



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 5 AND ISSUE 13 OF 2025

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 13 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-13-of-2025/>)

Publisher

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ANALYSIS OF COPYRIGHT LAW IN MUSIC INDUSTRY

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BEST CITATION – SUKRITI, ANALYSIS OF COPYRIGHT LAW IN MUSIC INDUSTRY, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (13) OF 2025, PG. 244-256, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

This paper provides a comprehensive overview of copyright in the music industry, examining its foundational principles, exclusive rights, ownership structures, and evolving challenges, particularly in the digital era. It establishes copyright, under the Indian Copyright Act, 1957, and global norms, as a crucial form of intellectual property protection for both the Musical Composition (melody and lyrics) and the Sound Recording (the actual performance). The exclusive rights conferred include reproduction, public performance, distribution, and the creation of derivative works, categorized into economic rights (for commercial exploitation) and inalienable moral rights (paternity and integrity).

The paper highlights the importance of copyright in protecting creators' interests, providing economic incentives through licensing and royalties, and encouraging investment and cultural preservation. It details the rules of ownership and duration, noting that composition copyright lasts for the author's life plus 60 years, while sound recording copyright lasts for 60 years from publication.

A significant focus is placed on licensing, which is essential for monetization and legal use. Key license types discussed include Reproduction, Public Performance, Mechanical, Synchronization (Sync), and Master Use licenses. The role of Licensing Agencies (like PROs) in administration, royalty collection, and granting blanket licenses is emphasized.

The paper addresses the Digital Era Challenges, including complex jurisdictional laws, revenue distribution disputes on streaming platforms, and the pervasive issue of piracy and unauthorized use in user-generated content (UGC). It also explores Infringement through landmark case laws, noting that "substantial similarity" is key, and outlines crucial Exceptions and Limitations, particularly the principle of Fair Dealing for criticism, research, and educational purposes. Finally, it examines the International Perspective, highlighting the harmonizing roles of WIPO and the Berne Convention, and discusses the contemporary challenges posed by Technology and AI, particularly regarding ownership and infringement in AI-generated music and sampling.

Keywords

Copyright, Music Industry, Intellectual Property, Musical Composition, Sound Recording, Economic Rights, Moral Rights, Licensing, Royalties, Synchronization License, Public Performance Rights, Digital Era, Piracy, Infringement, Fair Use, Fair Dealing, WIPO, Berne Convention, AI-Generated Music.

INTRODUCTION

Copyright is a form of intellectual property protection granted to original works of authorship, including musical compositions and sound recordings. Under the **Copyright Act, 1957**, as amended, in India and similar laws

globally, copyright grants the creator exclusive rights to their work. In the music industry, this encompasses two primary components:

1. **Musical Composition:** This refers to the underlying musical score, melody, and lyrics.

The composer and lyricist are generally the copyright holders.

2. **Sound Recording:** This pertains to the actual recorded version of the musical composition. Typically, the producer or record label owns this copyright.

The exclusive rights granted by copyright in music include the right to reproduce, distribute, perform, display, and create derivative works. In addition, rights like synchronization (using the music in films or ads), mechanical rights (reproducing in physical/digital formats), and public performance rights are vital.

Importance of Copyright in the Music Industry

1. **Protection of Creators' Interests** – Copyright ensures that creators of musical works are duly compensated for their efforts. By protecting their intellectual property, copyright discourages unauthorized use, such as plagiarism or piracy, and provides legal recourse against infringement.
2. **Economic Incentive** – Copyright incentivizes creativity by enabling creators to monetize their work through licensing, royalties, and sales. For instance, every time a song is played on the radio, streamed online, or used in a movie, the copyright owner earns royalties, ensuring a continuous revenue stream.
3. **Legal Framework for Licensing** – Copyright establishes a structured framework for licensing agreements. This ensures that music can be legally used in various contexts—advertisements, films, and events—while ensuring fair remuneration to copyright holders.
4. **Encouraging Investment** – Copyright protection encourages investment by record labels and producers in promoting and distributing music. Knowing their rights are protected,

investors are more likely to fund artists and musical projects.

5. **Cultural Preservation and Growth** – By protecting musical works, copyright fosters a diverse and innovative music industry. It enables creators to explore and experiment while ensuring their works contribute to cultural heritage.
6. **Preventing Unauthorized Exploitation** – Copyright ensures that creators retain control over how their music is used. This prevents misuse or alteration of their works in a manner that could harm their reputation or dilute the work's originality.
7. **Global Recognition and Protection** – With international agreements like the **Berne Convention for the Protection of Literary and Artistic Works**, copyright in music is protected across jurisdictions, ensuring global recognition and protection for creators.

RIGHTS UNDER COPYRIGHT

Copyright confers specific rights to the owner or creator of a work, which can be broadly categorized into **economic rights** and **moral rights**. These rights ensure that creators are appropriately recognized and compensated for their work while maintaining control over its use. In India, the rights under copyright are governed by the **Copyright Act, 1957**, as amended, which aligns with international treaties like the Berne Convention and the TRIPS Agreement.

Economic Rights

Economic rights are the exclusive rights of the copyright owner to commercially exploit their work. These include:

1. **Right to Reproduce the Work (Section 14)** – The copyright owner has the exclusive right to reproduce the work in any material form. For example, a music composer can authorize the reproduction of their composition on CDs, digital platforms, or sheet music.

2. **Right to Distribute Copies** - The owner can control the distribution of the work to the public by sale, rental, lease, or any other transfer of ownership. For instance, a publisher of a book has the right to distribute its copies in physical or digital format.

3. **Right to Public Communication** - The copyright holder has the right to communicate the work to the public, including broadcasting or making it available on online platforms. A songwriter can authorize or prohibit streaming their music on digital platforms.

4. **Right to Perform Publicly** - The owner has the exclusive right to perform the work in public or authorize others to do so. For example, a playwright can grant or deny permission for their play to be performed on stage.

5. **Right to Create Derivative Works** - This includes the right to adapt or transform the work into another form, such as turning a novel into a screenplay or making translations.

6. **Right of Licensing and Assignment** - The copyright owner can license or assign their rights to third parties for specific purposes, enabling broader dissemination of their work.

Moral Rights

Moral rights, under **Section 57 of the Copyright Act, 1957**, ensure the creator's personal connection to the work is respected, independent of their economic rights.

1. **Right of Paternity** - This right allows the creator to claim authorship of the work and ensures proper attribution whenever the work is used.

2. **Right of Integrity** - The creator can object to any distortion, mutilation, or modification of their work that harms their honor or reputation. For example, a

sculptor can challenge alterations to their sculpture that misrepresent its essence.

3. **Right to Restrain Misuse** - The author can prevent the use of their work in contexts that are prejudicial to their reputation, such as unauthorized endorsements or inappropriate associations.

Other Rights

1. **Right against Infringement** - The copyright owner has the right to take legal action against unauthorized use or reproduction of their work.

2. **Neighboring Rights** - These include rights granted to performers, broadcasters, and producers of sound recordings, enabling them to protect their contributions.

OWNERSHIP AND DURATION

Under the **Copyright Act, 1957** in India, copyright ownership in music is governed by specific rules depending on the type of work and the relationship between the parties involved. Musical works include two primary elements: **musical composition** (melody and lyrics) and **sound recording** (the recorded version of the composition). Ownership and duration of copyright protection are crucial for defining the rights and entitlements of creators and stakeholders in the music industry.

Ownership of Music Copyright

1. **Musical Composition** - The composer and lyricist are considered the original copyright owners of the musical composition. If the work is created under a contract of employment or as part of a commission, the employer or commissioner may own the copyright unless otherwise specified by agreement.

2. **Sound Recording** - The copyright in a sound recording is typically owned by the producer or the record label that

finances and facilitates the recording. However, the rights in the underlying musical composition remain with the composer and lyricist.

3. **Joint Ownership** - When a musical work is created collaboratively, such as by a composer and a lyricist, the copyright is jointly owned by the creators, with each party entitled to a proportionate share in the rights and revenues.

4. **Assignments and Licensing** - Copyright owners can transfer their rights through assignment or licensing agreements. For instance, composers may assign their rights to music publishers or labels, subject to the terms of the agreement. However, moral rights, such as the right to attribution and integrity, remain inalienable and with the creator.

5. **Works for Hire** - In cases where a musical work is created as part of employment or commission, the employer or commissioner is deemed the copyright owner unless explicitly agreed otherwise in a contract.

Duration of Copyright Protection

The duration of copyright protection for musical works is governed by **Sections 22 and 27 of the Copyright Act, 1957**.

1. **Musical Composition and Lyrics** - Copyright in an original musical composition or its lyrics lasts for the lifetime of the author (composer or lyricist) plus **60 years** from the beginning of the calendar year following the author's death.

2. **Sound Recording** - Copyright in a sound recording is protected for **60 years** from the beginning of the calendar year following its publication.

3. **Post-Expiry** - After the expiration of copyright, the work enters the public

domain, allowing anyone to use it freely without seeking permission or paying royalties.

However, moral rights continue to protect the creator's association with the work.

4. **International Context** - The duration of copyright may vary across jurisdictions but generally adheres to international standards like the **Berne Convention**, which mandates a minimum protection of the author's lifetime plus 50 years.

LICENSING

Licensing in intellectual property law refers to the authorization granted by the copyright owner to another party to use the copyrighted work under specified terms and conditions. In the music and creative industries, licensing is essential for ensuring that creators are compensated while allowing their works to reach broader audiences. Licensing not only governs the use of copyrighted works but also facilitates the monetization of creative outputs. Below are the primary types of licensing and the role of licensing agencies in managing these rights.

1. **Reproduction License**: This license allows the licensee to reproduce the copyrighted work in physical or digital formats. For example, a music producer may grant a license to a company to produce CDs or distribute songs digitally on streaming platforms like Spotify.

2. **Public Performance License**: This type of license grants the right to perform the copyrighted work publicly. It is commonly required for live performances, radio broadcasts, or playing music in public venues such as restaurants, bars, and theaters.

3. **Mechanical License**: A mechanical license is required for the reproduction and distribution of a musical work in physical or digital

formats, such as CDs, vinyl, or digital downloads. This license ensures that songwriters and composers are compensated for their work.

4. Synchronization License (Sync License): A synchronization license allows the use of music in audiovisual works, such as films, television shows, advertisements, and video games. For example, a filmmaker must obtain a sync license to include a song in a movie soundtrack.

5. Master Use License: This license pertains to the use of a specific sound recording. For instance, a producer needs a master use license to include a recording in a film or an advertisement.

6. Streaming License: A streaming license allows digital platforms like YouTube, Spotify, and Apple Music to stream the music to users. This license includes both interactive (on-demand) and non-interactive (radio-style) streaming.

7. Derivative Work License: This license grants permission to adapt or modify the original work into a new form. Examples include remixing a song, translating a literary work, or creating a stage adaptation of a novel.

8. Print License: A print license allows the reproduction of copyrighted works in sheet music or songbooks.

9. Blanket License: A blanket license provides the licensee with the right to use an entire catalogue of works owned by a copyright holder or represented by a licensing agency, typically for a fixed fee or royalty structure.

ROLE OF LICENSING AGENCIES

Licensing agencies play a pivotal role in managing, administering, and monetizing copyrights on behalf of creators, copyright holders, and users. Their functions include issuing licenses, collecting royalties, and

ensuring compliance with copyright laws. Below are the key roles of licensing agencies:

1. **Administration of Rights:** Licensing agencies act as intermediaries between copyright owners and users. They simplify the process of obtaining licenses by representing multiple creators and rights holders under one umbrella.
2. **Royalty Collection and Distribution:** Agencies ensure fair compensation by collecting royalties from licensees and distributing them to copyright owners. For example, a performing rights organization (PRO) collects public performance royalties from venues and broadcasters and disburses them to songwriters and composers.
3. **Ensuring Compliance:** Licensing agencies monitor the use of copyrighted works to prevent unauthorized exploitation. They may audit licensees and take legal action against copyright infringement.
4. **Granting Blanket Licenses:** To simplify licensing for businesses, agencies issue blanket licenses that allow the use of a broad repertoire of works, particularly for public performance in venues like restaurants, radio stations, or digital platforms.
5. **Global Reach and Representation:** Many licensing agencies operate internationally or have reciprocal agreements with foreign agencies to protect and license works across borders. This ensures creators are compensated globally.
6. **Promoting Creative Works:** By facilitating legal access to creative works, licensing agencies encourage the broader use and distribution of music, film, and other artistic creations, ultimately supporting cultural and creative industries.

7. Examples of Licensing Agencies:

- o **Performing Rights Organizations (PROs):** Organizations like ASCAP, BMI (USA), PRS for Music (UK), and IPRS (India) manage public performance licenses.
- o **Mechanical Licensing Agencies:** Agencies like the Harry Fox Agency (USA) handle mechanical rights.
- o **Digital Rights Management (DRM) Entities:** These agencies ensure compliance in the online distribution and streaming of copyrighted works.

DIGITAL ERA CHALLENGES

The digital era has revolutionized the way creative content, particularly music, movies, and other media, is produced, distributed, and consumed. Streaming platforms like Spotify, Netflix, and YouTube have become dominant channels for accessing content. However, this transformation has also introduced significant challenges for copyright enforcement and the protection of intellectual property. Key issues include the complexities of licensing, piracy, and unauthorized use of copyrighted works.

Challenges:

1. **Complex Licensing Requirements:** Streaming platforms rely on licenses to distribute content globally. However, obtaining these licenses is a complicated process involving multiple stakeholders, such as composers, producers, and performers. Different types of licenses—mechanical, synchronization, and public performance—must be negotiated, often leading to disputes and delays in content availability.
2. **Fragmented Jurisdictional Laws:** Copyright laws vary across jurisdictions, making it challenging for streaming platforms to comply with local requirements. For instance, some regions mandate higher royalty rates for

creators, while others have less stringent enforcement mechanisms.

3. **Revenue Distribution Disputes:** In the digital era, creators often feel inadequately compensated. Streaming platforms operate on complex revenue-sharing models where a significant portion of earnings goes to intermediaries, leaving creators with a minimal share.
4. **Algorithmic Content Identification:** While platforms use tools like Content ID on YouTube to identify copyrighted works, these systems are not foolproof. False positives or failures to detect unauthorized content create disputes between creators and platforms.

Piracy and Unauthorized Use:

- **Global Accessibility of Pirated Content:** Despite advancements in technology, piracy remains a pervasive issue. Unauthorized websites and peer-to-peer networks enable users to access copyrighted material without paying, undermining creators and legitimate platforms.
- **Streaming Platform Misuse:** Even within legal streaming platforms, users may bypass restrictions through VPNs or exploit account-sharing practices, reducing potential revenue for copyright holders.
- **User-Generated Content (UGC):** Platforms like TikTok and Instagram often feature user-generated content that incorporates copyrighted works without proper licensing. While some platforms negotiate blanket licenses, unauthorized use remains widespread.
- **Difficulties in Enforcement:** Detecting and addressing piracy in the digital landscape is arduous. Piracy websites frequently change domains or use encrypted services, making them harder to shut down.

- **Economic Losses:** Unauthorized use and piracy lead to substantial economic losses for creators and the industry. According to industry reports, billions of dollars are lost annually due to illegal streaming and downloads.

INFRINGEMENT

In music, **copyright infringement** occurs when someone uses a copyrighted work without the copyright owner's permission in a way that violates their exclusive rights. Under the **Copyright Act, 1957**, copyright in music includes rights over the *musical work* (lyrics and composition) and the *sound recording* (recorded performance).

Case Laws:

1. R. G. Anand v. Delux Films (1978)⁴³⁴

Although this case primarily dealt with literary copyright, the principles were extended to music. The court held that infringement occurs if an average listener finds substantial similarities between the works. Mere ideas or themes are not protected; the expression of these ideas is.

2. Super Cassettes Industries Limited vs Google and YouTube⁴³⁵

As per Super Cassettes Industries Limited (SCIL), YouTube's profit model is based on the unauthorised use of copyrighted content that has been uploaded without the consent of the rightful owners and without providing any compensation in the form of royalties. SCIL alleges that YouTube benefits greatly from this approach and generates substantial profits as a result.

In response to the plaintiff's claims, the court has ruled that YouTube, as well as Google, must cease distributing, reproducing, displaying, or transmitting any audio-visual works exclusively owned by SCIL on their platform.

3. Ratna Sagar (P) Ltd. V. Trisea Publications & Ors., 1996 Ptc (16) 597⁴³⁶

Ratna Sagar (P) Ltd. v. Trisea Publications & Ors. was a legal battle in which the plaintiff, a prominent publisher of children's books named "Living Science," filed a **copyright infringement claim** against the respondent, the publisher of "Unique Science."

The plaintiff vehemently contended that the defendant's literary masterpiece was a cunning copycat of their own ingenious work. Upon examining both publications, the court concluded that the respondent was guilty of copyright infringement and, in accordance with **Sections 14** and 19 of the Copyright Act, issued a perpetual injunction against the act.

4. Yash Raj Films vs Sri Sai Ganesh Productions⁴³⁷

In this case, there were two companies involved: YRF and Sri Sai Ganesh Productions. YRF claimed that Sri Sai Ganesh Productions had copied their movie, 'Band Baaja Baaraat', to make their own movie, 'Jabardasht'. YRF filed a lawsuit against Sri Sai Ganesh Productions for copyright infringement, saying that their movie was too similar and copied important parts like the story, characters, and look of the movie.

The court had to decide if Sri Sai Ganesh Productions had copied too much, or if their movie was different enough to not be considered a copy. They looked at things like the main idea of the movie, the important parts of the story, and how it looked to the average person watching the movie. Based on this, the court decided that Sri Sai Ganesh Productions had indeed copied too much and that they were guilty of copyright infringement.

EXCEPTIONS AND LIMITATIONS

In copyright law, **exceptions and limitations** to copyright are vital to balance the rights of creators with public interest. The **Copyright Act, 1957** in India incorporates these exceptions

⁴³⁴ 1978 AIR 1613, 1979 SCR (1) 218, AIR 1978 SUPREME COURT 1613, 1978 4 SCC 118

⁴³⁵ SCIL LLC CS(OS) No. No. 2192 of 2007 (Delhi High Court)

⁴³⁶ 1997(1) ARBLR30 (DELHI), 64(1996) DLT539

⁴³⁷ AIRONLINE 2019 DEL 1017

under **Section 52**, allowing certain uses of copyrighted material without requiring permission from the copyright owner. Two prominent categories are **fair use** and use for **educational purposes**.

Fair Use Doctrine – Fair use allows limited use of copyrighted material without permission for purposes such as criticism, commentary, research, news reporting, teaching, scholarship, or parody. While the term "fair use" is commonly used in the U.S., in India, the corresponding concept is "**fair dealing**" under Section 52(1).

Key Considerations in Fair Use/Fair Dealing:

- **Purpose of Use:** Non-commercial uses (e.g., commentary, criticism, or reporting) are more likely to qualify as fair use.
- **Nature of the Work:** Published and factual works are more likely to be used fairly than unpublished or fictional works.
- **Substantiality:** The amount and importance of the portion used in relation to the entire work.
- **Effect on Market:** If the use adversely affects the potential market for the original work, it is less likely to be considered fair.

Examples in Music:

- **Criticism and Commentary:**
 - A music critic playing short clips to analyze a song.
- **Parody and Satire:**
 - Using parts of a song in a parody, provided it is transformative and does not harm the market for the original work.
- **Personal Use:**
 - Listening to a copyrighted song for personal enjoyment (though distribution or sharing may not qualify as fair use).

Educational Purposes – The Copyright Act provides specific allowances for educational purposes, aimed at fostering learning and research.

Section 52(1)(i) of the Act:

- Permits reproduction of copyrighted works for **private use, research, or study**.
- Allows use of copyrighted material in **classrooms**, libraries, or other educational institutions.

Scope in Music:

- **Use in Classrooms:**
 - Teachers or instructors may use music as part of teaching, such as playing a song to teach about composition or history.
- **Academic Research:**
 - Students or researchers may analyze copyrighted music without infringing the copyright, provided the usage does not extend beyond what is necessary for their study.
- **Libraries and Archives:**
 - Libraries may reproduce copyrighted music for preservation or for providing copies to researchers.

INTERNATIONAL PERSPECTIVE REGARDING COPYRIGHT IN MUSIC

Role of WIPO – The **World Intellectual Property Organization (WIPO)** plays a crucial role in the global protection and enforcement of intellectual property (IP), including music copyright. As a specialized agency of the United Nations, WIPO facilitates international cooperation in intellectual property law to ensure that creators' rights are protected across borders. Its work is critical in an era where music, being a highly digitalized and globally distributed art form, requires

international agreements to safeguard the interests of creators, performers, and producers.

One of WIPO's most significant contributions is the **WIPO Copyright Treaty (WCT)**, adopted in 1996, which sets out the minimum standards for copyright protection in the digital environment. This treaty specifically addresses the challenges that arise from the digital reproduction, distribution, and public performance of copyrighted works, including music. By adopting the WCT, member states commit to ensuring protection for creators of musical works, particularly in the digital realm, where piracy, unauthorized streaming, and file sharing are prevalent. The treaty also covers issues related to **rights of authors, performers, and producers** in the context of digital technologies, enabling the enforcement of music copyrights in the online space.

WIPO's role also extends to **capacity-building**, where the organization helps developing countries establish effective copyright laws and enforcement mechanisms. WIPO's initiatives like the **WIPO Performances and Phonograms Treaty (WPPT)** focus on protecting the rights of performers and producers of sound recordings. This is particularly important in the music industry, where rights holders such as recording artists, producers, and composers must navigate a complex web of international copyright laws. By providing a platform for negotiations, conferences, and discussions, WIPO works towards harmonizing global copyright standards, which simplifies the protection of musical works worldwide.

Moreover, WIPO helps resolve **disputes** related to music copyright and provides a global framework for **collective management** of rights through organizations like **PRS for Music** and **ASCAP**. These entities allow for the collection and distribution of royalties for music creators, ensuring that artists, composers, and performers are compensated for the use of their works on a global scale. WIPO's efforts in promoting **IP awareness and education** are essential in ensuring that music creators

understand their rights and the mechanisms for enforcement.

In sum, WIPO serves as a vital institution in the international landscape of music copyright, facilitating cooperation, harmonizing laws, and supporting the rights of music creators and performers across the world.

Role of Berne Convention

The **Berne Convention for the Protection of Literary and Artistic Works** (1886) is one of the oldest and most important international treaties designed to protect the rights of authors, including those in the music industry. It establishes the **minimum standards of copyright protection** and ensures that the works of authors in one member country are protected in all other member countries, regardless of the country where the work was first published. This principle, known as **national treatment**, means that if a musician's work is copyrighted in their home country, it is automatically protected in all the 180+ member countries of the Berne Convention without the need for formal registration or additional paperwork.

For the music industry, the Berne Convention ensures that both **musical works (compositions)** and **musical performances (sound recordings)** receive copyright protection. Article 2 of the convention specifies that musical works, including compositions and arrangements, are covered under copyright. This protection is granted for the **life of the author plus 50 years** (this term has been extended by many countries, including India, to **life + 70 years**). It applies regardless of whether the work has been published or not, meaning that music composers, songwriters, and performers enjoy automatic protection for their works.

One of the key roles of the Berne Convention in music is to **harmonize international copyright laws** to avoid a fragmented system that would make it difficult for music creators to enforce their rights in different countries. Before the

Convention, authors could only claim protection in the countries where they had registered their works. The Berne Convention removed this requirement, providing **universal protection** for creators. This is especially vital in the music industry, where works are often distributed across borders through digital platforms, international performances, and broadcasts. Musicians and composers no longer have to worry about whether their works will be protected in other countries; the Berne Convention guarantees that their music will be protected under the same standards globally.

Moreover, the **moral rights** provisions of the Berne Convention are of particular significance in music copyright. The Convention ensures that authors retain the right to be identified as the creators of their works and to object to any **distortion, mutilation, or other derogatory actions** that might harm their reputation. This is especially important in the music industry, where works may be altered or used in ways that could misrepresent the intentions of the original creators. The Convention's moral rights provisions empower musicians to maintain control over how their works are used and ensure their artistic integrity is respected.

In terms of enforcement, the Berne Convention also lays down procedures for the **resolution of disputes** and encourages countries to establish legal frameworks that allow creators to take legal action against infringement in foreign jurisdictions. This international approach is vital for musicians in protecting their works from unauthorized use, whether through piracy, illegal streaming, or infringement on global platforms.

Overall, the Berne Convention plays a foundational role in providing **uniform protection** for musical works and ensuring that the rights of music creators are respected across the world. It is a cornerstone of global copyright law, particularly for industries like music, where international reach and cross-border exploitation of works are standard practice.

TECHNOLOGY AND AI

The advent of AI-generated music has sparked significant debates about copyright ownership. Traditional copyright law, including under the **Indian Copyright Act, 1957**, is designed around human authorship, which creates challenges when the music is generated by AI systems. In most jurisdictions, **copyright protection is granted to human creators**, but AI, being a nonhuman entity, does not qualify as a legal author. This raises the question: who owns the rights to music created by an AI system? The ownership could be attributed to the human who programmed or operated the AI, or the entity that owns the AI, but the situation remains legally ambiguous in many cases.

The issue becomes even more complicated when considering the concepts of **sampling and remixes** in AI-generated music. Sampling refers to the reuse of portions of existing copyrighted works in new compositions, while remixes involve altering original tracks, often by reworking elements like rhythm, melody, or vocals. Both practices are common in music production but can lead to copyright infringement if not properly licensed.

For **AI-generated music**, sampling or remixing existing copyrighted works by AI without permission can result in the same legal issues that arise with human creators. If an AI system generates music that directly incorporates samples from existing songs, or if a remix AI tool is used to alter an existing work, copyright infringement could occur if those samples or remixes are not licensed. The same applies to AI systems that create derivative works based on copyrighted content without authorization.

Legal Implications

- **Ownership:** AI-generated works lack clear ownership. In cases of AI music creation using copyrighted materials, determining whether the human behind the AI or the original creator of the sample owns the rights can become complex.

- **Infringement Risks:** Without proper licensing or permission for samples, both AI-generated music and remixes can infringe on the copyright of the original works.
- **Fair Use/Fair Dealing:** In some cases, AI-generated remixes or sampling might fall under fair use or fair dealing exceptions for transformative works. However, this remains a gray area in copyright law, as the legal framework needs to adapt to new technologies and practices.

Ultimately, as AI's role in music production grows, copyright laws may need to evolve to address these challenges, ensuring that creators, whether human or AI, are fairly compensated for their work.

COPYRIGHT MANAGEMENT

Copyright management is crucial for creators and producers to protect their works from unauthorized use and ensure they receive fair compensation. This process encompasses **registration, licensing, and enforcement** of copyright. Effective management of these rights is essential for creators, especially in industries like music, where works are widely distributed and shared.

Copyright Registration

While copyright protection is automatic upon the creation of an original work, **registration** provides significant legal advantages. In India, under the **Copyright Act, 1957**, registration is not mandatory but is highly recommended for stronger protection. Registration creates a public record of the work and serves as prima facie evidence in court if a copyright dispute arises.

Process of Registration:

1. **Eligibility:** The work must be original and fixed in a tangible form, such as a musical composition, sound recording, or choreography.

2. **Application:** The creator, or an agent on their behalf, submits an application to the **Copyright Office**. The form requires details about the work, its authors, and the nature of the work.
3. **Examination:** The Copyright Office reviews the application to ensure it complies with legal requirements.
4. **Issuance of Certificate:** Once registered, the work is assigned a copyright registration number, which provides legal proof of ownership and the date of creation.

Benefits of Registration:

- **Legal protection:** It makes it easier to enforce rights in cases of infringement.
- **Royalty collection:** Registration with collective management organizations (CMOs) like **PRS for Music** or **ASCAP** allows the collection of royalties when the work is used publicly.
- **International Protection:** Many countries, through treaties like the **Berne Convention**, recognize the copyrights of registered works from other member countries.

Production Strategies

Effective **production strategies** ensure that music creators maximize their control over their works and optimize revenue generation while maintaining strong copyright protection.

1. **Music Licensing:** A critical strategy in copyright management is licensing. Creators can license their works for use in different contexts, such as commercial advertisements, film soundtracks, or online streaming. Licensing agreements should clearly specify the scope of use, duration, compensation, and territorial restrictions.
 - o **Exclusive Licensing:** The creator grants exclusive rights to a licensee for a specific purpose, limiting the creator's

ability to license the work to others. o
Non-exclusive Licensing: The creator retains the right to license the work to multiple parties.

2. **Royalty Collection and Distribution:** Copyright holders should join collective management organizations (CMOs), which help manage the rights of music creators and ensure they receive royalties when their works are played or broadcast. These CMOs license works on behalf of creators, track their usage, and distribute royalties to the rightful owners.

3. **Digital Rights Management (DRM):** With the growing digital distribution of music, protecting works from unauthorized copying and distribution is essential. **DRM technologies** can help control the reproduction and distribution of digital music files. This includes encryption or watermarking, ensuring that only authorized users have access to the work.

4. **Monitoring and Enforcement:** Monitoring platforms, such as **YouTube Content ID** or **SoundExchange**, help copyright holders track the use of their music online.

Enforcement strategies include issuing takedown notices or initiating legal actions against infringement, ensuring the protection of the creator's rights.

5. **Contracts and Agreements:** Clearly defined **contracts** with collaborators (producers, performers, and co-writers) are essential in establishing who owns which parts of the music and how royalties will be divided. These agreements should outline the distribution of royalties, rights to derivative works, and the duration of the contract.

CONCLUSION: FUTURE OF MUSIC COPYRIGHT

The future of copyright is shaped by rapid technological advancements, shifting consumer behavior, and evolving legal frameworks. As the world becomes more interconnected and digital platforms continue to dominate, the need for robust copyright protection has never been greater. However, this future also presents challenges that copyright law must adapt to in order to remain effective and fair.

Technological Innovation is one of the driving forces behind the transformation of copyright law. With the rise of Artificial Intelligence (AI), blockchain technology, and digital media, the traditional models of copyright enforcement are being tested. AI-generated works, for instance, raise questions about authorship and ownership, while blockchain offers promising solutions for transparent and automated rights management and royalty distribution. The future may see new legal standards developed to address these challenges, ensuring that creators are fairly compensated in an increasingly digital and AI-driven world.

Additionally, the **globalization of the internet** has made cross-border copyright enforcement more critical. International treaties like the **Berne Convention** and **WIPO** provide a foundation, but future updates may be required to address the complexities of digital content sharing, piracy, and the protection of creators' rights in a borderless digital environment. Efforts to **harmonize** copyright laws globally will become more pressing to streamline the protection of works across different jurisdictions.

Another significant factor will be the evolution of **user-generated content** and its implications on fair use and licensing. As consumers increasingly create and remix content, finding a balance between protecting the rights of original creators and promoting innovation through transformative works will be key. The growing influence of platforms like YouTube and TikTok underscores the importance of

establishing clear guidelines for fair use, content moderation, and licensing agreements.

Finally, **collective rights management** will continue to play a pivotal role in copyright protection, particularly in the music industry. As streaming services and digital distribution dominate, ensuring that artists, composers, and performers receive fair compensation for their work is essential. The future may see further evolution in how royalties are tracked and distributed, with innovations like blockchain offering greater transparency and efficiency.

In conclusion, while the future of copyright presents numerous challenges, it also offers opportunities for reform, innovation, and greater protection for creators. As technology continues to evolve, copyright law must adapt to safeguard intellectual property in a fair, transparent, and accessible manner for all stakeholders involved.

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