

F.NO. 14-35/2015-CRB/LU (IPR VII)
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION
(COPYRIGHT SECTION)

DATED the 5th September, 2016

OFFICE MEMORANDUM

Representations have been received from various Stake holders as to whether the internet broadcasting companies come under the purview of Statutory Licensing as per provisions of section 31D of the Copyright Act, 1957. These representations were examined in consultation with concerned ministries/ departments.

2. Section 31D of the Copyright Act, 1957 talks of "Any broadcasting organization desirous of communicating to the public...." and section 2(ff) of the act defines "communication to the public" as "making any work or performance available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing physical copies of it, whether simultaneously or at places and times chosen individually, regardless of whether any member of the public actually sees, hears or otherwise enjoys the work or performance so made available". The explanation to section 2(ff) states that "Communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public".

3. In view of the above, the words "any broadcasting organization desirous of communicating to the public..." may not be restrictively interpreted to be covering only radio and TV broadcasting as definition of 'broadcast' read with 'communication to the public', appears to be including all kind of broadcast including internet broadcasting. Thus, the provisions of section 31D are not restricted to radio and television broadcasting organizations only, but cover internet broadcasting organizations also.

4. This issues with the approval of the competent authority.



(Surabhi Sharma)

Dy. Secretary to the Govt. of India

To
The Registrar of Copyrights
Controller General of Patents, Designs & Trade Marks
Boudhik Sampada Bhavan,
Antop Hill, S.M. Road, Mumbai-400037