is located. This information is required to be supplied in case of artistic work as defined in Section 2(c).

Col.13A: In case an artistic work is used or capable of being used in relation to any goods, a Search Certificate from the Trade Marks Registry u/s 45(1) of the Copyright Act, 1957 as amended from time to time, has to be procured, and enclosed with the application for registration of coyright.



(i) BEFORE SUBMITTING APPLICATION, PLEASE ENSURE THAT ALL COLUMNS OF THE APPLICATION HAVE BEEN DULY FILLED.

(ii) THE APPLICANTS/THEIR LEGAL REPRESENTATIVES MAY VISIT COPYRIGHT OFFICE BETWEEN 2.30 PM TO 4.00 PM ON EACH WORKING DAY.

FORM XV

Application for registration of changes in the particulars of copyright entered in the Register of Copyrights.

To,

The Registrar of Copyrights,
Copyright Office,
New Delhi-110075

Sir,

In accordance with rule 71 of the Copyright Rules, 2013, I hereby apply for registration of changes in the particulars of copyright entered in the Register of Copyrights and request that changes in the existing entries may be made as specified in the enclosed statement of particulars.

2. I have sent by registered post copies of this letter and of the statement of particulars to the other parties concerned* as shown below:

Names and addresses of parties

.....

Date of dispatch

.....

*See columns 7, 11, 12 and 13 of Register of Copyrights

3. The prescribed fee has been paid, as per details below:

.....

4. Commissioner on subject may be addressed to:

.....

.....

5. I hereby declare that, to the best of my knowledge and belief, no person other than to whom a notice has been sent as per paragraph 2, has any claim, interest or dispute to my copyright of this work, or to its use by me.

6. I hereby verify that the particulars given in this Form and the Statement of particulars are true to the best of my knowledge, belief and information and nothing has been concealed therefrom.

Yours faithfully

Place.....

Date.....

.....
(Signature of Applicant)

STATEMENT OF PARTICULARS

1. Registration number in the Register of Copyrights.

2. Changes sought in the particulars of copyright as entered in the Register of Copyrights.

Reference to
column number of
Register of
Copyrights

Existing entry in the
Register of Copyrights

Proposed entry in
place of the existing
entry in the Register
of Copyrights

Reasons for the
Changes the
proposed

1.....

2.....

3.....

4.....



Where the changes proposed are consequent on assignment or licenses of copyright, attested copies of the deeds of assignments or licenses should be enclosed.

3. List of enclosures.

Place.....

Date.....

.....
(Signature)

✓ Questions, comments, and suggestions should be sent to multidpublication86@gmail.com





MULTIDIMENSIONAL EDUCATIONAL TECHNICAL & RESEARCH SOCIETY

शिक्षा तकनीकी एवं अनुसंधान

Multidimensional Publication & Society

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Author(s):

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This agreement is to be signed by at least one of the authors who have obtained the assent of the co-author(s) where applicable.

Author's Signature & Date

Typed or Printed Name

Institution or Company Name

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