



LEGAL COMPLEXITIES IN MUSIC LICENSING FOR PUBLIC PERFORMANCES IN INDIA

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Abstract: Licensing music for public performances in India presents a unique set of challenges shaped by the country's diverse cultural landscape and evolving legal framework. This paper investigates the complexities involved in securing music licenses for public events in India, focusing on the intersection of copyright laws, performing rights organizations (PROs), and the practical difficulties faced by artists, event organizers, and venue operators. The study examines the role of key legal provisions in India's Copyright Act, the operational challenges within India's fragmented licensing ecosystem, and the enforcement issues that arise due to varying interpretations of the law. Special emphasis is placed on the difficulties encountered by small and independent entities in navigating this regulatory environment, as well as the impact of globalization and digitalization on traditional licensing practices. By analyzing case studies and legal precedents, this research aims to shed light on the current barriers to effective music licensing in India and propose potential solutions that could streamline the process, ensuring fair compensation for artists while facilitating broader access to music.

Keywords: - Music Licensing, Public Performance, Globalization, Digitalization.

INTRODUCTION

Music is fundamentally a copyright-driven industry built on creative talent and specialized assets. While the roots of the modern music industry can be traced to the early twentieth century—when advances in recording technology began shifting focus from live performances to reproductions—the current structure has largely developed due to increased incomes and personal experimentation in the post-war globalized period.⁴

Music licensing for public performances in India involves a complex interplay of copyright law, commercial interests, and cultural practices. As the Indian music industry evolves with technology and a growing entertainment sector, the challenges surrounding music licensing have intensified. Public performances, ranging from live concerts to background music in establishments, necessitate careful legal navigation to ensure compliance and protect creator rights. Central to this issue is the Copyright Act of 1957, which provides authors and composers exclusive rights to their works, including public performance rights. However, applying these rights can be complicated in India's diverse landscape, with regional differences in music, culture, and legal interpretations. While the act has seen amendments to keep pace with industry changes, challenges in enforcement and stakeholder awareness persist.

A significant challenge in music licensing is the need for multiple licenses for various performance types. For example, public performances often require permissions from different rights holders, including composers, lyricists, and performers, as well as organizations like the Performing Rights Society of India (PRSI) and the Indian Performing Right Society (IPRS). Each entity represents distinct music rights, making compliance challenging for event organizers and venues. Additionally, the rise of digital platforms has introduced new complexities in rights management for online performances and streaming services.

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⁴ Birgitte Andersen, Zeljka Kozul-Wright and Richard Kozul-Wright, 'Copyrights, Competition and Development: The Case of the Music Industry' (2000) UNCTAD/OSG/DP/145 <http://unctad.org/en/docs/dp_145.en.pdf>

RESEARCH METHODOLOGY:

The doctrinal research approach is used in this paper. Secondary and tertiary statistics from sources like books, periodicals, essays, e-sources, newspapers, and other sources are used. Numerous magazines, articles, newspapers, journals, e-books, specific legislation acts, conventions, policies, regulations and schemes were referenced. By following this research methodology, the study aims to contribute a comprehensive understanding of the Legal Complexity in Music Licensing for Public Performances in India.

OBJECTIVES:

1. To analyze the existing legal framework governing music licensing for public performances in India, including relevant statutes, regulations, and case law, to identify key provisions and their implications for stakeholders.
2. To identify and discuss the complexities and challenges faced by music creators, event organizers, and venue owners in navigating the licensing landscape, including issues related to compliance, enforcement, and copyright infringement.
3. To evaluate the level of awareness and understanding among various stakeholders, including artists, producers, and venue operators, regarding their rights and obligations under Indian copyright law and licensing agreements.
4. To propose actionable recommendations aimed at simplifying the music licensing process for public performances, enhancing compliance, and ensuring fair compensation for music creators, while also considering the needs of venue owners and event organizers.
5. To propose a comprehensive framework for music licensing in public performances that balances the interests of music creators and users, promoting a sustainable and vibrant music ecosystem in India.

MUSICAL WORKS AND COPYRIGHT LAW:

The Indian Copyright Act of 1957 was significantly influenced by the copyright laws established during British colonial rule. This inherited framework not only contained ambiguous language but also failed to align with the realities of the evolving Indian music industry. Since its inception, copyright in musical works has been subject to various interpretations. Initially, the act granted copyright solely to the composer of a song, limiting the recognition of rights among other contributors. However, the amendment in 1994 broadened the definition to encompass “works consisting of music and any graphical notation, excluding any words or actions intended to be spoken.” This amendment was a step towards inclusivity, better reflecting the diverse landscape of the Indian music industry, which includes a variety of genres and collaborative practices that go beyond traditional compositions. This evolving legal framework aims to better support the rights of all stakeholders involved in music creation, recognizing the collaborative nature of the industry while also addressing the unique cultural dynamics of India.

Under the Copyright Act, the author of a work is typically regarded as its first owner. Initially, copyright claims were limited to a single right over a song; however, today, various components of a single song can individually be eligible for copyright protection. This principle applies to all original literary, dramatic, musical, and artistic works. Over time, Indian copyright laws have evolved to emphasize the exclusive rights of creators, including lyricists and musicians, ensuring that their rights are safeguarded under current legislation. Over time, independent musicians gained popularity as showcase platforms became more accessible, allowing them to present their work to the public without relying on music labels or production houses. However, the music and film industries often depend on collaboration to thrive. As music increasingly became integral to films, it sometimes garnered more public appreciation than the films themselves. Despite this, it was typically not the music composers who reaped the rewards; instead, the producers or music labels benefited, depending on the assignment of rights. In terms of copyright infringement, the court case *R.G. Anand v. M/S Delux Films*⁵ clarified that “there can be no copyright in an idea, subject matter, themes, plots, or historical or legendary facts.” The court emphasized that copyright violation pertains only to the form, manner, arrangement, and expression of the idea as presented by the author of the copyrighted work. Copyright is an inalienable right that naturally belongs to the creator of any original work. This inherent right allows the creator to determine whether others can use their original expression and under what conditions. Copyright protection is crucial because it establishes the ownership of the work and grants the author several rights, enabling them to monetize their creation without the risk of unauthorized use, reproduction, or modification. In cases of copyright infringement, the owner has legal recourse, provided their work is protected under copyright law. Copyright protection for songs is vital for encouraging writers, authors, and artists to produce original works by granting them specific rights, financial rewards, and recognition. This legal protection establishes a safeguard against unauthorized use, providing creators with legal recourse in cases of infringement and shielding them from fraud and exploitation.

In the landmark case *IPRS v. Eastern Indian Motion Pictures Association and Ors.*⁶ the Supreme Court of India ruled that the producers of a cinematograph film are the first owners of the copyright in the musical and lyrical works. The court stated that no copyright exists for the composer of the lyrics or music unless a contract specifies otherwise between the composer and the producer. This decision highlighted the issue that authors were not receiving their rightful dues or the recognition their work deserved. To address this, recent amendments have not only increased the royalty rates for authors, composers, and lyricists but have also aligned Indian copyright law with international treaties, enhancing its protection abroad. The rising awareness of copyright infringement in India's film and music industries was expected to enhance copyright protection and enable law enforcement to better safeguard artists' interests, but it hasn't achieved the intended results. The producers' lobby has consistently opposed the 2012 Amendment, which, despite bringing some positive changes for creative artists and aligning with international standards, has vaguely defined “equal rights” regarding royalties for lyricists and composers with multiple owners. Additionally, the Indian legal system fails to rigorously enforce copyright laws. Monitoring copyright infringement is crucial, yet infringers often evade criminal enforcement.

⁵ AIR 1978 SC 1613.

⁶ 2013 (57) PTC 1 (Del)

Courts typically treat intellectual property rights (IPR) cases as low-priority, allowing the entertainment industry to operate with relative freedom. This situation has significantly hindered government efforts to enforce intellectual property rights, and although copyright infringement is classified as a criminal offense under the Indian Copyright Act, ineffective enforcement has stalled progress. Thus, a thorough analysis of the 2012 Amendment is essential to understand its impact on the current state of the Indian entertainment and music industries.

MUSICAL WORKS UNDER THE COPYRIGHT ACT, 1957:

Copyright grants authors and creators the exclusive right to control the use of their original works, preventing others from using them without permission. For literary works, this means the author holds a monopoly over their creation. In the case of artistic works, the artist and the producer of a cinematographic film share this right. Musical works have unique considerations; typically, the copyright for songs is governed by the Copyright Act of 1957 and the Copyright Rules of 2013.

Copyright in sound recordings is governed by Section 13(1) of the Copyright Act, 1957. This provision grants protection to recorded sounds, which can be musical or non-musical, and covers a range of audio formats such as recorded music, songs, audiobooks, sound effects, speeches, interviews, studio podcasts, and soundtracks. In the context of music, copyright laws distinguish between the musical work and the sound recording, treating them as separate entities. While the composer retains the copyright for the musical composition, the producer holds the copyright for the recorded version of the music. If a composer also performs and records their song without first writing it down, two separate copyrights are created at the same time—one for the musical composition and another for the sound recording.

Section 2(p) of the Copyright Act defines a "Musical Work" as "a work consisting of music but does not include any words or actions intended to be sung, spoken or performed with music."

Section 2(xx) of the Copyright Act of 1957 defines a Sound Recording as a recording of sounds that can be produced in any medium or by any method. The producer of the sound recording is considered the author of the work, as opposed to the composer who is the author of the musical work. For example, if a composer creates a melody that is represented in sheet music, it is registered as a musical work. However, if the same melody is recorded on a CD or flash drive, it is registered as a sound recording.

Sound recordings, from musical albums to podcasts, are protected by copyright law. The copyright owner typically holds the exclusive rights to reproduce, distribute, perform, and publicly display the recording. However, the intricacies of copyright ownership in sound recordings can be complex, especially when considering the underlying musical compositions and lyrics. While the producer of the sound recording may own the copyright in the overall recording, the rights to the underlying works may be owned by separate entities, such as the composer or lyricist. This can lead to disputes over royalties and licensing fees. Furthermore, the digital age has introduced new challenges, such as unauthorized online distribution and sampling, which can infringe on copyright holders' rights.

OWNERSHIP OF A MUSICAL WORK: A MULTIFACETED PERSPECTIVE

When it comes to the ownership of a song, it's not as straightforward as it might seem. A song is made up of different parts, each with its own copyright holder. The lyricist owns the rights to the words, the composer owns the rights to the music, and the producer owns the rights to the recording. If one person creates all these parts, they can claim ownership of the entire song. However, if different people contribute to each part, the ownership is divided among them. Even then, the producer often has the right to reproduce and distribute the recorded version of the song. Although copyright gives creators exclusive rights, there are exceptions. For example, you can sometimes use copyrighted material without permission for things like education or research. There are also laws that require copyright owners to grant licenses for certain uses, like broadcasting⁷.

According to the section 2(d)(ii) the author in relation to the musical work is a "Composer". Whereas according to section 2 (ffa) "Composer", in relation to a musical work, means the person who composes the music regardless of whether he records it in any form of graphical notation. An application for Musical Work may also be filed by joint authors/composers. Section 2(z) defines "work of joint authorship" as a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors;

As per Section 22 of the Act, the term of copyright protection for musical work published within the lifetime of the author until sixty years from the beginning of the calendar year next following the year in which the author dies. In case of joint authorship work, the term shall be counted at or immediately before the date of the death of the author who dies last.

In a recent noteworthy judgment, the Hon'ble High Court of Madras addressed a copyright infringement and permanent injunction suit brought by Indian Record Manufacturing Co. Ltd. (the "Plaintiff") against the renowned Indian music composer Mr. Illaiyaraja. The court permanently restrained Mr. Illaiyaraja from infringing on the Plaintiff's copyrights related to certain musical works and sound recordings composed by him for various producers and included in cinematograph films.

In its ruling, the High Court reaffirmed the principle that a cinematograph film consists of multiple copyrightable elements and that, unless there is a contrary agreement, the film's producer is considered the first owner of the copyright in all such elements, including sound recordings and musical works incorporated into the film. The matter of copyright ownership is straightforward when the producer has obtained an assignment of rights from the creators, such as the music director or composer, for the purpose of creating the film. However, a key question arises when there is no formal written contract or agreement between the producer and the music director regarding the assignment of copyright in musical works or sound recordings created for the film. In such cases, who is deemed the first author and owner of these works? Do the rights of the music director align with or extend beyond those of the producer in the absence of an explicit assignment agreement? These were among the issues that the Hon'ble High Court of Madras had to consider in this case, and the court's decision provides valuable insights into copyright ownership of musical works and sound recordings used in cinematograph films, particularly in light of the provisions of the Copyright Act of 1957 and its subsequent amendments.

⁷ <https://www.lsd.law/define/copyright-act-of-1976>

Facts:

The Plaintiff, a reputed music production and distribution company, claimed to have acquired the rights to certain musical works and sound recordings, composed by Mr. Ilaiyaraja (the 2nd defendant), from producers of various cinematograph films through formal agreements. Based on these agreements, the Plaintiff asserted exclusive ownership over these works, including the right to exploit them independently, which they had been doing since the assignments were made. However, Ilaiyaraja, the 2nd defendant, claimed ownership of the copyrights to these musical works and sound recordings, asserting his rights as the creator. He sought to sell the copyrights in the musical works used in the films (which had already been assigned by the producers to the Plaintiff) to Agi Music Sdn Bhd., the 1st defendant. In response, the Plaintiff filed a suit for copyright infringement and a permanent injunction against both defendants.

Plaintiff's Key Claims:

The Plaintiff argued that Ilaiyaraja's claim to the copyrights was fundamentally flawed. They contended that the 2nd defendant was not the owner of the copyrights to the musical works and sound recordings in the films for which he had composed music. Since he composed the music at the behest of the producers, the producers were the first owners of the copyrights. As a mere composer for hire, the 2nd defendant could not claim ownership over the works.

2nd Defendant's Key Claims:

The 2nd defendant refuted the Plaintiff's position, asserting that in the absence of an explicit agreement between him (as the music composer) and the producers, the Plaintiff could not claim rights based solely on its agreements with the producers. He argued that even if the producers had acquired copyright in the musical works, the rights held by the producers could not undermine or override the composer's independent copyright as the author of the work. He further contended that the producer's copyright pertains only to reproducing or assigning the film as a whole, and this composite right cannot be separated and assigned in parts. Once the musical work is detached from the film, ownership reverts to the composer, who in this case is the 2nd defendant.

Decision:

To understand the legal stance on copyright ownership of musical works used in cinematographic films, it's essential to analyze specific provisions of the Copyright Act of 1957 and its amendments. The Act defines a cinematographic film as a visual recording, which includes any accompanying sound recordings. Sections 2(d)(ii) and 2(d)(v) of the Act clarify that the author of a musical work is the composer, while the author of a cinematographic film or sound recording is the producer. Additionally, under proviso (b) of Section 17, the first owner of a cinematographic film is the person who commissioned it for valuable consideration, unless there is a contract stating otherwise. When a producer commissions a composer for valuable consideration to create music for a film, the composer creates the music at the producer's request. As a result, by virtue of Section 2(d)(v) and proviso (b) of Section 17, the producer becomes the owner of the musical work. The producer brings together various components—such as literary, dramatic, and artistic works, sound recordings, and performances—to create a cinematographic film, making them the author and first owner of the film unless a contract specifies otherwise.

According to this interpretation of the Act, songs and music in a film combine musical work, lyrics, and sound recordings. The producer has the right to sell the entire audio rights to a music company, which then gains the right to exploit these audio works. This means the musical works, lyrics, and sound recordings in a film can be commercially exploited on their own by the producer, the first owner of the film. Separating the musical work from the film does not grant the composer independent copyright, so the composer cannot claim individual rights over the music used in the film. Thus, the Hon'ble High Court of Madras ruled that, in the absence of any contrary contract, the film producers are the first owners of the copyrights for the musical works and sound recordings used in their films, and the composer cannot claim independent copyright over them. The court also affirmed that, per proviso (b) of Section 17, the producer's ownership rights override those of the composer, even if the composer is the author of the musical works used in the film.

In arriving at this decision, the court referred to the ruling of the Hon'ble Supreme Court in *Indian Performing Society Ltd. vs. Eastern Indian Motion Pictures Association and Others*⁸ and also considered an earlier judgment by the Madras High Court in *Agi Music Sdn. Bhd., represented by Agilan Lechaman Managing Director vs. Ilaiyaraja and Others*. In both cases, it was held that the producer's rights over musical works and lyrics used in sound recordings as part of a film can supersede the rights of the composer or lyricist, in line with proviso (b) of Section 17 of the Act.

By distinguishing between the author and the owner of a work, and by interpreting the definitions of cinematographic film, Section 2(d), and Section 17(b) of the Act, the Madras High Court clarified that each copyrightable element within a cinematographic film does not confer independent ownership. Therefore, the producer, not the composer, holds ownership of the musical works incorporated into a film, provided there is no agreement to the contrary. The only special right that remains with the composer is their moral rights over the musical works, as governed by Section 57 of the Act.

INDIAN COPYRIGHT ACT - THE 2012 AMENDMENT:

By the late twentieth century, the global shift toward digitization also made its mark on India. Advances in information technology and the increasing availability of digitized works created a need for copyright owners to adopt new and more effective ways to protect their creations. Recognizing that songs have long been a dominant feature of the Indian film industry, the Copyright (Amendment) Act of 2012 aimed to address the imbalance in copyright law, which had traditionally favored film producers and record labels over song creators. The amendment also sought to bring Indian copyright law in line with international standards and World Intellectual Property Organization (WIPO) norms, particularly aligning with the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), also known as the "Internet treaties." Historically, film producers in India operated on a work-for-hire basis, with songwriters, composers, and singers being paid fixed fees. This practice deprived these creators of revenue from additional sources, such as cover versions and ringtones. However, the 2012 Amendment declared the authors of songs as the rightful owners of their copyrights, and these rights can no longer be transferred to producers. Additionally, every time a work is broadcasted, radio and TV broadcasters are now required to pay royalties to the authors. The scope of the latest amendment goes far beyond the Internet treaties and is set to bring significant changes to the music and film industries. The music-related amendments can be grouped into the following categories:

⁸ (2005) 5 SCC 403.

- Amendments concerning rights in cinematograph films and sound recordings.
- Amendments aligning with the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT).
- Amendments strengthening authors' rights, particularly regarding the mode of copyright assignment and the entitlement to royalties.
- Amendments providing protection for technological measures.
- Amendments aimed at safeguarding Digital Rights Management (DRM) Information.

Music composers, as copyright holders, are granted two types of rights:

1. Economic Right

2. Moral Right

1) Economic Rights:

These are the rights available to authors under Section 14 of the Copyright Act. They include:

Right to Reproduction (Section 14(a)(i)):

This allows the author of a musical work to reproduce their creation in any physical form. For instance, creating a copy of a song on a disc or releasing it on YouTube is considered reproduction.

Right to Issue Copies (Section 14(a)(ii)):

This is a subset of the reproduction right, allowing the copyright holder to distribute their work as they see fit. They have the authority to transfer the associated rights, either in part or entirely, to another party, such as a music label. Copies of the work can only be made public if the song is not already in the public domain.

Performance Rights (Section 14(a)(iii)):

These rights give the copyright holder the ability to perform or present their work publicly. For example, a lyricist has the right to recite their lyrics at an event.

Right to Make Adaptations and Translations (Sections 14(a)(v) & (vi)):

As the original owner of the musical work, the author can modify or translate their creation. An example is the Marathi song "Singath," which was adapted into the Hindi song "Zingaath" for the 2018 film Dhadak.

2) Moral Rights:

Under Section 57 of the Copyright Act, the author is granted certain rights, regardless of whether they have assigned their copyright, as upheld in Ilayaraja's case. These rights include:

Right to Paternity (Section 57(1)(a)):

This right allows the author to assert their authorship over the work. The author can claim the work as their own, even if rights have been granted to a producer or music label. They are entitled to proper acknowledgment for their contribution.

Right to Restrain (Section 57(1)(b)):

If the author's work is altered, modified, or distorted in a way that harms their honor or reputation, they have the right to seek damages. This protects the integrity of the work from any detrimental changes.

Performers' Rights:

A singer's rights to their performance are protected under Section 38 of the Copyright Act. These rights grant the performer the ability to:

- Make audio or visual recordings of their performance,
- which includes:
- Reproducing the performance in any material form, including storage in any medium.
- Distributing copies to the public, provided the performance isn't already widely available.
- Communicating the performance to the public.
- Offering the performance for commercial rental or sale.
- Broadcast or publicly communicate the performance, unless it has already been broadcasted.

Several individuals may claim copyright protection over a song, including:

1) Lyricist:

According to Section 2(d)(i) of the Copyright Act, 1957, in the case of literary or dramatic works, the author is the person who writes the work. Song lyrics are considered literary works, and thus the lyricist is recognized as the author, allowing them to claim copyright protection over the lyrics.

2) Composer:

For musical works, Section 2(d)(ii) of the Act defines the composer as the author. Section 2(p) defines a musical work as a composition containing music, including a graphical notation of the composition, but excluding any words or actions intended to be performed with the music. The composer, as the creator of the music, is the author of the song's music and can claim copyright over the background music.

3) Singer:

Under Section 2(qq) of the Copyright Act, a performer is defined as someone who makes a performance, which includes singers. When a singer performs a song, they have the right to their performance. This right includes making audio recordings, reproducing the performance, and distributing it electronically. They also have the right to sell recordings and protect them from infringement. However, a performer's rights do not override the rights of the song's lyricist or composer.

4) Producer:

The author of a sound recording is the person responsible for recording the sound, as defined in Section 2(d)(v) of the Act. Section 2(uu) identifies the producer as the individual who initiates and oversees the creation of the recording. Since the producer handles the recording and broadcasting of a song in a film or album, they are considered the author of the recording and thus hold the copyright to the recording itself.

NEED TO GIVE COPYRIGHT PROTECTION TO MUSICAL WORKS:

There is a pressing need to provide stronger copyright protection to musical works. The music industry has a deeply intertwined relationship with the movie industry, and while both industries depend on each other, the current practices favor film producers and music labels. For years, these producers and labels have exploited and profited from music and musicians, often excluding composers from the substantial earnings made through the commercial use of music, whether it's released independently or used in films. It is crucial to prioritize the rights of music composers over those who solely exploit the music. The 2012 Amendment to the Copyright Act aligns with the Delhi High Court's judgment in the *Indian Performing Rights Society v/s Aditya Pandey case*⁹. In this ruling, the court held that the creators of literary and musical works used in sound recordings are entitled to an equal share of royalties generated from the use of those recordings.

The 2012 Amendment aims to safeguard the rights of authors of literary, musical, and artistic works used in cinematographic films. The amendment ensures that these creators have an un-waivable right to receive royalties. Section 18(1) of the Amendment Act 2012 stipulates that authors of literary or musical works incorporated in films or sound recordings cannot assign their right to receive royalties outside of these works. Even after the author assigns all rights under Section 14 of the Act to a music label or producer, they still retain the right to receive royalties once their work is used. Copyright registration provides legal recognition to creative works, turning them into intellectual property and offering legal protection to the owner.

The relationship between the music industry and the film industry is intricately woven, characterized by a significant interdependence that often leads to exploitation and unequal distribution of profits. For many years, film producers and music labels have capitalized on the creative works of musicians, often reaping substantial financial benefits while leaving composers and songwriters undercompensated. This trend has fostered a system where the rights of music composers are overshadowed by the interests of those who exploit their works for commercial gain. As a result, there is an acute need to prioritize the rights of music composers, ensuring that they are fairly compensated for their contributions to the music and film industries.

Historically, the dynamics of this relationship have heavily favored film producers and record labels, allowing them to dictate terms that often deprive song creators of their rightful earnings. The Copyright (Amendment) Act of 2012 represents a significant shift in this paradigm, aiming to correct the longstanding imbalance that has favored producers over composers. This amendment aligns with international norms set by the World Intellectual Property Organization (WIPO) and acknowledges the importance of protecting the rights of authors in the digital age. By asserting the rights of composers, the amendment seeks to ensure that they are adequately compensated for the commercial exploitation of their works, whether through direct use in films or independent releases. The 2012 amendment reinforces the idea that authors of literary and musical works incorporated into sound recordings should receive a fair share of the royalties generated from those recordings. This principle was highlighted in the Delhi High Court's judgment in the case of *Indian Performing Rights Society v/s Aditya Pandey*, where the court ruled that the authors of such works are entitled to equitable royalty shares from their utilization. This landmark decision underscores the necessity of safeguarding the rights of music creators, allowing them to benefit from the commercial success of their works in a manner that reflects their contributions to the industry.

Additionally, copyright registration plays a crucial role in enhancing the legal status of musical works, transforming them into intellectual property and providing the necessary legal cover for their creators. By securing copyright protection, composers can assert their rights against unauthorized use and exploitation of their works. This legal recognition fosters an environment where musical creators are encouraged to innovate, knowing that their contributions will be protected and rewarded. The urgent need for copyright protection for musical works cannot be overstated. The 2012 amendment to the Copyright Act serves as a vital step in rectifying historical injustices faced by composers and songwriters. By prioritizing the rights of music creators and ensuring fair compensation for their work, we can foster a more equitable and sustainable relationship between the music and film industries. This not only benefits the individual creators but also enriches the cultural landscape, allowing for greater creativity and collaboration within the arts.¹⁰

RECOMMENDATIONS AND WAY FORWARD:

Navigating the legal complexities of music licensing for public performances in India necessitates a multi-faceted approach to streamline processes, enhance compliance, and ensure fair compensation for creators. First and foremost, it is essential to raise awareness among stakeholders, including venue owners, event organizers, and musicians, about the significance of proper licensing. Comprehensive educational initiatives can provide insights into the legal framework governing music licensing, the implications of copyright infringement, and the benefits of obtaining the necessary permissions.

Furthermore, collaboration among relevant stakeholders is crucial. Government bodies, performing rights organizations, and industry associations should work together to create standardized licensing frameworks that simplify the process for users while protecting the rights of music creators. Developing user-friendly licensing platforms can also facilitate easier access to licensing agreements, making it simpler for businesses to comply with legal requirements. This would not only reduce instances of unintentional infringement but also foster a culture of respect for intellectual property rights.

In addition, there is a pressing need to reform existing copyright laws to address the unique challenges posed by the digital age and public performances. Legislative amendments should focus on clarifying ambiguous provisions and ensuring that licensing terms are fair and transparent. This can include revisiting the mechanisms for calculating royalties to ensure that they reflect the current market dynamics and the economic realities faced by creators. Further research is warranted to explore the impact of technology on music licensing. As streaming services and digital platforms continue to proliferate, understanding how these innovations intersect with traditional licensing practices will be vital. Policymakers should consider adopting flexible licensing models that account for the evolving landscape of music consumption and distribution.

Lastly, establishing robust dispute resolution mechanisms will be essential to address conflicts that may arise from licensing agreements. An efficient and accessible dispute resolution framework can help resolve issues amicably, thus maintaining healthy relationships among stakeholders and ensuring the continued growth of the music industry in India. By implementing these

⁹ 2018 (3) PLR 214

¹⁰ Rai, S. (2020). "The Impact of the 2012 Copyright Amendment on the Music Industry

recommendations, India can move toward a more streamlined and equitable system of music licensing for public performances, ultimately fostering a thriving environment for artistic expression and economic growth within the music sector.

CONCLUSION:

In conclusion, the legal complexities surrounding music licensing for public performances in India present significant challenges that hinder the growth of the music industry and the fair compensation of creators. The intricate web of copyright laws, coupled with a lack of awareness among stakeholders, leads to frequent instances of infringement and confusion over licensing requirements. As the landscape of music consumption continues to evolve, particularly with the rise of digital platforms and public performances, it is imperative to reassess and refine existing legal frameworks.

The recommendations outlined in this research highlight the necessity for increased collaboration among government bodies, industry associations, and performing rights organizations to create a more streamlined and transparent licensing process. Educating stakeholders on the importance of compliance, along with the development of standardized licensing agreements, can foster a culture of respect for intellectual property rights. Moreover, legislative reforms are essential to address ambiguities and ensure that the rights of music creators are adequately protected in an ever-changing market.

By embracing technological advancements and adapting to new consumption models, India can create a licensing environment that not only safeguards the interests of creators but also supports the flourishing of the music industry. Establishing efficient dispute resolution mechanisms will further enhance relationships among stakeholders, ensuring that conflicts are resolved amicably and swiftly. Ultimately, addressing the legal complexities in music licensing is crucial for promoting artistic expression, sustaining economic growth, and fostering a vibrant cultural landscape in India. Through concerted efforts, a balanced approach can be achieved, benefiting both creators and users alike, paving the way for a more robust and equitable music ecosystem.

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