

## Copyright in Cinematograph work

**Section 2 (f) of the Copyright Act defines, “Cinematograph film”** as any work available on any medium produced through a process from which a moving image may be produced by any means and includes a sound recording accompanying such visual recording and **“cinematograph”** shall be construed as including any work produced by an process analogous to cinematograph including video films.

Examples:-

- a) A feature film
- b) An advertisement film
- c) A video presentation

Upon registration the Copyright Act, confers upon the registrant the following rights (**Section 14 : Meaning of Copyright in case of a cinematograph film**) –

- i. To make a copy of the film including a photograph of an image forming part thereof;
- ii. To sell or give on hire or offer for sale or hire, an copy of the film, regardless of whether such copy has been sold or given on hire on earlier occasions;
- iii. To communicate the film to the public.

**Section 2 (f) of the Copyright Act** defines, **“communication to public”** as making any work available for being seen or heard or

otherwise enjoyed by the public directly or by any means of display or diffusion other than issuing copies of such work regardless of whether any member of the public actually sees, hears or otherwise enjoys the work so made available.

Explanation – for the purpose of this clause, 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.

There are **particulars to be included in video films when exhibited**, and on the video cassette or other container thereof, namely (**Section 52 A (2)**): –

- a) If such work is a cinematograph film required to be certified for exhibition under the provisions of the Cinematograph Act, 1952, a copy of the certificate granted by the Board of Film Certification under section 5 A of that Act in respect of such work;
- b) The name and address of the person who has made the video film and a declaration by him that he has obtained the necessary licence or consent from the owner of the copyright in such work for making such video; and
- c) The name and address of the owner for the copyright in such work.

In the absence of any agreement to the contrary, when cinematograph films are made for valuable consideration at the instance of an person, such person shall, be the **first owner of the copyright** therein (**Section 17**). This is what we see in everyday life. The Producer of the film is the first owner of the copyright in a cinematograph film.

**Performer** includes an actor, singer, musician, dancer, acrobat, juggler, conjurer, snake charmer, a person delivering a lecture or any other person who makes a performance (**Section 2 (qq)**).

Once a performer has consented to the incorporation of his performance in a cinematograph film, he shall have no further rights over copyrights in his performance (**Section 38 (4)**). Thus, when Amitabh Bachan agrees to perform for a film he can no longer claim his rights as a performer in that film.

**Copyright in cinematograph films** – shall subsist until [sixty years] from the beginning of the calendar year next following the year in which the film is published

(**Section 26**)