

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION**

LOK SABHA

**UNSTARRED QUESTION NO. 3088.
TO BE ANSWERED ON MONDAY, THE 6TH AUGUST, 2018.**

WIPO COPYRIGHT TREATY

3088. SHRI CH. MALLA REDDY:

Will the Minister of **COMMERCE AND INDUSTRY** be pleased to state:

वाणिज्य एवं उद्योग मंत्री

- (a) whether the Government has given its approval for accession to the WIPO Copyright Treaty and WIPO Performers and Phonograms Treaty which extends coverage of copyright to the internet and digital environment; and
- (b) if so, the details thereof along with the benefits accrued by accessioning these treaties?

ANSWER

वाणिज्य एवं उद्योग मंत्रालय में राज्यमंत्री (श्री सी.आर. चौधरी)

**THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE & INDUSTRY
(SHRI C.R. CHAUDHARY)**

- (a): Yes.
- (b): The Union Cabinet approved the proposal for accession to the WIPO Copyright Treaty (WCT) and WIPO Performers and Phonograms Treaty (WPPT) which extends coverage of copyright to the internet and digital environment. The approval is a step towards the objectives laid in the National IPR Policy adopted by the Government on 12th May 2016.

The Copyright Act 1957 was amended in 2012 to bring it in conformity with WCT and WPPT, including amendment in definition of "Communication to the public" to make it applicable to digital environment (Section 2(ff)) as also introducing provisions related to Technological Protection Measures (Section 65A) & Rights Management Information (Section 65B); Moral rights of performers (Section 38B); Exclusive rights of the performers (Section 38A); safe harbour provisions over electronic medium (Section 52(1)(b) and Section 52(1)(c)).

WIPO Copyright Treaty came in force on March 6, 2002 and has been adopted by 96 contracting parties till date. It is a special agreement under Berne Convention (for protection of literary and artistic works). It has provisions to extend the protection of copyrights contained therein to the digital environment. Further, it recognises the rights specific to digital environment, of making work available, to address “on-demand” and other interactive modes of access.

WIPO Performances and Phonograms Treaty came in force on May 20, 2002 and has 96 contracting parties as its members. WPPT deals with rights of two kinds of beneficiaries, particularly in digital environment - (i) Performers (actors, singers, musicians etc.), and (ii) Producers of Phonograms (Sound recordings). The Treaty empowers right owners in their negotiations with new digital platforms and distributors. It recognises moral rights of the performers for the first time & provides exclusive economic rights to them.

Both the treaties provide framework for creators and right owners to use technical tools to protect their works and safeguard information about their use i.e. Protection of Technological Protection Measures (TPMs) and Rights Management Information (RMI).

These Treaties will help the creative industry in India in the following ways:

- To enable creative right holders enjoy the fruit of their labour, through international copyright system that can be used to secure a return on the investment made in producing and distributing creative works.
- To facilitate international protection of domestic rights holders by providing them level playing field in other countries as India already extends protection to foreign works through the International Copyright order and these treaties will enable Indian right holders to get reciprocal protection abroad.
- To instil confidence in foreign investors.
- To produce and distribute creative works in digital environment with return on investment.
- To spur business growth and contribute to the development of a vibrant creative economy and cultural landscape, generating employment opportunities also.
