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CASE NOTE: PHONOGRAPHIC PERFORMANCE LIMITED AND SONOTEK CASSETTES COMPANY V. STATE OF GOA

AUTHORED BY - PRANJAL SRIVASTAV

In the case of *Phonographic Performance Limited and Sonotek Cassettes Company v. State of Goa*, the Bombay High Court quashed a contentious circular issued by the state of Goa. The circular exempted music played at weddings and other related events from any actions under the copyright act 1957. The ruling has important implications for the copyright law enforcement specifically regarding the unlicensed use of copyrighted music at social and cultural events such as weddings. Phonographic performance limited is a major copyright society managing public performance rights. PPL challenged the circular emphasizing that it violated the rights of music creators by allowing free use of copyrighted music.

Introduction

The case highlighted the interpretation of Section 52(1)(z) of the copyright act 1957. The section provides exceptions for music played during bona fide religious ceremonies which also includes marriage processions. The circular issued by the state of Goa, dated January 30, 2024, interpreted this section broadly. It extended the exception to cover social festivities associated with weddings. The petitioners argued that the circular unlawfully expanded the scope of the statute, infringing on its ability in enforcing copyright protections. The Bombay High Court nullified the circular. The ruling reformed copyright protection even in non-commercial and cultural contexts.

Statutes Involved¹

Copyright Act, 1957

- Section 52(1)(za): The clause provides an exception specifically for the use of any copyrighted works during bona fide religious ceremonies. This includes marriage processions and other festivities associated with marriage.
- Section 30: The section is concerned with the rights of owners to grant licenses.

¹ <https://iprmentlaw.com/2024/09/01/goa-circular-struck-down-ppl-v-state-of-go/>

- Section 33: The section deals with the registration process of copyright societies.
- Section 55: It provides for remedies in cases of infringement.
- Second Proviso to Subsection 3-A of Section 33: This pertains to the re-registration of copyright societies.

Constitution of India

- Article 226: The article gives powers to the High Court to issue writs for enforcement of fundamental rights.
- Article 162: It provides for the executive powers of the State Government.

Plaintiff's Argument

Phonographic Performance Limited, a registered copyright society, contended that the Goa government's circular distorted the provisions of Section 52(1)(za) by extending the exception to social events beyond religious ceremonies, such as wedding receptions and other related festivals. The plaintiff represents music labels and manages millions of recordings. Given that the circular hampered their ability regarding collection of royalties and initiation of legal action for unauthorized use of copyrighted music, PPL emphasized that the circular expanded the statutory exemption in a way that influenced upon the economic rights of copyright holders. At the same time, the government's interpretation of the law interferes with its statutory right to issue licenses for public performance under Section 30 of copyright act.

The plaintiff highlighted that any unlicensed use of copyrighted music during wedding festivities not only deprived composers, music labels and performers of fair compensation but also interfered with the enforcement mechanisms of the copyright act by encouraging event organizers and venues to disregard any copyright loss.

Respondent's Argument

The state of Goa defended the circular by claiming that it was merely an informational document. It aimed at informing the public about their rights under already existing laws. They argued that Section 52(1)(za) provided an exemption from music played during bona fide religious ceremonies which included weddings and their circular aimed to promote tourism and reduce the burden on event organizers. The respondents contended that the circular did not aim to interpret the law but merely clarified the interpretation of Section 52(1)(za), which in their

view extended to all events associated with weddings. The state contended that the circular aimed to encourage economic activities related to tourism and social celebrations and is not violative of any statutory provisions.

Judgment ²

The Court ruled in favor of the plaintiff quashing the circular issued by the state of Goa. The Bombay High Court held that the circular was illegal and had gone beyond the scope of Section 52(1)(za). At the same time it interfered with the enforcement of copyright laws. The court stated that the circular in question extended the exception in Section 52(1)(za) broadly, including all social festivities related to weddings and not just bona fide religious ceremonies. This was not the intent of the statute.

The judgment stated that the circular was not merely informational and it altered the statutory balance between protection of copyright holders and provision of limited exceptions for religious ceremonies. The ruling affirmed that copyright protections cannot be waived under the guise of cultural exemptions without following due legal process.

Rationale and Analysis

The court's reasoning centered on the scope of Section 52(1)(za) that exempts the use of copyrighted music only during bona fide religious ceremonies including marriage processions. The ruling highlighted that the provision should not be widely interpreted to also cover other events in association with weddings. The use of the term wedding instead of marriage procession in the circular had led to an over extension of the exemption in the statute.

Bombay High Court recognized that the State of Goa overstepped its authority with the issuance of the circular that engaged in interpreting the exemptions. The task of interpretation of statute that either expands or narrows the scope of rights is reserved for the judiciary and the executive shall not interfere with the same.

The judgment reinforced that the copyright act aims to protect the intellectual property rights of copyright holders and creators, clarifying that Section 52(1)(za) was intended to balance

² <https://spicyip.com/2024/08/goa-circular-on-the-unauthorized-use-of-sound-recordings-during-weddings-hits-a-wrong-note.html>

public interest and private rights and it should be construed in a way that does not dilute economic rights of music owners. The decision of the court elucidated that a broadened interpretation of the provision should not be executed.

Conclusion

The decision in the case reaffirms the importance of adherence to copyright laws. The ruling ensures that event organizers are required to obtain proper license to be able to use copyrighted music. The judgment is vital in the context that exemptions under the law must be interpreted narrowly.

The case has become a study on the sensitive balance between protection of cultural practices and safeguarding creators' rights in the Indian music industry. The court by deciding to quash the circular clarified that copyright protections cannot be relaxed and protection of intellectual property rights is paramount in fostering creativity and innovation.

