



**SPEAKER**  
**DIXIT MEHTA**  
PARTNER, CORPORATE LAW  
AND IP LAW ,DUCTUS LEGAL



**GUEST SPEAKER**  
**DR.RITU MEENA, FORMER LEGAL**  
**ASSISTANT, COPYRIGHT OFFICE, GOV**  
**OF INDIA**  
**ASS. PROFESSOR, JECRC UNIVERSITY**



**MODERATOR**  
**NIKITA AGARWAL**  
CS & ASSOCIATE PARTNER,  
DUCTUS LEGAL

# **VIRTUAL EVENT ON IP AND BUSINESS RIGHTS OF ARTIST**

**ON 5<sup>TH</sup> OF MAY 2022 AT 4.00 PM IST**

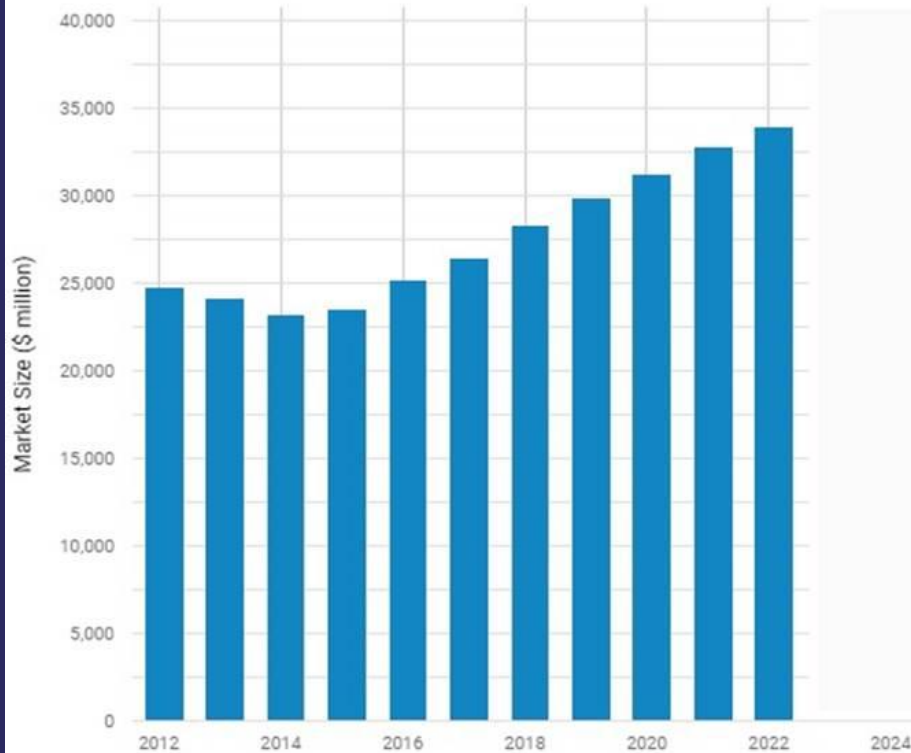
**ORGANISED BY: DUCTUS LEGAL**

**FIRM, NEW DELHI**

**(315-A, MODI TOWER, NEHRU PLACE, NEW DELHI)**



# SIZE OF THE MUSIC INDUSTRY GLOBALLY

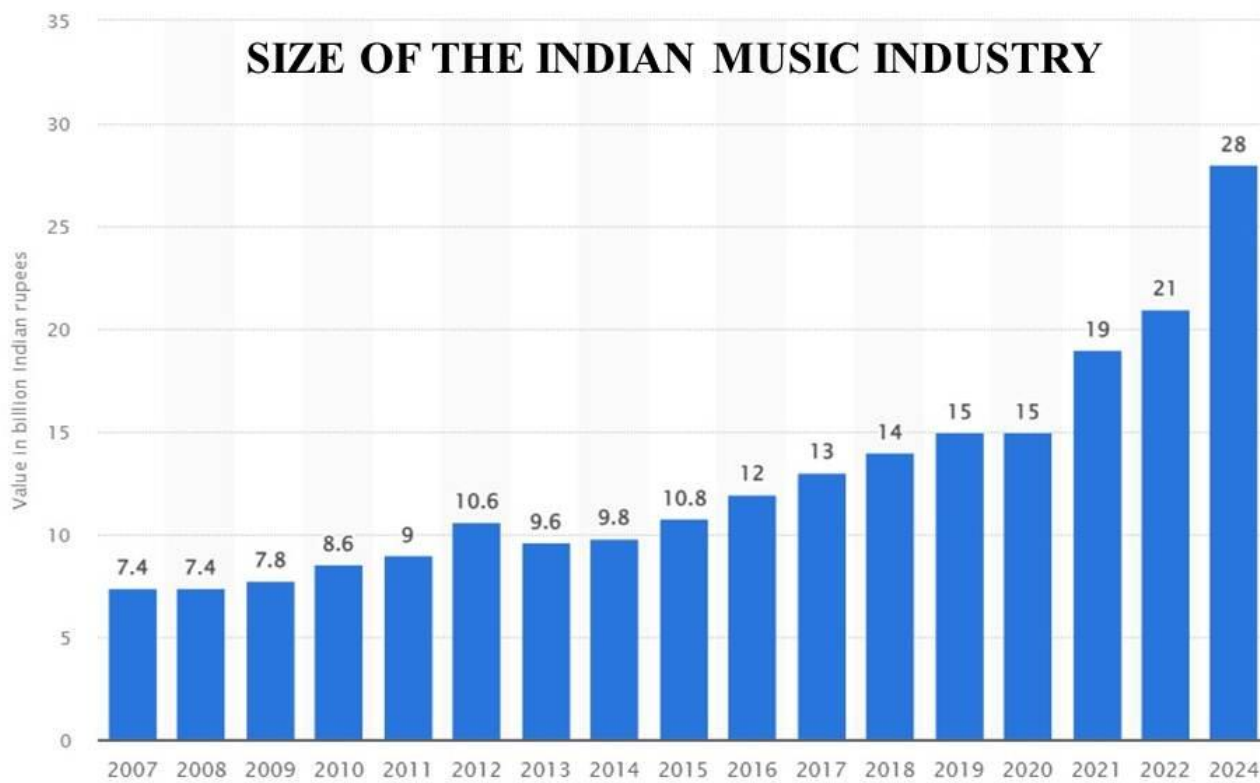


**Global Music Production  
and Distribution Market  
Size in 2022–  
\$34.0bn**

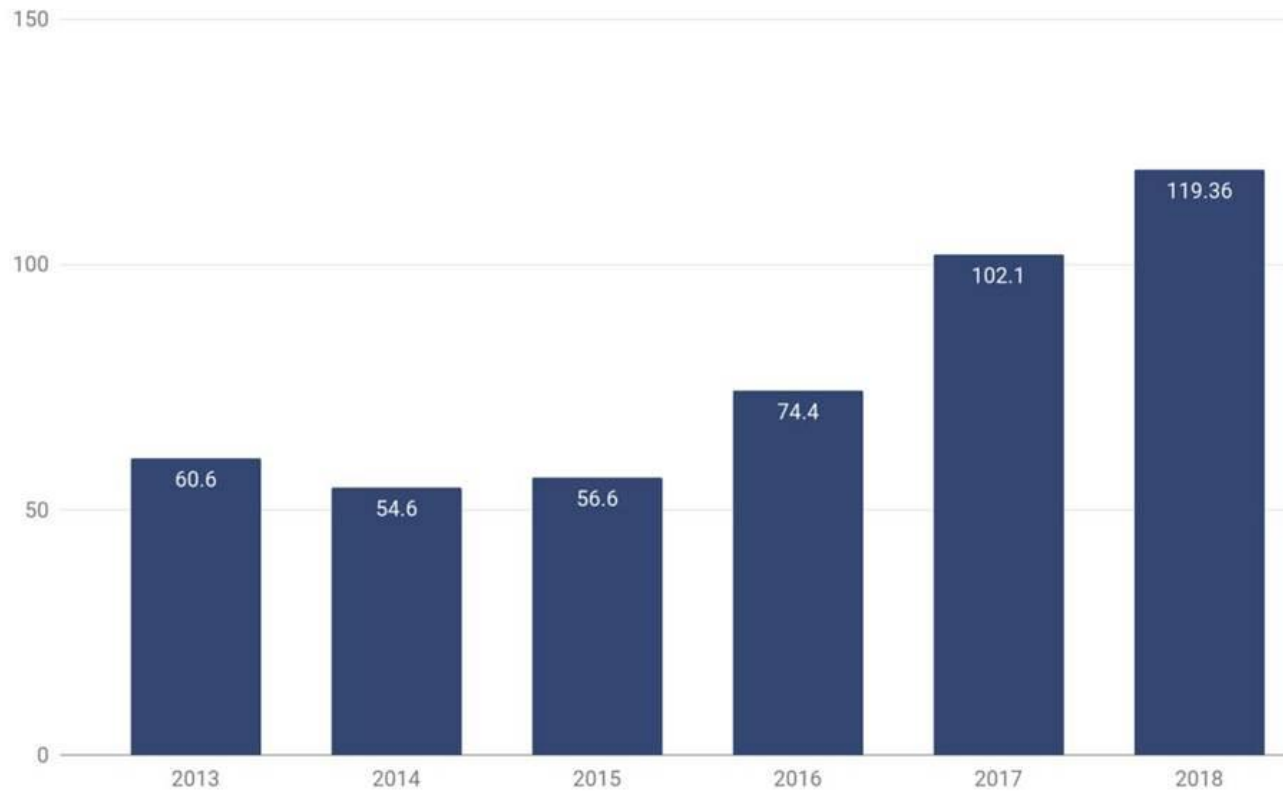
**Global Music Production  
and Distribution Market  
Size Growth in 2022 –  
3.6%**

**Global Music Production  
and Distribution  
Annualized Market Size  
Growth 2017–2022 –  
5.1%**

## SIZE OF THE INDIAN MUSIC INDUSTRY



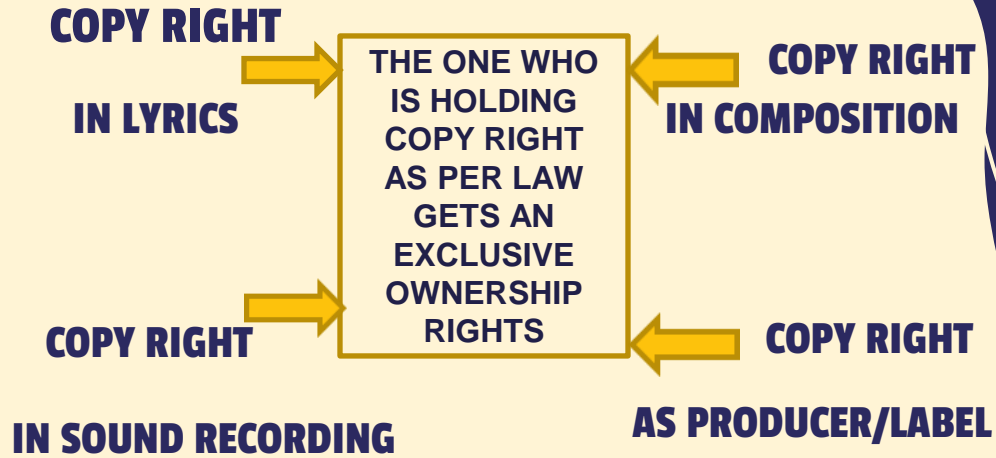
The Indian music industry was valued at around 19 billion Indian rupees at the end of 2021 and was estimated to reach 28 billion rupees by the end of 2024. Overall, the sector was estimated to grow at a compound annual rate of 15 percent in the stated time frame.



Digital music sales in India, 2013-2018, \$US million

Source: Deloitte, IFPI

# INTELLECTUAL PROPERTY RIGHT OF MUSICIAN: COPY RIGHT





## **COPY RIGHTS PROVIDES A MUSICIAN AN EXCLUSIVE**

- **REPRODUCTION OF  
MUSIC RIGHTS**
- **PERFORMANCE AND  
COMMUNICATION OF  
MUSICAL WORK  
RIGHTS**
- **ADAPTATION OF  
MUSIC RIGHTS**
- **ASSIGNMENT &  
LICENSE RIGHTS**



**“IF YOU ARE THE AUTHOR  
(CREATOR) OF ANY LYRICS,  
COMPOSITION, SOUND-  
RECORDING YOU ARE THE FIRST  
OWNER OF COPY RIGH.”**

**—COPY RIGHT ACT, 1957**

**“IF ANY ONE USES YOUR  
INDEPENDENT MUSIC RIGHTS  
WITHOUT YOUR PERMISSION OR  
CONSENT IN THAT CASE YOU CAN  
TAKE LEGAL ACTION FOR  
INFRINGEMENT.”**

**—COPY RIGHT ACT, 1957**





**01**

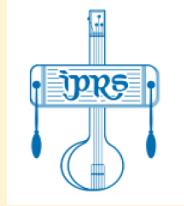
**WHERE TO  
REGISTER YOUR  
ORIGINAL WORK**



# HERE TO REGISTER YOUR ORIGINAL WORK



**COPY RIGHT OFFICE,  
GOVERNMENT OF  
INDIA**



**Indian Performing  
Rights Society  
(IPRS)**



**Phonographic  
Performance  
Limited (PPL)**



**Indian Singer  
Rights  
Association  
(ISRA).**

**FOR BUSINESS OF ISSUING AND GRANTING LICENSE FOR ANY LYRICAL, MUSICAL OR SOUND RECORDING WORK CAN BE DONE THROUGH REGISTERED COPY RIGHTS SOCIETIES ONLY. ABOVE THREE ARE FAMOUS SOCIETIES AMONG MANY**

# BENEFITS OF COPY RIGHT

**CLAIM ROYALTY FOR  
YOUR WORK**

**RIGHT TO GRANT  
LICENSE &  
ASSIGNMENT**

**EXCLUSIVE RIGHTS OF  
REPRODUCTION,  
PERFORMANCE AND  
ADAPTATION OF  
WORK**

**RIGHT TO INITIATE  
LEGAL ACTION  
AGAINST ANYONE  
FOR INFRINGEMENT**



# WHY TO BECOME MEMBER OF SOCITIES ?



**TO COLLECT ROYALTY FOR  
YOUR WORK DIRECTLY FROM  
SOCITIES**



**PROTECTS YOUR LEGAL RIGHT**



**PROVIDES YOU BANDWITH TO  
CLAIM A STANDARD ROYALTY  
FEE WITHOUT SACRIFICING  
YOUR RIGHT AMONG BIG  
LABELS/PRODUCTION HOUSE**



**YOU CAN CHECKY TARIFFS  
RATE OF ANY SOCIETY BY  
VISITING THEIR WEBSITE**



**YOU ARE NOT REQUIRED TO  
IDENTIFY THE INTERESTED  
PERSON WHO IS WILLING TO  
USE YOUR WORK**



**NO DISCRIMINATION AMONG  
AUTHORS AND SINGLE  
WINDOW COMMUNICATION**

# LICENSE OR ASSIGNMENT ?



## LICENSE

BY LICENSE YOU PROVIDE ANY PERSON AN EXCLUSIVE BUT LIMITED RIGHT TO USE YOUR WORK. EXAMPLE: LICENSE TO PERFORM OR LICENSE TO REPRODUCE



## ASSIGNMENT

BY ASSIGNMENT YOU TRANSFERS YOUR COMPLETE RIGHTS IN YOUR WORK. ITS LIKE SELLING, WHEREIN, AFTER ASSIGNMENT YOU MAY NOT HAVE ANY RIGHT IN YOUR WORK

# FROM WHERE SOCIETY WILL COLLECT MY ROYALTY?



**RADIO STATION  
UTILISING YOUR WORK**



**SOCIAL MEDIA  
PLATFORMS SUCH AS  
YOU TUBE OR  
INSTAGRAM**



**OTT PLATFORMS AND  
MUSIC PLATFORM SUCH  
AS NETFLIX, PRIME  
VIDEO, SPOTIFY, SAVAAN**



**LABEL, PRODUCTION  
HOUSE, HOTELS, MOVIES  
WHERE EVER LICENSE HAS  
BEEN TAKEN TO USE YOUR  
WORK**

**WHAT IF I HAVE  
REGISTERED MY WORK  
AS COPY RIGHT BEFORE  
GOI (SUCH AS LYRICS  
OR COMPOSITION) BUT  
NOT SOCIETIES) ?**

**AS FIRST AND REGISTERED OWNER OF WORK  
YOU HAVE COMPLETE RIGHT TO LICENSE YOUR  
WORK AND COLLECT ROYALTY AS PER YOUR  
OWN WISH**

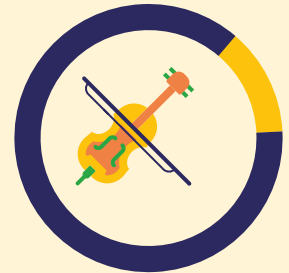


**TWO MAJOR POINTS  
TO LOOK IN AN  
AGREEMENT FOR  
LICENSING YOUR  
ARTISTIC WORK ?**

**READ BEFORE SIGNING**



**TIME TERM OF LICENSE  
SHOULD BE LIMITED  
AND ROYALTY RATES  
SHOULD BE CLEAR**



**YOU ARE GIVING LIMITED RIGHTS  
THROUGH YOUR WORK, WHEREIN, YOU  
MUST ENSURE THAT AGREEMENT SHOULD  
NOT TAKE AWAY YOUR RIGHT TO LICENSE  
YOUR WORK**

# SIGNING A AGREEMENT WITH LABEL?

RESULT OF  
THIS CLAUSE  
WOULD BE  
THAT YOU  
HAVE NO  
RIGHT TO  
PROVIDE  
LICENSE OR  
ASSIGN  
WORK  
CREATED BY  
YOU

LABEL WILL BE  
THE OWNER OF  
YOUR WORK IF  
AGREEMENT SAYS  
THAT YOU HAVE  
DONE WORK  
UNDER THEIR  
EMPLOYMENT

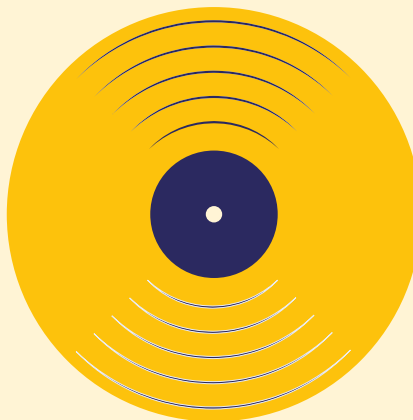


COPY RIGHT SAYS  
THAT ANY  
ASSIGNMENT  
AGREEMENT OF  
YOUR MUSICAL OR  
LITERARY WHICH  
TAKES AWAY RIGHT  
OF ROYALTY IS NOT  
A VALID  
AGREEMENT,  
UNLESS YOU HAVE  
GIVEN RIGHT TO  
SOCITIES

# ADVISORY FOR INDEPENDENT MUSICIAN



**PROTECT YOUR  
COPYRIGHT AND  
ALWAYS COLLECT  
EVIDENCE OF  
CREATION WHILE  
CREATING ANY  
ARTISTIC WORK WITH  
DATE**



**READ AGREEMENT  
BEFORE SIGNING,  
SPECIALLY TENURE OF  
LICENSE AND RIGHTS  
ASSIGNED  
THEREUNDER**



**REGISTER WITH  
SOCIETY AS MEMBER  
AND LEARN ABOUT  
TERIF RATES FROM  
THEIR WEBSITE AS  
WELL AS YOUR  
ROYALTY**

# OWNERSHIP IN A SONG



**LYRICIST**



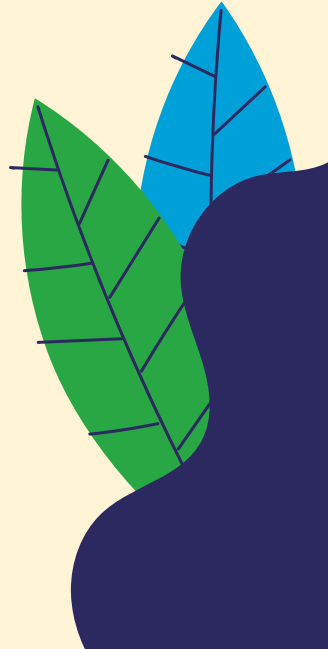
**COMPOSER**



**SINGER**



**PRODUCER**





**IP KNOWLEDGE EVENT HOSTED BY DUCTUS LEGAL FOR  
AN INDEPENDENT ARTIST**

**(315-A, MODI TOWER, NEHRU PLACE, SOUTH DELHI-19)**

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