



FOR IMMEDIATE RELEASE
New Delhi: December 4, 2009

Reproduced below is the text of representation, dated 3.12.09, submitted by the News Broadcasters Association (NBA) to Mr. Kapil Sibal, Hon'ble Minister for Human Resource Development, Govt. of India, regarding the proposed amendments to the Copyright Act.

We would be grateful if you could kindly highlight the same in your esteemed publication.

Regards,

Sd/-

Annie Joseph
 Secretary General

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1. The News Broadcasters Association is the only exclusive association of 14 leading 24X7 news broadcasters in India. Our list of members is attached as Annexure-A to this representation (not attached).
 2. We are given to understand that extensive amendments are proposed to the (Indian) Copyright Act, 1957 (hereinafter the "**Original Act**"). We have examined the proposed amendments and have been advised that some of the proposed amendments will seriously affect our member news broadcasters.
 3. Essentially news broadcasters are concerned that nothing should be amended in the Original Act which affects the well-established and understood right of broadcasters to fair use of material, including broadcast reproduction right.
 4. Accordingly, we wish to place on record our views and objections to such amendments which affect us directly, so that the Ministry takes into account our views at the time of finalizing the amendments :
 - 4.1 From the perspective of news broadcasters, inclusion of Section 63 in Section 39A of the Original Act is onerous and such inclusion ought not to be made. This is for the reason that Section 39 crafts-out a specific exception to infringement of broadcast reproduction right, whereby excerpts of a broadcast used (say by a news broadcaster) for reporting of current events or for bona fide review, teaching or research, consistent with the principles of fair dealing, does not amount to infringement of broadcast reproduction right. Accordingly, to provide prosecution (Section 63) under Section 39A is not required and may work to the serious detriment of news broadcasters ;
 - 4.2 The proposed deletion of Section 52(1)(b)(ii) also seriously prejudices news broadcasters since the entire Section 52 is part of the exceptions to infringement of broadcast reproduction right under Section 39(c) of the Original Act ; and if Section 52(1)(b)(ii) is deleted this salutary exception to infringement, namely fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events by broadcast, will be lost ;
 5. We request that the NBA be heard by the Ministry before finalizing amendments to the Copyright Act, 1957.
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