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### **Copyright and Third Sector**

*by*

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#### **I. INTRODUCTION**

Ordinarily authors, creators of artistic works are not business minded and lack business acumen and financial resources to exploit the work by themselves. Also as we had stated above with technological advancement public awareness has increased and often there are a large number of people who would like to use the work. Also for an individual it is difficult to prevent infringement in the country or abroad. Therefore it is very difficult to exploit and manage the intellectual property. Hence to overcome these problems owners of copyright works have formed societies or have turned towards collective administration schemes that have given rise to third sector rights in copyright. In India, one of the most important factors that hinder the spread of copyright awareness is the lack of enforcement mechanism. In US Copyright Clearance Center (CCC) is created to secure the rights of the copyright holder. It is a not for profit licensor of photocopy and electronic reproduction rights. The CCC receives complaints of unlawful photocopying and other infringements. The CCC encourages the whistleblower and offer cash payments for reporting illegal activity. If the photocopy activity exceeds the limitations of fair use, one is required a photocopy activity exceeds the limitations of fair use, one is required a photocopy license. The Association for Copyright Enforcement ACE and Association of American Publishers AAP, support the CCC programme and have agreed that they will not pursue nor support copyright infringement litigation by their members against CCC licensees.<sup>1</sup> In India, the authors are not organised; their writings are not properly valued. The publishers continue to exploit the economic benefits from the writings of the author. The royalties and copyright prices are very minimal compared to profits made by the publisher. The accounts are also not sought from publishers. Writer's society has to be formed and with the state support these societies



should enforce the copyrights and regulate the licensing process. The strict enforcement of stricter law of copyright should not result in loss of general storehouse of knowledge, because copyright seeks to stock the knowledge and not to lock it. Too long and broad monopoly for copyright will not help promotion of knowledge and learning, which is the real purpose of copyright regulation. The copyright law should not be viewed solely as an economic regulation, and its priority should not be the protection of economic rights alone. The public interest in public dissemination as the basic purpose of law must always be kept in mind while dealing with questions and disputes over this regulation, whether global or local.

#### **II. WHAT IS THIRD SECTOR**

Third sectors could be termed as the non-profit or voluntary sectors or organisations which have undertaken the task of protecting the valid rights of a particular segment of economy. In the spear of intellectual property we come across copyright societies which intend to protect the rights of the authors and creators. In the spear of patents we have patent pools which undertake the task of collective administration of patents.

Likewise, collective trademarks representing the interests of a particular trade community, associations protecting geographical indications, associations of farmers claiming the farmers varieties could well be examples of third sector in the spectrum of intellectual property.<sup>2</sup>

### **Third sector agencies/Copyright societies**

These societies are specialist agencies who act on behalf of individual owners to licence their works for performance or communication to the public or issue copies of the work to the public. A Copyright society is a registered collective administration society<sup>3</sup>. Collective administration of copyright is a concept where management and protection of copyright in works are undertaken by a society of owners of such works. When owner of copyright becomes a member of a national copyright society, that society, because of its Organisational facilities and strength, would be able to keep a better vigil over the uses made of work of the authors throughout the country and collect due royalties from the users of those works. Because of the country's membership in international conventions, the copyright societies are able to have reciprocal agreements with similar societies in other countries for collecting royalties for the uses of Indian works in those countries. It means that; it will be in the interests of copyright owners to join a collective administration organisation to ensure better protection to the



copyright in their works and for reaping optimum economic benefits from their creations<sup>4</sup>. The copyright society can issue or grant licences in respect of any work in which copyright subsists or in respect of any other right given by the Copyright Act. Users of different types of works also find it easy to obtain licences for legal exploitation of the works in question. The organisation administers the rights of its members only, i.e. rights of those who have given the organisation a mandate to act on their behalf. The various functions performed by these organisations include:

1. License works in which they hold the copyright or for which they act as agent on behalf of their members for specific uses;
2. Monitor use of works and collect revenues;
3. Distribute revenues as royalties to members;
4. Enter into reciprocal arrangements with foreign collecting societies to collect and distribute local royalties to foreign rights holders and to receive and distribute royalties earned overseas to local rights holders.

In addition these societies are also authorised to keep a tab on infringement of the copyright of its members and take appropriate legal action against the infringers. These organisations for their working deduct a specified percentage from the fees paid by the users of the work to meet their administrative costs. Often there have been arguments over these collective administrative organisations on the ground that there administrative costs are too high and that as a consequence the right owners receive a small percentage of the revenue paid by the users of the works. It is however stated that in absence of such collective organisations the right owners will suffer transactional costs higher than the costs of collective administration in finding the users and dealing with them. Also management cost in terms of the cost of monitoring, enforcement, legal support, etc is very high. While the big players in the copyright market can protect their interests often it is the small player or the individual owner who is the victim of violations and therefore these organisations kind of provide level playing field and this in turn enhances bargaining power.<sup>5</sup> In short,

collective management does a valuable service to the world of copyright and hence creative arts. By managing their rights, the system is rewarding creators for their work, and the creators in turn are more inclined to develop and apply their talents in an environment that provides adequate copyright and related rights protection and an efficient system for the management of rights. Such a situation encourages creators to contribute to the development of the cultural sector,

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 Page: 42

attract foreign investment and generally enables the public to make the most of a broad array of works.

### **III. COPYRIGHT SOCIETIES IN INDIA**

The creation of copyright societies is being encouraged in India. So far, in India four copyright societies have been registered, namely:


- 1) Society for Copyright Regulation of Indian Producers of Films and Television (SCRIPT) - deals with rights in cinematograph and television films;
- 2) Indian Performing Right Society Limited (IPRS) - deals with rights in musical works;
- 3) Phonographic Performance Limited (PPL) - for sound recordings; and
- 4) Indian Reprographic Rights Organisation (IRRO) - for books/literature/artistic photocopy rights.

These societies have been actively participating in generating awareness about Copyright and IPRs. They also have set up their own anti-piracy Cells, which in collaboration with police/enforcement authorities have been actively engaged in curbing piracy in musical/sound recording works.

#### **Registration of copyright society**

Vide s 33(1) of the Act no person or association of persons is allowed to carry on the business of issuing or granting licences in respect of any work in which copyright subsists or in respect of any other rights conferred by this Act except under or in accordance with a registration granted under the Act. However, an owner of copyright in his individual capacity will continue to have the right to grant the licences in respect of his own works consistent with his obligations, if any, as a member of the registered copyright society. Any association of persons whether incorporated or not, comprising seven or more owners of copyright formed for the purpose of carrying on the business of issuing or granting licences in respect of any class of works in which copyright subsists or in respect of any other right conferred by the Act may file with the Registrar of Copyrights an application in Form II-C for submission to the Central Government for grant of permission to carry on business and for its registration a copyright society. Before granting registration the Central Government will take into consideration the following factors:

- i) interest of the authors and other owners of rights under the Act;
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 Page: 43

- ii) interest and convenience of the public;
- iii) the interest of the group of persons who are most likely to seek licences in

respect of the relevant rights; and

iv) the ability and professional competence of the applicants.

On being satisfied, an association of persons may be registered subject to such conditions as may be prescribed under the rules. However, Central Government ordinarily will not register more than one copyright society to do business in respect of the same class of work.<sup>6</sup> If a copyright society is managed in a manner detrimental to the interests of the owners of rights concerned the Central Government, after conducting an appropriate inquiry, may cancel its registration. In appropriate cases the Central Government may suspend the registration of a society pending enquiry for a period not exceeding one year during which period it may appoint an administrator to discharge the functions of the society.

#### **IV. ADMINISTRATION OF RIGHTS OF OWNER BY COPYRIGHT SOCIETY**

A copyright society may, subject to certain prescribed conditions, accept from an owner of rights exclusive authorisation to administer any right in any work by issue of licences or collection of licence fees or both. An owner of rights shall have the right to withdraw such authorisation without prejudice to the rights of the copyright society under any contract. A copyright society may accept exclusive authorisation from an owner of rights or his duly authorised agent to administer any right in a work if such owner of agent enters into an agreement, in writing with the copyright society specifying the rights to be administered, the duration for which such rights are authorised to be administered, the quantum of fees agreed to and the frequency at which such fees shall be paid by the copyright society in accordance with its scheme of tariff and distribution. Also the owner of copyright shall without prejudice to the rights under the agreement and subject to the condition of a prior notice of sixty days be free to withdraw such authorisation in case the copyright society fails to fulfil its commitments as laid down in the agreement. Subject to such conditions as may be prescribed, a copyright society has the following powers:

- i) issue licenses under section 30 (licences by owners of copyright) in respect of any rights under this Act;
- ii) collect fees in pursuance of such licences;



iii) distribute such fees among owners of rights after making deductions for its own expenses;

iv) perform any other functions consistent with the provisions of section 35 (control over the copyright society by the owner of rights)

#### **Various Schemes of societies**

The copyright societies are supposed to set of various schemes in the general administration of the societies. The following schemes have to be specified by the societies.

##### **Tariff Scheme**

As per rule 14J the copyright society shall frame a scheme of tariff called the 'Tariff Scheme' setting out the nature and quantum of fees or royalties which it proposes to collect in respect of such copyright or other rights administered by it.

##### **Distribution Scheme**

The copyright society shall frame a scheme called the 'Distribution Scheme' setting out the procedure for collection and distribution of the fees or royalties specified in the

Tariff Scheme among the owners of copyright. Any distribution under the Distribution Scheme shall as far as possible, be in proportion to the income of the copyright society from actual use of the work or works of each owner of rights.

### **Registers maintained by copyright societies**

Further, the copyright society is obligated to maintain certain registers which provide for evidence with reference to the activities and functions of the society. In general the following registers are maintained at the administrative office of the copyright societies:—

#### **Register of Owners**

This register shall contain the names of the owners, their addresses, the nature of rights authorised to be administered by the copyright society, date of publication of the work, the date on which the copyright society becomes entitled to and the duration of such rights.



Page: 45

#### **Register of Agreements**

This will contain a copy of every agreement entered into by the copyright society with the owners for the purpose.

#### **Register of Fees**

This will contain particulars of fees and mention the name of persons or organisations from whom the fees have been realised, the amount so realised and the date of realisation.

#### **Disbursement Register**

This will contain details of disbursements made to each owner of copyright, category-wise, mentioning the name of the owner, nature of his copyright and the date and amount of disbursement made to him.

### **Licences, Fees and Distribution**

The conditions subject to which a copyright society may issue licences, collect fees and distribute such fees are:

- 1) A copyright society may issue licences and collect fees in accordance with its Scheme of Tariff in relation to only such works as it has been authorised to administer in writing by the owners of rights and for the period for which it has been so authorised.
- 2) For administrative expenses incurred by the society it can deduct from the fee collected a sum not exceeding fifteen percent of the collection.

### **Meeting of copyright societies**

The copyright society should convene a general meeting of owners of rights whose names are recorded in the register of owners for approval of the Tariff Scheme and Distribution Scheme. The society has to follow due procedure as given in the rule for calling such a meeting. Any amendment to the Tariff Scheme or distribution Scheme shall be made only after obtaining approval of the owners in a general meeting called for this purpose<sup>2</sup>.



Page: 46

### **Agreement between a copyright society and similar foreign society**

The Act permits a copyright society to enter into an agreement with any foreign society or organisation administering rights corresponding to rights under this Act, to entrust to such foreign society or organisation the administration in any foreign country of rights administered by the said copyright society in India or for administering in India the rights administered in a foreign country by such foreign society or organisation. However, no such society or organisation shall permit any discrimination in regard to the terms of licence or the distribution of fees collected between rights in Indian and other works.

### **Payment of remunerations by Copyright Society**

Where a copyright society for a class of work is generally administering the rights of the owners of rights in such work throughout India, the Central Government may appoint the society for the purpose of framing a scheme for determining the quantum of remuneration payable to individual copyright owners having regard to the number of copies of the work in circulation. This will be subject to rules prescribed by the Government in this behalf. Also such a scheme shall restrict payment to the owners of rights whose works have attained a level of circulation which the copyright society considers reasonable.

### **Control Over the Copyright Society by the owner of rights**

The copyright societies as under the Act are subject to twofold control - one by the owner of rights and second by the Central Government. The owners of rights have collective control over the copyright society, which administers their rights. The Copyright Society in such manner as may be prescribed has to<sup>8</sup>:

- a) obtain the approval of such owners of rights for its procedures of collection and distribution of fees;
- b) obtain their approval for the utilisation of any amounts collected as fees for any purpose other than distribution to the owner of rights; and
- c) provide to such owners' regular, full and detailed information concerning all its activities, in relation to the administration of the rights.



### **Returns, Reports and Accounts**

Every copyright society shall submit to the Registrar of Copyrights such returns as may be prescribed. Any officer duly authorised by the Central Government in this behalf may call for any report and also call for any records of any copyright society for the purpose of satisfying himself that the fees collected by the society in respect of rights administered by it are being utilised or distributed in accordance with the provisions of this Act. Every copyright society shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India. The accounts of each of the copyright societies in relation to the payments received from the Central Government shall be audited by the Comptroller General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the copyright society to the Comptroller and Auditor General. The Comptroller and Auditor General of India or any other person appointed by him in connection with the audit of the accounts of the copyright society shall have the same rights and privileges

and authority in connection with such audit as the Comptroller and Auditor General has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts and other documents and papers and to inspect any of the offices of the copyright society for the purpose only of such audit. The accounts of each of the copyright societies as certified by the comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

#### **V. AUTHOR AND OWNERSHIP OF COPYRIGHT<sup>9</sup>**

An author may create a work on his own behalf or at the instance of another person for valuable consideration or in the course of employment by another person. In the first case the author is the owner of the copyright in the work. Authors who write books or compose music come under this category. In the second category, in the absence of any agreement to the contrary, the person at whose instance the work is made is the owner of the copyright work. In the case of the third category, the ownership depends upon the nature of employment. Since there is no copyright in ideas even if they are original<sup>10</sup>, the originator of a brilliant idea is not the owner of



Page: 48

the copyright in the work which gives concrete form to the idea unless he is also the creator of the work. Thus if a person has a brilliant idea for a story, play or a picture and if he communicates that idea to an author or playwright or an artist the production based on that idea is the copyright of the person who has clothed the idea in a form whether by means of a book, play or picture, and the originator of the idea has no right to the product, for copyright subsists not in ideas but in the tangible form in which it is expressed. Where a person provides the material to another for writing a book and the latter (ghost writer) writes the book on the basis of the materials supplied then the latter person becomes the owner of the copyright in the book.

#### **Who is the author?**

As to who is the author of a work depends upon the nature of the work. In the case of literary, or dramatic work the author of the work is the person who creates the work. The author of a musical work is the composer. In respect of an artistic work (except a photograph) the author is the artist. The author of a photograph is the person who takes the photograph. In the case of a cinematograph film the author is the producer of the film at the time of completion. The author of a sound recording is the producer. In case of any literary, dramatic, musical or artistic work which is computer-generated, the person who create the work.


#### **Nationality requirement for ownership**

Where the work is first published in India there is no nationality requirement for subsistence of the copyright. If the work is first published outside India the author must be a citizen of India at the time of publication (if alive at that date) or if dead at the time of death. In the case of unpublished work the author must be a citizen of India or domiciled in India at the time of making the work. Copyright in an architectural work will subsist only if the work is located in India irrespective of the nationality of the author. In respect of literary, dramatic or musical work it is an "Indian work" if the author is a citizen of India or if it is first published in India, or where the work is unpublished the author is a citizen of India.

#### **Author an employee**

In the case of literary, dramatic and artistic work where the work is made by an employee in the course of employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship the said proprietor, in the absence of any agreement to the contrary, will be the first owner of the copyright in the work in relation to

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 Page: 49

publication of the work in the newspaper or magazine or periodical or to its reproduction for the said purpose. In all other respects the author will be the first owner of the copyright. The same rule applies to photographs taken, painting or portrait drawn or on engraving or a cinematograph film made by a newspaper employee in the course of employment. Where the employer is not a newspaper proprietor, the employer will be the first owner of the copyright in the work made in the course of employment under a contract of service or appointment. This is of course subject to any agreement to the contrary. Where the employer is a Government Department the Government is the first owner of the copyright in a work made by its employee in the absence of any agreement to the contrary. The same rule is applicable to works made by employees of public undertakings. In the case of works of international organisations, the organisation concerned is the first owner of the copyright. The general principle is that if a person is employed to do a job of work and paid for his services the product of his labour, subject to any agreement to the contrary, belong to the employer. The copyright in a work done by an employee on his own time and not in the course of his employment belongs to him. A distinction is made between a contract *of* service and contract *for* services. In the case of contract of service the relationship is that of employer-employee; whereas in a contract for services, the relationship is that of an independent contractor and the person who engages the contractor for a specified work.


### **Author in Commissioned works**

An author may create a work at the instance of another person for valuable consideration.<sup>11</sup> In such cases, in the absence of any agreement to the contrary, the person at whose instance the work is made is the owner of the copyright. Where the commissioned work is partly sub-contracted, the person who commissioned the ultimate article and is ultimately to pay for the work is the person who commissioned the work and the copyright in the work belongs to him.

### **Authorship in different works**

Let us examine how the authorship would be conferred on whom in case of certain identified works executed under different circumstances.

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 Page: 50

### ***Shorthand writer***

If a shorthand writer takes down some matter word for word dictated by a person, the person who dictated the matter is the author and copyright owner of the work.

### ***Employee teacher***

If an employee teacher writes a text book on the subject he teaches, he is the author of the work and is entitled to the copyright because he is employed to teach



not to write text books.

### **Examination question papers**

Copyright in examination question papers, in the absence of a contract to the contrary, is vested in the paper setter who is the author and not in the Board of Examination or authority for whom the question papers are set.

### **Collective works**

Collective works include encyclopedia, dictionary, year book, newspaper, magazine or generally a work in which works or parts of works by different authors are incorporated. The first owner of the copyright in a collective work as a whole is the person who has collected, edited and organised the work.

### **Musical work**

The first owner of the copyright in a musical work is the composer of the work. Where, however, the work is composed in the course of employment under a contract of service, the employer will be the first owner of copyright. The person who commissions a musical work is not the owner of the copyright but he gets a licence to use the work for the purpose for which it is commissioned. Thus when a film producer commissions a musical work for remuneration, he gets the right to incorporate the music in his film and all other rights connected with the film<sup>12</sup>.

### **Artistic work**

The artist who created the work is the first owner of the copyright in the work. Where the work is created in the course of employment the employer will be the owner of the copyright. If the employer is the owner of newspaper or magazine his right is restricted to the use of the work for publication



in the newspaper or magazine. In the case of commissioned work for valuable consideration the person who commissioned the work will be the owner of the copyright. All these rules are applicable in the absence of any agreement to the contrary.

### **Plan**

In the absence of any agreement to the contrary the copyright in a plan of a building or structure remains with the architect and the client for whom the plan is made cannot make copies of the plan except for private study. He may not use the plan or design of the existing building even for the purpose of making extensions to that building.

### **Engraving**

Engraving is an artistic work and includes etchings, lithographs, woodcuts, prints and other similar works; not being photograph. The rights of ownership of copyright is the same as those for artistic work discussed above.

### **Photograph**

The person who takes the photograph is the author of the work and is the owner of the copyright in it. Where the photograph is taken in the course of employment or at the instance of any person for valuable consideration the ownership of copyright is determined in the same manner as in the case of artistic work discussed above.

### **Work of architecture and work of artistic craftsmanship**

In these cases the architect or the artist, as the case may be, is the owner of the copyright subject to the exception where the author is an employee or where the work is commissioned for valuable consideration in which case the rule is the same as for

other artistic works.

### **Cinematograph film**

The author and owner of copyright in a cinematograph film is the producer who hires all the other artists and technicians in for the production of the film.

### **Sound recording**

The author of a sound recording is the producer and he is also the owner of the copyright therein. The producer of a cinematograph film and a sound



Page: 52

recording is the person who takes the initiative and responsibility for making the work.

## **VI. COPYRIGHT SOCIETIES<sup>13</sup> UNDER THE COPYRIGHT AMENDMENT ACT, 2013**

The amendment aims to completely restructure the working of and the eligibility criteria for membership in copyright societies by various amendments to the current Copyright Act, 1957, which would make it possible for only authors of works<sup>14</sup>, to become members of copyright societies and to manage them. This is intended to significantly improve the current situation in the film industry, in particular, for the authors of the underlying works in films.<sup>15</sup> The amendment has been drafted in such a manner that the statutory restrictions under the Act would only apply to “associations of authors”. Thus, other persons, including copyright owners, may be able to form their own copyright societies which would be able to function in a manner entirely independent of the regulatory regime proposed to be incorporated into the Act by the amendment. Hence, the existing Copyright Societies would be deemed to be a copyright society for the purposes of the Act after the amendment, and every such society would be required to ‘get itself registered within a period of one year from the date of coming into being of the Copyright (Amendment) Act, 2013. There appears to be no prohibition on additional societies being formed, societies which would not be required to obtain such a registration under the provisions of the Act as proposed to be amended.<sup>16</sup>

Under the proposed Section 19(8) states that, the assignment of copyright in any work contrary to that of the terms and conditions of the rights already assigned to a copyright society in which the author of the work is a member shall be void. Section 19(9) states that, no assignment of copyright in any work to make a cinematograph film or sound recording shall affect the right of the author of the work to claim royalties or any other consideration payable in case of utilisation of the work in any form other than as part of the cinematograph film or sound recording. It means that; any



Page: 53

assignment of any work including an underlying work in a cinematograph film or sound recording would be subject to the prior assignment which may have been made by the author of the work with a copyright society of which he was a member, i.e., authors of such works would be statutorily unable to assign to producers works which they had already assigned to a copyright society. There is no restriction in the Act or the Bill, to the authors for assignments of any future works, authors of underlying works could assign all their future works to a copyright society and the authors would also be able to assign the right to receive continued royalties to a copyright society. Arrangements could be made to ensure that the right to receive continued royalties,

and the ownership of the work are vested in the same person i.e. the same Copyright Society.<sup>17</sup>

## VII. CONCLUSION

In the Western world, copyright societies have existed for more than 150 years (It is said they originated in 1840 when Alexander Dumas witnessed a play he had written being enacted in a coffee house where he was having coffee. When he was asked to pay, he said not unless I'm paid a portion of the collections for the play.) By virtue of their long existence, they have had time to develop their systems and settle down. They have, therefore, highly developed efficient and deeply entrenched systems of collection and distribution of royalties. By contrast the Indian scenario is very new and yet to come to terms with their new found existence. The Indian Copyright Societies suffer on many fronts and are, therefore, not able to efficiently perform their duties towards their members. There is almost complete unawareness amongst all levels of Indian society about the concept and enforcement of copyright. Therefore, there is tremendous scope for the activities and development of these copyright societies in India. The authorship and ownership rights depend upon the nature of work and the kind of support that has been obtained in conceiving the idea and completing the execution of such idea or adaptation, translation of executed ideas. If the work has been commissioned by somebody it would be the commissioner who gets the authorship, in case if the work is assigned by the employer the authorship shall be held by the employer. If the work has been done independently by the individual the authorship would be conferred on the individual. The Copyright Amendment Act, 2013<sup>18</sup> intends to restructure the mechanism for the promotion and regulation of copyright societies in India. There has been mixed response for the amendment, however there is always scope for necessary modifications if need be in future.

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<sup>1</sup> See Journal of Intellectual Property Rights Sept. 2010, P. 398 the report of SCCR's meeting held in June 2010 relating to copyright rules in order to ease access to print material for the blind & visually impaired.

<sup>2</sup> See: P. Ishwara Bhat, Role of collective bodies in protection of intellectual property in India, Journal of Intellectual Property Rights, Vol. 14 May, 2009, P. No 214-225.

<sup>3</sup> See: Sec. 33 of the Copyright Act, 1957.

<sup>4</sup> A book on 'Films and the Copyright Amend Bill, 2010' by Nandita Saikia, Electronic copy available at <http://ssrn.com>.

<sup>5</sup> Also users of different types of works also find it easy to obtain licences for legal exploitation of the works in question, through the collective administrative society.

<sup>6</sup> It is submitted that this provision is protective in nature as the existence of two or more societies in the same field may fade out or even wash out the advantages of collective administration of rights.

<sup>7</sup> Every copyright society shall maintain proper accounts and the same should be audited by a Chartered Accountant annually.

<sup>8</sup> Also all fees shall be distributed among the right owners in proportion to the actual use of their works.

<sup>9</sup> Sections 2(d) and 17 of the Act.

<sup>10</sup> See Sreenivasulu N.S., Law relating to Intellectual Property, Penguin-Partridge Publications, Bloomington, Indiana, USA, First Edition, 2013, Pg. No: 485.

<sup>11</sup> Examples are: a person writing a report on a subject for a company, a composer composing a song for a film company, or a photographer taking a photo at the instance of another person, or a painter drawing a portrait at the request of another person, all for valuable consideration.

<sup>12</sup> The composer, however, retains the copyright in the work in all other respects.

<sup>13</sup> Some Societies existed in this field, like, IPRS-Indian Performing Right Society Limited, existed on Aug 23rd 1969, but, Registered under Copyright Act, 1957 as Copyright Society on Mar 27th 1996. It issue licences to users of music and collect Royalties from them, for and on behalf of its members.

PPL-Phonographic Performance Limited established on 1941, Registered under Copyright Act, 1957 as copyright Society in 1996, has been functioning as the Performing Rights Society for Sound Recording, Etc.

<sup>14</sup> In place of owners, as in the Act

<sup>15</sup> This is because these authors currently have a peculiar status in copyright societies, because of misinterpretation of the subsequent 1994 amendment to the Copyright Act.

<sup>16</sup> See Hemantha Kumar and Sreenivasulu N.S. Nuts and Bolts of Copyright Amendment Bill: 2010, Manupatra Intellectual Property Reports, Volume II, Part I, April, 2011.

<sup>17</sup> Ibid.

<sup>18</sup> The Copyright Amendment Act, 2013 was originally introduced in the parliament as Copyright Amendment Bill, 2010, later couple of modified Bills were introduced in 2012 and 2013. Ultimately parliament accepted and passed the 2013 version of the amendment Bill which resulted in Copyright Amendment Act, 2013.

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