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NAVIGATING PERFORMERS' RIGHTS ISSUES **IN THE DIGITAL WORLD**

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ABSTRACT

In the rapidly evolving landscape of the digital world, the intersection of technology and entertainment has brought forth a myriad of challenges and opportunities for performers. This paper delves into the multifaceted realm of performers' rights issues in the digital age, examining the impact of technological advancements on the protection, remuneration, and creative autonomy of artists.

The digital revolution has transformed the way we consume and distribute content, profoundly affecting the livelihoods of performers across various mediums. One primary concern is the complex web of copyright and intellectual property rights in the digital space. As performers increasingly rely on digital platforms to showcase their talents, questions surrounding ownership, licensing, and fair compensation have become paramount. This paper aims to dissect these issues, shedding light on the intricate balance between the interests of performers and the demands of the digital ecosystem.

The advent of streaming services and online platforms has revolutionized the entertainment industry, providing new avenues for exposure and revenue. However, this shift has brought about a host of challenges, including the fair distribution of royalties. Performers often grapple with inadequate compensation models, and this abstract explores the various approaches taken by the industry and policymakers to address this imbalance. From collective bargaining agreements to legislative initiatives, the pursuit of fair remuneration for digital performances is a central theme. Furthermore, the digital world has given rise to new forms of artistic expression, such as virtual performances and interactive media. These innovative formats pose unique challenges to traditional notions of performers' rights, necessitating a re-evaluation of legal frameworks and industry practices. This abstract investigates how performers navigate the evolving landscape of digital creativity, including issues related to virtual avatars, deepfake technology, and the blurred lines between live and recorded performances.

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In addition to financial considerations, the abstract delves into the impact of digital platforms on performers' creative autonomy. The ease of digital reproduction and manipulation raises concerns about the integrity of artistic works and the potential for unauthorized use. As performers grapple with issues of consent, authenticity, and control over their digital personas, this abstract examines the legal and ethical dimensions of safeguarding performers' rights in the digital realm.

To provide a comprehensive analysis, the abstract incorporates case studies, industry perspectives, and legal frameworks. By exploring the diverse challenges and solutions that have emerged in response to performers' rights issues in the digital world, this abstract aims to contribute to a nuanced understanding of the evolving dynamics between technology, entertainment, and the rights of those who bring performances to life.

Keywords: Performer, copyright, digital revolution, intellectual property rights, licensing

INTRODUCTION

Producers and performers of creative works could monetise the showing or viewing of performances effectively by selling tickets at the venues. In the last several decades, with the advent of the internet and digital technologies, the field of copyright and related rights has expanded enormously. At the same time, the possibility of making digital manipulation of performances or unauthorised copies of live performances has also been easier which raises new questions concerning copyright.

The copyright protection for performers, producers of phonograms and for broadcasting organisations was recognised for the first time in 1961 under The Rome Convention. Later on, coming into being in 1995, the Agreement on Trade Related Aspects of Intellectual Property (TRIPS Agreement), contained provisions on the protection of "related rights" – rights of performers, producers of sound recordings, broadcasting organisations. According to TRIPS Agreement, the performers and producers enjoy their rights until fifty years and broadcasting organisations until twenty years. In order to shape new standards for copyright protection in cyberspace, the World Intellectual Property Organization (WIPO) adopted two treaties in 1996, namely – the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) – known together as the "Internet Treaties".³ In addition to creating new online

³ Copyright and the Digital Media: Perspective and Challenges in the New Legal Regime in India : [C. P. Dayananda Murthy](#)

rights, these treaties have clarified the content of existing rights under the Rome Convention and TRIPS Agreement. Performers and producers have the right to enjoy and exercise the rights provided for in the WPPT without any formality for a term not less than 50 years. Under the WPPT, performers enjoy two types of rights, namely – economic rights and moral rights. In respect of performances fixed in phonograms (not in audiovisual fixations, such as motion pictures) economic rights include the right of reproduction, distribution, rental, and making available. While with regard to unfixed (live) performances, the performers' economic rights include the right of – broadcasting, communication to the public (except where the performance is a broadcast performance) and fixation. The moral rights include the right to claim to be identified as the performer and the right to object to any distortion or modification that would be prejudicial to the performer's reputation. As far as producers of phonograms are concerned, the WPPT grants them economic rights in their phonograms that include the right of – reproduction, distribution, rental, and making available. In addition to that, a single equitable remuneration must be paid by the user to the performers or to the producers of the phonograms, or to both if a phonogram published for commercial purposes gives rise to secondary uses – broadcasting or communication to the public in any form. Most importantly, the treaties ensure that the owners of those rights will continue to be adequately and effectively protected when their works are disseminated through new technologies and communications systems such as the Internet. In order to facilitate the protection of innovative and creative works, the contribution of intellectual property (IP) in development of the country cannot be ignored. To address the challenges posed by today's digital technologies, in particular the dissemination of protected material over digital networks, the government should undertake a comprehensive review of IP legal regime and needs to take every measure including signing of the relevant WIPO IP rights encourage fair competition and foster social, cultural and economic development of a country. The broad development vision and goals articulated in national and sectoral development plans, policies and strategies of the country can effectively be met using IP rights. The right-holders should be aware of their IP rights and the government is required to promote increased awareness and knowledge about IP among the people of the country.

PROTECTION UNDER THE INDIAN COPYRIGHT ACT, 1957

Rights under Indian Copyright Act

The Exclusive rights of Performers are given under [Section 38-A](#) of the Indian Copyright Act 1957⁴.

1) Right to broadcast a performance

The performer has the right to exclude others from broadcasting their live performance. Once a live performance is delivered by a performer, he can permit the third party to broadcast his live performance. If there has been a broadcast by the third party without the permission of the performer, the performer can sue the third party for infringing his copyright. However, there's an exception to the present rule. If the live performance is towards cinematograph film, all the rights will vest with the producer of the cinematographic film and therefore the performer's right is absent. But if the third party used the live performance for other purposes apart from such film for commercial exploitation, the performers can claim royalties for the same.

2) Right to produce a sound recording or a visual recording of the performance

The performer has the right to reproduce a sound or a visual recording in the form of copies, commercially renting the copies or uploading the sound or visual recording on a public platform. Thus, a performer can also become the producer of the sound or visual recording and thereby can enjoy the right of the producer. However, for the enjoyment of such rights, the performer must have the prior consent of the individual copyright owner like the lyricist and music composer and should also possess a certificate related to the sound or visual recording by the competent authority.

3) Right to make a sound or a visual recording

A performer has the right to create a visual or sound recording and he can grant a third party a right to record the performance. However, the third party doesn't have any right to use the visual or sound recording for any other purpose, especially for monetary gains. However, if a prior valid written consent of the performer is obtained in the form of agreement for integration in a cinematograph film, the producer of the cinematograph film will have all the rights.

4) Right to communicate the work through different mediums that may not include broadcasting.

⁴ Section 38-a of the Indian Copyright Act

A performer has the right to communicate their work to the general public through various mediums which may include wireless mediums like social media or over-the-top (OTT) platforms and any other mediums that include wires to broadcast performances.

Moral rights vested with the performer

Section 38-B of the Indian Copyright Act 1957 mentions some moral rights that are available to the performers. The performer has the moral right to claim to be identified as the performer even when he has assigned the performance to a third party[9]. Also, if the performance is in any way distorted or mutilated in such a way that could potentially damage the reputation of the performer, the performer has the right to restrain or claim damages from such party that has made the modification in question[10].

It is to be noted that if a producer of the cinematographic film removes any portion of the performance for the sole purpose of editing, or for the purpose of incorporating the recording within a limited time duration, or any other modification that is made solely due to some technical reasons, under such circumstances rights of the performers are not violated.

ISSUES IN THE DIGITAL WORLD

Streaming Services and Fair Compensation

The rise of streaming platforms has revolutionized how we consume audio-visual content. While these platforms offer unprecedented reach, they also raise concerns about fair compensation for performers. Subscription-based models and ad-supported services often leave performers grappling with questions about the equitable distribution of revenue.

One major challenge lies in negotiating fair licensing agreements between performers and streaming platforms. Performers, along with their unions and representatives, advocate for better revenue-sharing models to ensure that the digital boom translates into just compensation for their creative contributions.

User-Generated Content and Copyright Challenges

The explosive growth of user-generated content on platforms like YouTube, TikTok, and Instagram has created a complex landscape for audio-visual performers. While these platforms

provide exposure, they also raise questions about copyright, fair use, and compensation.

Performers frequently face the dilemma of having their works featured in user-generated content without proper authorization. Striking a balance between protecting performers' rights and fostering creative expression in the digital age remains an ongoing challenge. Developing effective content identification systems and transparent revenue-sharing mechanisms becomes crucial in addressing these concerns.

Digital Piracy and Unauthorized Distribution

Digital technology's ability to effortlessly duplicate and disseminate content raises serious concerns about piracy. Audio-visual performers often find their works distributed without proper authorization, leading to financial losses and undermining the value of their creative endeavors. Implementing robust anti-piracy measures, while respecting consumers' rights, becomes imperative. Striking this delicate balance involves technological advancements, legal frameworks, and public awareness campaigns to combat digital piracy and protect performers' intellectual property.

Emerging Technologies

As we step into the realms of virtual reality (VR), augmented reality (AR), and artificial intelligence (AI), audio-visual performers face new frontiers of challenges and opportunities. The advent of AI-generated content raises questions about ownership, attribution, and the role of performers in creations facilitated by these technologies. Ensuring that performers maintain control over their likeness, voice, and performances in these emerging spaces requires proactive engagement with technology developers, policymakers, and legal experts.

RISE OF VIRTUAL PLATFORMS

In the not-so-distant past, the pulsating energy of live performances in theaters, concert halls, and arenas was the heartbeat of entertainment. However, the dawn of the digital era has ushered in a transformative shift, redefining the very essence of performance and how audiences engage with

their favorite artists. This seismic change brings forth a multitude of opportunities, challenges, and a dynamic reimagining of the performing arts landscape.

The digital era has obliterated geographical constraints, allowing performers to transcend physical boundaries and reach global audiences instantaneously. Virtual performances, live-streamed concerts, and online events have become the norm, democratizing access to art and enabling performers to connect with fans worldwide without the limitations of venue capacities or tour schedules.

Digital platforms such as YouTube, Twitch, and social media platforms like snapchat and Instagram Live have emerged as powerful stages for performers of all kinds. From musicians to comedians, dancers to storytellers, these platforms provide an accessible space for artists to showcase their talents and build communities without the need for a physical stage.

One of the notable shifts in the digital era is the heightened interactivity between performers and their audiences. Live chats, Q&A sessions, and real-time feedback create an immersive experience, fostering a sense of intimacy that extends beyond what traditional live performances can offer.

Despite the digital era's numerous advantages, artists face the challenge of establishing authentic connections with their audiences through screens. The palpable energy of a live crowd, the shared experience of being in the same physical space, remains a unique aspect that digital performances strive to replicate.⁵ Digital platforms have redefined collaboration among artists, allowing for cross-genre and cross-cultural partnerships that might not have been feasible in a strictly live performance context. Virtual collaborations enable artists from diverse backgrounds to create unique, boundary-defying performances that resonate globally.

The digital shift brings with it the ability to archive and preserve performances for posterity. Digital recordings, live-streamed events, and on-demand access ensure that performances can be revisited and enjoyed long after the curtain falls or the final note fades.

The shift from live performances to digital experiences marks a transformative chapter in the history of the performing arts. While challenges exist, the digital era opens up a vast realm of possibilities for performers to innovate, connect, and redefine the ways in which their art is experienced. As the boundaries between the physical and digital continue to blur, the performing

⁵ Copyright for performers—an obligation under international law
Irina Eidsvold-Tøien, Are Stenvik

arts are poised for an exciting and dynamic future where creativity knows no bounds.

PERFORMER'S CHALLENGES IN DIGITAL PLATFORMS : AN ANALYSIS

In the fast-paced world of social media, platforms like TikTok and Instagram have emerged as influential forces, transforming the landscape for performers of all kinds. While these platforms offer unprecedented visibility and opportunities, they also bring forth a unique set of challenges that performers must navigate to thrive in this digital era. the fundamental failure of Indian performer protection regime is that it looks to copyright laws to protect performers right- a system that is conceptually incapable of protecting all performer's rights.⁶

TikTok and Instagram have revolutionized how performers gain exposure, allowing them to reach audiences on a global scale. However, the pursuit of visibility often comes with the risk of exploitation. As performers showcase their talents, there is a delicate balance between gaining exposure and the potential for their work to be used without proper compensation or credit. Performers must grapple with issues related to the fair use of their content on these platforms, especially as trends and challenges go viral, leading to an explosion of user-generated content that may feature or replicate their performances.

Monetizing talent on platforms like TikTok and Instagram can be a challenging endeavor for performers. While these platforms offer influencers and creators various avenues for income, such as brand partnerships and sponsored content, the revenue-sharing models are not always transparent or consistent. Performers may face difficulties in converting their online popularity into sustainable income streams, with questions arising about fair compensation for the cultural value they bring to these platforms. The nature of user-generated content on TikTok and Instagram raises significant copyright and intellectual property concerns for performers. The viral nature of challenges and trends often means that original performances can be replicated and disseminated widely without the performer's consent. Navigating the intricacies of copyright infringement and protecting intellectual property becomes crucial for performers seeking to maintain control over their creations in an environment where content can quickly go from niche to mainstream. The algorithms that govern content discovery on Instagram and TikTok often prioritize trends and popular content, potentially overshadowing original creations. While the

⁶ Protecting performers rights : does india need law reform, Sanhitha Ambast

pursuit of virality can lead to increased visibility, it may also marginalize original content that doesn't conform to prevailing trends. Original content creators find themselves grappling with the challenge of standing out in an environment that often favors content that quickly captures widespread attention, potentially stifling the diversity of creative expression. The viral nature of content on Instagram and TikTok can lead to the rapid spread of trends and challenges. Unfortunately, this often results in the appropriation of original work without proper attribution or credit. Content creators frequently face the frustration of seeing their unique ideas replicated and disseminated without acknowledgment. Addressing issues of appropriation and uncredited use becomes crucial for fostering a culture that values and respects the intellectual property of original content creators.

While both Instagram and TikTok offer opportunities for content creators to monetize their work through brand partnerships and sponsored content, the pathway to sustainable income can be elusive. Monetization structures may favor influencers and popular trends, leaving original content creators with fewer opportunities to generate income. Finding a balance between artistic integrity and financial sustainability becomes a significant concern for creators who strive to maintain authenticity while navigating the evolving landscape of digital monetization.

The algorithms powering content discovery on these platforms have faced scrutiny for potential biases, which can affect the visibility of content from creators of diverse backgrounds. Original content that deviates from the mainstream or challenges stereotypes may struggle to gain traction due to algorithmic biases.

Addressing algorithmic bias is crucial for promoting diversity and ensuring that original content creators from all walks of life have an equal opportunity to be seen and appreciated.

While Instagram has a strict policy against users posting copyrighted content on their accounts, the introduction of Reels has caused a confusion due to the copyrighted audio provided in its library. A commonly asked question is whether use of these audio clips even for 15-30 seconds results in an infringement? And the answer is Yes. Any copyrighted content being released in the public will be considered as an infringement with a caveat that such publication is done without the consent of the work's owner. Instagram has entered into various agreements with the music industry which allows them to post copyrighted audios without infringing the owner's rights. While the details of such agreements are confidential and not publicly available, in a post by Instagram, the organization had clarified that the built-in library of the reels which permit creation of short-form content is allowed and entirely legal. But it is essential that the Reels' audio is posted accompanying a visual component. Fulfilment of this requirement is essential as per the organization's agreements with the rights holders.

While the audio used in Reels does not violate the copyright laws, the visual component of the same is also questioned. Social media trends are known to be notorious for triggering a herd mentality and Instagram reels is a prime example. With the popularization of reels, an accompanying social trend which has gathered fame displays a reenacted choreography to a specific audio. Users, in this case, perform and post a short 15-30 seconds choreography which has already been performed and posted by a social media influencer or any artist on the platform. This raises the concern of copyright infringement of the dance choreography.

While this issue has not been widely raised, the copyrighting of dance moves being used in a social media trend is not unprecedented anymore in countries like USA.

In April 2016, Facebook introduced Facebook Live, which allows users to broadcast live video recordings, effectively granting the everyman a TV camera in their PCs and phones. Many other platforms, from YouTube to Instagram, have picked up this functionality as well.

With the increased ease of livestreaming, businesses now have a new way of marketing which allows direct engagement with their audience.⁷ Many business owners can livestream promotional activities or events from their premises.

What many people do not realise is that “copyright” is actually a bundle of different exclusive rights, including the right to reproduce a work, to perform a work and, crucially in this case, to communicate a work to the public. The right of communication to the public is defined in the Copyright Act 1987 as “*the transmission of a work or performance through wire or wireless means to the public, including the making available of a work or performance to the public in such a way that members of the public may access the work or performance from a place and at a time individually chosen by them*”, livestreaming would likely fall within the act of “communication to the public”.

TikTok’s almost open-source content-sharing design means that those who create the viral dances are not necessarily the ones who benefit from the dance’s success. As a result of these technological features, as well as the newness of the platform, norms—particularly around credit—are still being established.

CASE STUDY

1) KEARA WILSON

⁷ Arnold R, *Performers’ Rights* (Sweet and Maxwell, London),2004, p. 2

Keira Wilson, the 21-year-old who first shot to popularity with her choreography on Megan Thee Stallion's *Savage* on TikTok, has become a full-time digital creator who mainly showcases her dancing talent on social media. As per the Mansfield, Ohio native's Instagram bio, she has over 3 million followers on TikTok. *Dancing With Myself* is NBC's new reality TV show where participants (mostly digital content creators) come to showcase their dancing talent in their respective pods to a live audience and a judge's panel.

In the premiere episode, the winner was [Tyra Polke](#), a 16-year-old student, while the latest episode's champion was Keara Wilson, aka Keke. In 2020, TikTok blew up with clips of people doing a routine to Megan Thee Stallion's hit song *Savage*. The creator of that routine was Keara "Keke" Wilson. It went viral in no time as millions of TikTok users started making reels trying out the moves on social media. They were joined by several celebrities like Jennifer Lopez, Keke Palmer, and the singer Megan Thee Stallion herself. Due to such widespread fame, the creator filed for registration of her copyright in the "savage" dance choreography by documenting the dance steps with symbols and labanotation. This puts Keara Wilson in a position to claim proper credit as well as payment for the use of her choreography on any public platform as well as a right to legal action in case of infringement. She was granted with copyright over her dance routine thereby restricting others to use her choreography without proper approval and credit.

2) JALIAH HARMON

Jaliah Harmon, the creator of the "Renegade" dance as aforementioned, faced challenges in seeking credit for her choreography lie partly in the way TikTok is set up. For viewers, it is very difficult to determine whose video came first on the platform; the feed is not chronological, timestamps are not included with videos, and hashtags are sorted by popularity, not time. That means that if someone with more followers steals your dance, it is likely theirs will be the one that goes viral. She filed an application for a copyright over her dance and was granted with the same. Thereby she protected her right as a performer as she could prevent others from using the same dance and disseminating through digital platforms.

INDIA'S PERFORMERS' RIGHTS: AN OVERVIEW AND HIGHLIGHTS

While a performer gains rights in their performance during the act itself, under the foundation of performer protection in Indian law, these rights cease to exist once any form of recording, broadcasting, or communication of the performance occurs with the performer's permission. All rights then transfer to the owner/author/director of the recording, broadcast, or communication. No performance can however be recorded, broadcasted or communicated without the performer's consent⁸. Furthermore, a performance recording cannot be reproduced without the performer's consent or for purposes other than those initially agreed upon. These rights are valid for fifty years; however, if a performer agrees to incorporate their performance into a film, these protections do not apply to them.

Upon closer examination of these provisions, it becomes apparent that performers' rights in India receive limited protection. The economic rights of performers in their performances are safeguarded only until the performance is fixed. Performers in scripted fixed works have no rights over their performances,⁹ nor do actors in scripted unfixed works, or in unscripted fixed works.¹⁰

There has been a lack of legal action on this matter, preventing the judiciary from addressing the gaps. The initial litigation on performers' rights in Indian courts dates back to 1979 when Sections 38 and 39 were not yet part of the Copyright Act. In a specific case, the Supreme Court ruled that an actor had no entitlement to their performance in a film, as such performances were not covered by the five categories of artistic work outlined in the Copyright Act.¹¹ After the incorporation of Sections 38 and 39 in 2003, the Delhi High Court decided the *Super Cassettes Industries v Bathla Cassette Industries* case¹². This ruling clarified that performers' rights were distinct from copyright and emphasized that re-recording a song without permission from the original performer constituted an infringement of performers' rights. This decision marked a significant

⁸ Section 38(3), Indian Copyright Act, 1957.

⁹ This means if another performer sings in the distinctive style of an existing singer, or imitates an actor's distinctive mannerisms; the original performers have no recourse in law to protect their rights even though all these styles, persona, mannerisms and acting techniques are their creative product and labour.

¹⁰ For an example of the former, if a theatre performs a scripted play in a specific way, he is not protected against people imitating his style in other stage performances. If a musician plays an instrument in a unique way that produces a unique sound, the style is not protected, only the musical tune and recording.

¹¹ *Fortune Films International v Dev Anand*, AIR 1979 Bom 17.

¹² 107 (2003) DLT 91.

advancement in establishing jurisprudence for performer protection in India. Since then, no noteworthy cases related to performers' rights have been adjudicated by the higher judiciary in India.

SUGGESTIONS

To effectively address the challenges surrounding performers' rights in the digital landscape, a holistic strategy is recommended, involving collaboration among industry stakeholders, legal reforms, technological advancements, and awareness initiatives. Advocacy for updated legislation explicitly tailored to address performers' rights in the digital realm is crucial, ensuring that laws keep pace with technological advancements and provide transparent frameworks for digital performances, streaming, and online distribution. The development of fair compensation models is imperative, incorporating industry-wide standards to guarantee equitable remuneration for performers across various digital contributions, including streaming revenues, virtual performances, and interactive media. Empowering performers through collective bargaining agreements and collaborative initiatives, such as the formation of industry alliances and unions, facilitates fair negotiations with digital platforms. Exploration of blockchain technology to establish transparent and immutable records of ownership ensures performers receive their fair share of revenues from digital works. Implementing digital watermarking and robust rights management systems adds a layer of protection, granting performers greater control over their digital content. Education campaigns are essential, raising performers' awareness about their rights in the digital domain and equipping them with knowledge to navigate contracts, licensing agreements, and the implications of various digital platforms on their intellectual property. Encouraging the development of standardized licensing agreements for digital performances, characterized by fairness, transparency, and clarity, establishes a cohesive framework for usage and compensation. Facilitating international collaboration aims to harmonize performers' rights protection globally, fostering consistent and equitable standards across borders. Embracing emerging technologies like artificial intelligence and machine learning for monitoring and enforcing performers' rights in the digital space aids in identifying unauthorized use, tracking digital performances, and ensuring compliance with licensing agreements. Support for advocacy efforts and engagement in lobbying activities are essential to influence policymakers and industry stakeholders in favor of strengthened legal protections for performers in the continually evolving digital era. By amalgamating legal, technological, and educational strategies, stakeholders can collectively overcome performers' rights challenges

in the digital world, creating an environment that is both equitable and sustainable for artists in the digital age.

Proposed to enhance the monetization policies of digital platforms, particularly in addressing performers' rights issues, are several key suggestions. Firstly, the recommendation calls for the establishment of a fair and equitable revenue-sharing model, taking into account the specific contributions of performers. This involves the development of transparent guidelines that unequivocally delineate the distribution of revenue generated from digital performances, with due recognition given to the distinct roles played by performers in the creative process. Additionally, the proposal advocates for the introduction of performance metrics that expressly recognize and reward the creative endeavors of performers. These metrics may include aspects such as viewer engagement during live performances, audience interaction, and the duration of viewer engagement with the performance. The acknowledgment of these elements is seen as a crucial factor in achieving a more nuanced evaluation of a performer's impact on the platform.

Furthermore, the suggestion includes facilitating direct fan contributions to performers through features like virtual tips, gifts, or donations during live performances. This not only empowers audiences to directly support their favorite performers but also fosters a direct and meaningful connection between creators and their fan base, while simultaneously creating an additional revenue stream.

To address the diverse nature of performances, the proposal recommends implementing flexible monetization criteria. Recognizing that various content types, such as live performances, virtual concerts, or interactive sessions, may necessitate unique eligibility and monetization criteria, this flexibility ensures that performers can monetize their content in ways that align with their specific creative pursuits. Providing performers with the option to enter into specialized contracts and agreements tailored to address the unique aspects of their digital performances is vital. These agreements may cover issues such as licensing, royalties, and the use of virtual avatars or deepfake technologies, ensuring that performers possess a clear understanding of how their content will be utilized on the platform. Furthermore, the suggestions involves the development of educational resources specifically tailored to performers, offering guidance on navigating the complexities of digital contracts, licensing agreements, and intellectual property rights. This empowerment through knowledge aims to enable performers to make informed decisions about their digital presence and monetization strategies. To foster a collaborative approach to policy refinement, the establishment of regular consultation and feedback sessions with performers would be beneficial. These

sessions would actively seek input on potential improvements, challenges faced, and emerging trends in the digital performance space, enhancing the platform's responsiveness to performers' experiences. Lastly, the importance of increasing transparency in the platform's algorithmic processes that influence content visibility and monetization eligibility is important. Clear communication regarding how algorithms evaluate and prioritize performances is deemed essential to ensure performers understand the factors contributing to their digital success and revenue generation.

By integrating these suggestions into the monetization policies of digital platforms like YouTube, there is a notable opportunity to cultivate a more performer-friendly environment. This approach not only acknowledges the creative contributions of performers but also safeguards their rights, fostering a sustainable and mutually beneficial relationship between performers and the platform.

CONCLUSION

This research paper has delved into the intricate and evolving landscape of performers' rights issues in the digital world. As technology continues to reshape the way we create, distribute, and consume content, performers find themselves at the intersection of artistic expression and digital commerce, facing unique challenges and opportunities. The multifaceted approach proposed in this study emphasizes the need for collaboration among industry stakeholders, legislative reforms, technological innovations, and educational initiatives to address the complex issues surrounding performers' rights.

Legislative reforms emerge as a cornerstone, urging the advocacy for updated and robust legal frameworks that explicitly consider the nuances of digital performances, streaming, and online distribution. Fair compensation models are imperative, with industry-wide standards playing a pivotal role in ensuring performers receive equitable remuneration for their diverse contributions to the digital landscape. Empowering performers through collective bargaining and collaborative efforts, coupled with the exploration of technologies like blockchain and digital watermarking, provides tangible solutions to enhance ownership, transparency, and protection against unauthorized use.

Education and awareness programs emerge as crucial tools in equipping performers with the knowledge to navigate the intricacies of digital contracts and licensing agreements. The call for standardized licensing agreements promotes fairness, transparency, and clarity, offering a structured approach to the use and compensation of performers' works in the digital domain.

International collaboration is essential to harmonize rights protection globally, while the adoption of emerging technologies like artificial intelligence contributes to the monitoring and enforcement of performers' rights in the digital space.

As the digital era unfolds, the challenges discussed in this paper underscore the importance of continuous adaptation and proactive measures. The collective efforts proposed here aim not only to overcome current challenges but also to establish a foundation for a more equitable and sustainable environment for performers in the digital age. By synergizing legal, technological, and educational strategies, stakeholders can pave the way for a future where performers' rights are respected, protected, and thriving in the dynamic digital landscape. The journey towards a harmonized and empowered digital space for performers demands ongoing commitment, cooperation, and a shared vision for the preservation and advancement of artistic expression in the 21st century.

