—— **FAQs**

# Doing Business in India

## IPR (Copyrights)

**1.** How long I have to wait to get my work to get registered by the Copyright office?

After you file your application and receive diary number you have to wait for a mandatory period of 30 days so that no objection is filed in the Copyright office against your claim. In case any objection is filed, the Registrar of Copyrights after giving an opportunity of hearing to both the parties, may decide to register the work or otherwise. For more information, click here.

**2.** How can I get copyright registration for my Website?

A website may be understood as a web-page or set of interconnected web-pages, hosted or stored on a server, and is made available online to members of public. Users can access the information and other underlying work on a website through various means such as scrolling web-pages, using internal hypertext links or a search feature. For more information, click here.

**3.** Whether unpublished works are registered?(Under the Copyright Act 1957)

Yes. Both published and unpublished works can be registered.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 still enjoy 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 If the work to be registered is unpublished, a copy of the manuscript has to be sent along with the application for affixing the stamp of the Copyright Office in proof of the work having been registered.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 It would also be open to the applicant to send only extracts from the unpublished work instead of the whole manuscript and ask for the return of the extracts after being stamped with the seal of the Copyright Office. When a work has been registered as unpublished and subsequently it is published, the applicant may apply for changes in particulars entered in the Register of Copyright in Form V with prescribed fee.The process of registration and fee for registration of copyright is same. For further details please access following link.

## 4. Can a computer software be registered under the copyright act?

Yes. Computer Software or programme can be registered as a 'literary work'. As per Section 2 (o) of the Copyright Act, 1957 "literary work" includes computer programmes, tables and compilations, including computer databases. 'Source Code' and "Object Code" have also to be supplied along with the application for registration of copyright for software products. For more information, click here.

## 5. If a copyright is rejected, is there any opportunity given for hearing the case?

As per the rule 70 (12) of the Copyright Rules, 2013, an opportunity of hearing must be given. Only after hearing, it may be decided to register the work or to reject it. The applicant himself or his/her pleader may appear in the hearing. For more information, click here.

## 6. What are the guidelines regarding registration of a work under the Copyright Act 1957?

Chapter XIII of the Copyright Rules, 2013, as amended, sets out the procedure for the registration of a work. 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 or download from the Copyright Office web-site, link.

## 7. Can an individual file for registration of copyright of a work without professional assistance?

Yes. Any individual who is an author or rights owner or assignee or legal heir can file application for copyright of a work either at the copyright office or by post or by e-filing facility from the copyright Office web-site "www.copyright.gov.in" For more information, click here.

## 8. What is the fee for getting work registered under the copyright act?

The fee is not reimbursable in case of rejection of the application. The fee can be paid by postal order/demand draft/online payment payable to "registrar of copyrights, New Delhi. For information on the fee for getting work registered under the copyright act, click here

9. Where can I file application for registration of copyright for a work?

The Copyright Office has been set up to provide registration facilities to all types of works and is headed by a Registrar of Copyrights and is located at 4th Floor Jeevan Deep Building, New Delhi- 110 001. The applications for registration of works can be filled at the counter provided at the Copyright Office from 2.30 P.M. to 4.30. P.M. from Monday to Friday. The applications are also accepted by post. On-line registration through " E-filing facility " has been provided from 14th February 2014, which facilitates the applicants to file applications at the time and place chosen by them. For more information, click here.

10. What is the procedure for registration of a work under the Copyright Act, 1957?

The procedure for registration is as follows:  1) Application for registration is to be made on Form 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.  5) The fee is either in the form of Demand Draft, Indian Postal Order favouring ' Registrar Of Copyright Payable At New Delhi'  or through E-payment For more information, click here.

11. Is it necessary to register a work to claim copyright?

No. Acquisition of copyright is automatic and it does not require any formality. Copyright comes into existence as soon as a work is created and no formality is required to be completed for acquiring copyright. For more information, click here.

12. What is copyright?

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation and translation of the work. There could be slight variations in the composition of the rights depending on the work. For more information, click here.

13. What does Intellectual Property entail?

Intellectual Property is the Property, which has been created by exercise of Intellectual Faculty. It refers to creation of mind such as inventions, designs for industrial articles, literary, artistic work, symbols which are ultimately used in commerce. Intellectual Property rights allow the creators or owners to have the benefits from their works when these are exploited commercially. These rights are statutory rights governed in accordance with the provisions of corresponding legislation. Intellectual Property rights reward creativity & human endeavour which fuel the progress of humankind.The intellectual property is classified into seven categories i.e. Patent Industrial Design Trade Mark Copyright Geographical Indications Lay put designs of integrated circuits Protection of undisclosed information/Trade Secret according to TRIPs agreements For more information, click here.

## 14. What is the scope of protection in the Copyright Act, 1957?

The Copyright Act, 1957 protects original literary, dramatic, musical and artistic works and cinematograph films and sound recordings from unauthorized uses. Unlike the case with patents, copyright protects the expressions and not the ideas. There is no copyright protection for ideas, procedures, methods of operation or mathematical concepts as such (Please see Article 9.2. of TRIPS). For more information, click here.

## 15. Is it allowed to get names and titles copyrighted?

Copyright does not ordinarily protect titles by themselves or names, short word combinations, slogans, short phrases, methods, plots or factual information. Copyright does not protect ideas or concepts. To get the protection of copyright a work must be original. For more information, click here.