

Dy. No. _____ 201 -CO/A
Government of India
Ministry of Human Resource Development
Department of Higher Education
Copyright Office



R.No.6, 4th floor, Jeevan Deep Building
Parliament Street, New Delhi 110001.

Dated: _____, 2014

To,

Subject: Discrepancy in respect of Registration of copyright of
_____ Titled: _____

Sir,

I am directed to refer to your application dated _____ on the subject mentioned above and to state that on scrutinizing the application the following discrepancy (ies) have been observed:- **(Please see the paragraph(s) tick-marked).**

- 1. Rule 70 (3) of the copyright Rules 2013 provides that application has to be signed by applicant (author/owner) only it **does not provide for an attorney to sign an application** (Form XIV) including the Statement of Particulars (**SoP**) and the Statement of Further Particulars (**SoFP**) on behalf of the applicant, which are to be signed by none other than the applicant himself. Please resubmit **Form XIV** along with **SoP & SoFP duly signed by the applicant**.
- 2. **Para 2 of Form XIV** is incomplete Under Rule 70 (9) of the Copyright Rules, 2013, the applicant is required to send notice by registered post copies of Form XIV, SoP & SoFP to other parties concerned (Please see Cols. 7,11,12,13).
- 3. **Form XIV** has not been submitted/not in the prescribed format. **SoP & SoFP** are not submitted not in the prescribed format. Submit 1 copy.
- 4. **Col. 2 of SoP** is incomplete. Please furnish Name/Address/Nationality of the applicant.
- 5. Against **Col.3 of SoP**, please clarify whether the **applicant is author/publisher/owner/assignee**.
- 6. Against **Col.4 of SoP**, please indicate the appropriate **class of work**: whether **Artistic**.
- 7. **Col. 5** does not indicate the **title of the work**/does not reflect the title of the work as it appears on the work itself. The work to be registered for copyright must have a title which should be short and should correspond to the work.
- 8. **Language of the work** mentioned in **Col. 6** does not correspond to the language(s) use in the work. Mention all the languages used in the work. In the absence of any script in the work, indicate 'nil'.
- 9. **Col.7 of SoP** is incomplete, Please furnish Name/Address/Nationality of the author(artist/photographer). If the author is deceased, please mention the date of decease and also submit a notarised affidavit regarding inheritance of right(s) /NOC from all the legal heirs of the deceased author in favour of the applicant.
- 10. Against **Col. 8 of SoP**, clearly indicate whether the work is **published** or **unpublished** (status of the complete work at the time of applying for copyright).
- 11. Against **Col. 9** or **SoP**, you have not indicated the **year/country of first publication/name/address/nationality of the publisher(s)**.
- 12. Against **Col. 10 of SoP**, you have not indicated the **year/country of subsequent (Last) publication/name/address/nationality of the publisher(s)**.
- 13. Against **Col. 11 of SoP**, the name, address & nationality of the person(s) who hold(s) the **various rights** comprising the copyright in the work are required to be mentioned. In case the applicant

himself intends to hold all the rights in the work, his particulars as already given against Col.2 may be mentioned. In case the applicant is a partnership firm, the names of all the partners and their respective shares in the copyright may be indicated.

- 14. **Col.12 of SoP** is not filled in/incomplete. If the author intends to authorise other person(s) to **assign or licence** the copyright on his behalf, the name, address and nationality of such person may be indicated. If not, please indicate 'nil' against this column.
- 15. **Cols. 13 is incomplete. Please furnish necessary details as required.**
- 16. As per Rule 70 (6) a Search Certificate from The Trade Marks Registry is mandatory if the artistic work is to be used or capable of being used in relation to any goods, irrespective of whether trade mark is registered or not. Otherwise, clearly state in Col.14 of SOP that the work is neither used nor capable of being used in relation to any goods.
- 17. Your work is not identical with the work attached with Search Certificate. Please furnish 5 copies of the work identical in respect of size/colour/design.
- 18. Name/address/nationality of the person whose photograph appears on the work may please be intimated. If that person is other than the applicant, a No Objection Certificate, in original may be obtained from that person [from heir(s) if the person is deceased/from the guardian in the case of minor] and forwarded to this office.
- 19. The Firm itself cannot be the author of a work. Details of the person(s) who has/have actually created the work as per section 2(d) of the Copyright Act, 1957 may be furnished.
- 20. As per **Col.7** of the **SoP** submitted by you, the author of the work is other than the applicant. **A No Objection Certificate**, in original from the author(s) (clearly indicating that he has no objection if the copyright in the work is registered in the name of the applicant) should be submitted. In case the author is partner/proprietor/employee of the applicant firm, the same may be clarified.
- 21. As provided under Section 15 of the Copyright Act 1957, please intimate if your work is already registered/capable of being registered under Designs Act, 2000. If not, please file an affidavit to the effect that the work is not registered/applied for registration under the Designs Act.
- 22. If the work is **published** by a person/firm other than the applicant, a **No Objection Certificate**, in original, may be obtained from that person/firm and forwarded to this office.
- 23. Against the requirement of **copies of work**, only copy(ies) has/have been received. Please submit the remaining copies of complete work.
- 24. **The Statement of Further Particulars (SoFP)** is not filled in properly. If the work is original, answer to **Col.1(a)** would be **"yes"**, and all other columns may be indicated as **"nil"**. If the work is not original please furnish necessary details as required.
- 25. **Power of Attorney (POA)** has not been submitted/is not in order. Please submit POA on stamp paper duly accepted by attorney/signed by the applicant. Incomplete POA is returned herewith.
- 26. In Col. 15 of SoP simply details has to be given whether it is registered under design Act, 2000.
- 27. In Col. 16 of SoP if artistic work is registered under design Act details has to be given whether it is applied to Industrial process and number of times reproduced.
- 28. You have written in Col. 14 of SoP that work is not capable for used on goods but it seems to be used on goods so provide TM 60 form trade mark Registry and submit difference of fee (i.e. Rs.2000-500 = 1500/-)
- 29. In case of Sound Recording & Cinematograph category if copy of agreement is not provided NOC from various copyright holders is required.
- 30. As per the Rule 70 (5) for registration of Computer Programme or Software, the applicant has not provided source code and object code.

2. You are requested to remove the discrepancy(ies) indicated above within **45 days** of receipt of this letter falling which the application(s) will be treated as abandoned and no further communication in the matter shall be entertained thereafter. However, you shall have the liberty to submit the application afresh, duly completed in all respects, if you ever so desire.

S.O./Dy.Registrar