

Filing Copy Right

Acquisition of copyright is automatic and it does not require any formality. It comes into existence as soon as a work is created and no formality is required to be completed for acquiring copyright. However, certificate of registration of copyright and the entries made therein serve as *prima facie* evidence in a court of law with reference to dispute relating to ownership of copyright. It can be registered in the Register of Copyrights maintained in the Copyright Office of the Department of Education, which is headed by a Registrar of Copyrights and is located at B.2/W.3, C.R. Barracks, Kasturba Gandhi Marg, New Delhi- 110 003, Tel: 338 4387.

Chapter VI of the Copyright Rules, 1956, as amended, sets out the procedure for the registration of a work. The procedure for registration is as follows:

1. 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. Each and every column of the Statement of Particulars and Statement of Further Particulars should be replied specifically.
2. Separate applications should be made for registration of each work.
3. Each application should be accompanied by the requisite fee prescribed in the second schedule to the Rules
4. The applications should be signed by the applicant or the advocate in whose favour a Vakalatnama or Power of Attorney has been executed. The Power of Attorney signed by the party and accepted by the advocate should also be enclosed.
5. The applicants/their legal representatives may visit copyright office between 2.30 pm and 4.00 pm on any working day.

Both published and unpublished works can be registered.

- If the work to be registered is published, 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- If the work to be registered is unpublished, a copy of the manuscript has to be sent along with the application for affixing the stamp of the Copyright Office in proof of the work having been registered.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 the Copyright Office for record and will be kept confidential. It would also be open to the applicant to send only extracts from the unpublished work instead of the whole manuscript and ask for the return of the extracts after being stamped with the seal of the Copyright Office.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 it is published, the applicant may apply for changes in particulars entered in the Register of Copyright in Form V with prescribed fee.

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 licensee of any right 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, Lecturers Opera, Painting, Engraving, Photograph, Disco tapes, 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 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 in 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. 2 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 is 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 in original with the application for registration of Copyright.