

Press Information Bureau
Government of India
Ministry of Commerce and Industry

Declaration by the Government of Republic of India relating to Article II and III of the Appendix to the Paris Act (1971)

On March 28, 2018, the World Intellectual Property Organization has notified a declaration referring to the deposit by the Government of the Republic of India, on October 7, 1974, of its instrument of ratification of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971 (see Berne Notification No. 59) and to its subsequent deposits, on February 1, 1984 and June 7, 1984 of declarations according to which the Government of the Republic of India availed itself of the faculties provided for the Article II and III of the Appendix to the Berne Convention (see Berne Convention Nos. 108 and 110, respectively) during the 10 years period that will expire, on October 10, 2024. The said declaration shall enter into force, with respect to the territory of the Republic of India, on March 28, 2018.

The Article II of the Appendix would enable the Republic of India to substitute for the exclusive right of translation of a work, which has been published in printed or analogous forms of reproduction, granted by the competent authority, only for the purpose of teaching, scholarship or research.

The Article III of the Appendix would enable the Republic of India to substitute for the exclusive right of reproduction of a work, which has been published either in printed or analogous forms of reproduction, or in audio-visual form of lawfully made audio-visual fixations, to publish an edition which has not been distributed/ on sale for a period of six months, except when either the translation is not published by the owner of the right of translation or with his authorization, or when the translation is not in a language general in use in India.

India has been the Member of Berne Convention since 28th April, 1928 and has been submitting the declaration as per Article II & III of the Appendix from time to time. The present notification is in continuation of India's earlier position.