Copyrights and Intellectual Property

Why in news?

The Bombay high court ruled that FM radio channels must pay royalties to composers and lyricists for the copy righted music that they use in the channel.

What is radio royalties?

- Although 'royalty' has not been defined under the Copyright Act 1957, the Income Tax Act 1961 defines royalty.
- Income tax act 1961 defines royalty as royalties are payments to the copyright owners made by the user in exchange for the right to use, broadcast, or communicate their music to the public.
- These royalties are administered by numerous copyright societies like the IPRS, the Indian Singer Rights Association (ISRA), Novex, and Phonographic Performance Limited (PPL).

> *Copyright is a type of intellectual property right and Authors who have original works such as works of literature dramatic, musical, and artistic works, cinematographic films, and audio recordings are all awarded copyright safeguards under Indian law.*

To know more about Intellectual Property Rights.

What is the status of copyrights protection in India?

- **Copyrights act 1957** - Governs the law pertaining to copyright in India.
- The original authors were not entitled to claim royalty once their original works became part of a film.
- India's first copyright law and six amendments have been made since then.
- **Indian Performing Right Society Limited (IPRS)** - A society registered under the Copyright Act 1957.
- **IPRS v Eastern India Motion Pictures** - The court held that, once the underlying original works of the authors became part of a cinematograph film, the producer enjoys the exclusive right of the said work.
- **2012 amendment of copyright act 1957** - Recognized ***performers' rights*** under the copyright framework.
- Performers' rights cannot be transferred or sold through an agreement.
- The 2012 amendment ensured that the rights of the original authors could not be overridden.
- The amendments also mentions that if an author's work is used for new formats he

should be compensated for it.

- **WIPO Copyright Treaty (WCT)** - The 2012 amendment of copyrights act 1957 is in line with WCT.
- **Intellectual Property Appellate Board (IPAB)** - In December 2022 IPAB fixed royalties for radio broadcasts at 2% of the Net Advertisement Revenues.
- **Delhi high court** - In the case ***IPRS vs Entertainment Network India Ltd (ENIL)*** held that there is no need of separate license to be obtained or royalties paid to the IPRS.

Intellectual Property Appellate Board is a statutory body under Department for Promotion of Industry and Internal Trade (DIPP).

What is the recent verdict by Bombay high court?

- The Bombay high court recently pronounced the verdict of cases ***IPRS vs Rajasthan Patrika Pvt. Ltd*** and ***IPRS vs Music Broadcast Limited.***
- The Bombay High Court has upheld the rights of IPRS to collect music royalties from FM radio broadcasters.

World Radio Day is formally celebrated on 13 February by the United Nations General Assembly.

Quick facts

Indian Performing Right Society Limited (IPRS)
• IPRS is a ***representative body*** of Owners of Music, viz. Composers, Lyricists (or Authors) and the Publishers of Music and is also the sole authorized body to issue licenses for usage of Musical Works & Literary Music within Indian. • IPRS legitimize use of copyrighted Music by Music users by issuing those licenses and collect Royalties from Music Users for and on behalf of IPRS members. • IPRS members include Authors, Composers and Publishers of Music. • IPRS came into existence on August ***1969***.
WIPO Copyright Treaty (WCT)
• The WIPO Copyright Treaty (WCT) is a special agreement under the Berne Convention. • ***Berne Convention*** for the Protection of Literary and Artistic Works adopted in 1886. • WCT deals with two subject matters to be protected by copyright which are - Computer programs, whatever the mode or form of their expression and - Compilations of data or other material (databases).

References

1. The Indian Express | Radio Royalties
2. The Quint | Copyrights Protection Status



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