

**GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING**

**LOK SABHA
UNSTARRED QUESTION NO. 4171
TO BE ANSWERED ON 29.03.2022**

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4171. DR. AMOL RAMSING KOLHE:

Will the Minister of INFORMATION AND BROADCASTING

be pleased to state:

- (a) whether actors are mainly dependant on producers in order to get their royalty and fix their morality rights, if so, the details thereof;
- (b) whether the Government is considering to create specific provisions in present Copyright Act of India so as to bring a clear consensus of considering the work of actors at par with that of authors to give them proper protection within Copyright laws and if so, the details thereof;
- (c) whether in Indian Law personality rights are not defined and if so, the details thereof along with the reasons therefor;
- (d) whether the Government is to formulate legislative provisions defining personality rights which is currently undefined concept and if so, the details thereof;
- (e) whether various agreements are entered into by various stakeholders in the cinematographic realm and if so, whether there are no clear Standard Operating Procedure (SOP) on these agreements which are to be carried out, if so, the details thereof; and
- (f) whether the Government is considering to formulate Rules and SOP to make the implementation of the law more powerful, transparent and right-based and if so, the details thereof?

ANSWER

THE MINISTER OF INFORMATION AND BROADCASTING; AND MINISTER OF YOUTH AFFAIRS AND SPORTS (SHRI ANURAG SINGH THAKUR)

(a): Actors are considered as performers under section 2(qq) of the Copyright Act, 1957. Sections 38, 38A, and 38B of the Copyright Act, 1957 provide for performer's economic and moral rights which do not depend on producers.

(b): The existing provisions under the Copyright Act, 1957 grant performers the rights which are at par with the authors. The economic and moral rights to performers are granted under sections 38A and 38B of the Copyright Act, 1957 for safeguarding their interests. Further, civil remedies and criminal sanctions are prescribed under the Copyright Act against any infringement of the performer's rights.

(c) & (d): The definition of Personality Rights is not provided under the Copyright Act, 1957. Performers, comprising actors are granted moral rights under section 38B, whereby they have the right to be given credit of their work and have a right of restraining others from causing any kind of damage to their work which may disrupt their reputation.

(e): The Copyright Act, 1957 and rules made thereunder, do not provide for any prescribed Standard Operating Procedure (SOP) for entering in an agreement in the cinematographic realm. Parties are free to determine the terms and conditions of the agreement through voluntary negotiations. The mode of assignment of rights is provided under section 19 of the Copyright Act, 1957.

(f): The Copyright Act, 1957, pursuant to the amendments in 2012, fully reflects the Berne Convention for protection of Literary and Artistic Works and the World Intellectual Property Organization (WIPO) Copyright Treaty. The amended act comprises provisions to protect performers' rights as envisaged under the WIPO Performances and Phonograms Treaty.