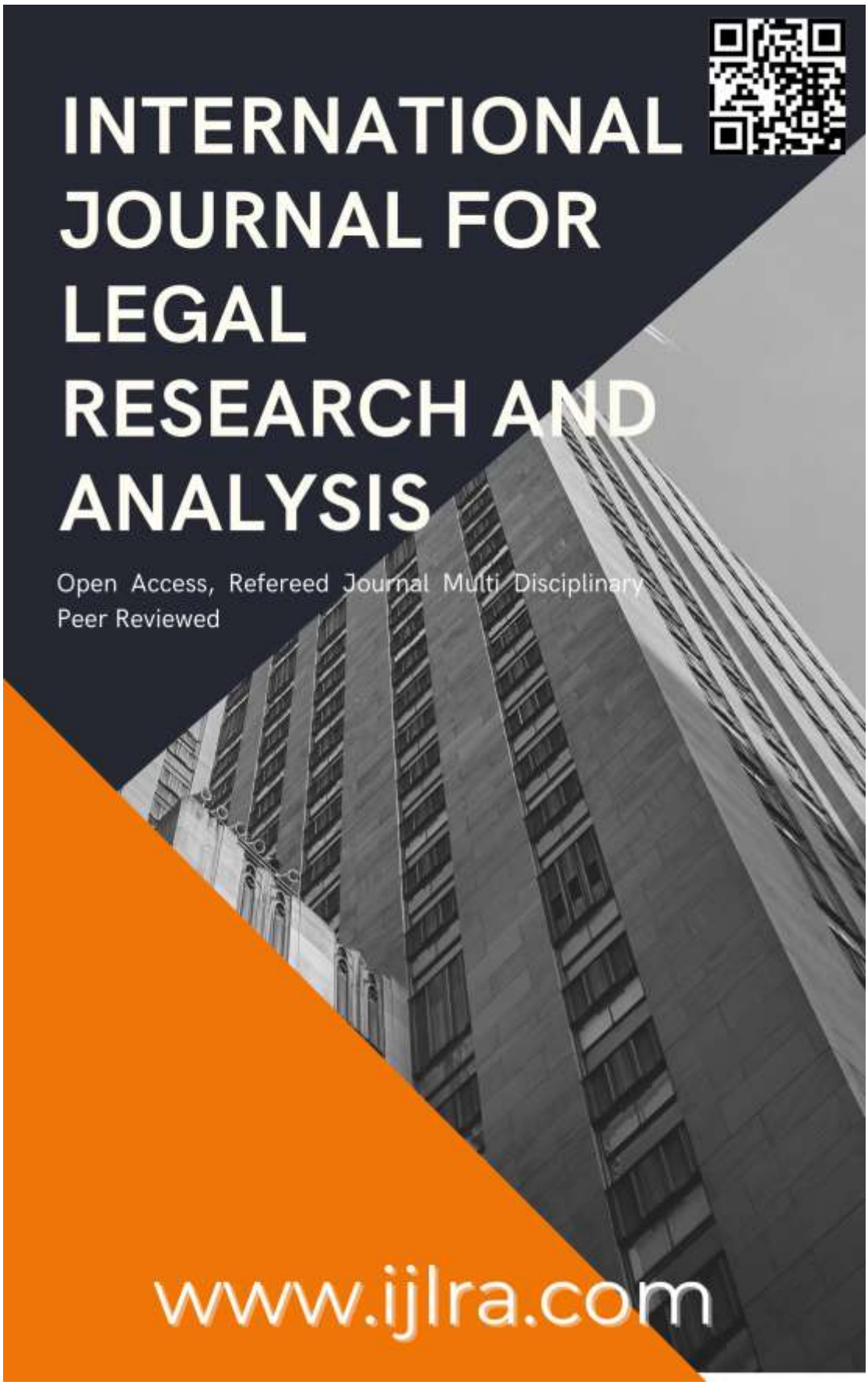

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RESEARCH ARTICLE

Copyright And Music Broadcasting In India: Legal Gaps And Reform

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Abstract

Indian music broadcasting moved fast, from radio to online streams and webcasts. However, copyright law has remained stagnant, leaving crucial ambiguities regarding statutory licensing, royalty distribution, authors' rights, composers' rights, and performers' rights. Although the Copyright (Amendment) Act of 2012 was intended to protect creators, persistent judicial conflict over the application of Section 31D to internet broadcasters has continually disrupted the functions of Copyright Societies and Internet broadcasters. This paper aims to analyse these statutory inconsistencies by adopting a doctrinal and comparative methodology. The paper compares the Indian Copyright Law with the laws of the United States and South Korea. To begin with, the paper discusses the salient features of Indian Copyright Law applied to the music broadcasting scenario. Thereafter, the paper presents a brief comparative analysis of the statutory provisions regarding music broadcast in the said jurisdictions. It also focuses on the provisions related to the collection of royalties, administration of performers' rights, and collective licensing. The paper highlights the lacunae in the provisions of the Indian Copyright Act, 1957, by analysing various case law in this regard. Against the backdrop of the United States' market-driven collective licensing and South Korea's administrative supervision of royalties, the paper concludes that India requires appropriate legislative amendments to address the music broadcasting landscape.

Keywords: Copyright Act 1957, Section 31D Statutory License, Music Webcasting, Royalty Rights, Collective Management Organisations, Comparative Copyright Law.

Introduction

Background and Context

The music industry of India has seen an unprecedented rise in digital technologies over the last decade. The modes of music consumption, such as terrestrial radio, television, and physical media, have increasingly given way to internet webcasting and audio streaming via platforms like Spotify, Apple Music, Wynk Music, and YouTube Music. Underpinned by deep smartphone penetration and cheap mobile data, digital streaming has become the new revenue horse for the Indian music market.

This development has exposed the inadequacies of the Indian copyright regime for regulating digital transmissions. The statute, primarily the Copyright Act of 1957, was designed in an era where physical media and print were predominant. Despite amendments, the statutory framework struggles to accommodate the nuances of digital transmissions, creating tension among rights holders, webcasters, and collective management organisations (CMOs).

Statement of the Problem

In the wake of the Copyright (Amendment) Act of 2012, there has been considerable uncertainty regarding the applicability of Section 31D to internet services. This problem was exacerbated by a 2016 executive memorandum seeking to extend statutory licensing to webcasting, which the courts eventually repelled. In

the case of *Tips Industries Ltd. v. Wynk Ltd.*, 2019, the Bombay High Court held that Section 31D applied exclusively to traditional linear radio and television broadcasts and did not cover digital service providers.

Without clarity on the ambiguities around webcasting and royalty enforcement, rights holders continue to face the threat of copyright infringement and unpaid royalties. In turn, digital platforms face expensive litigation, unpredictable royalty costs, and market uncertainty. This study seeks to examine the impact of the statutory ambiguities in India's music broadcasting regime on copyright enforcement and webcasting. Moreover, it will evaluate the manner in which selected foreign digital licensing regimes like the Music Modernization Act of the US and the Korean Copyright Act can inform potential legislative overhauls in India.

Aim and Objectives of the Investigation

The present investigation aims to evaluate Section 31D of the Copyright Act, 1957 and Rules 29 and 30 of the Copyright Rules, 2013 to create a legislative blueprint for regulating digital music broadcasting in India.

The objectives of the study are:

1. To examine the doctrinal scope and procedural mechanics of Section 31D and Rules 29–30.
2. To evaluate the implications of the *Tips v. Wynk* judgment and the regulatory vacuum created by the dissolution of the IPAB.
3. To assess the efficacy of the non-waivable royalty regime under Sections 18 and 19 and Indian Copyright Societies.
4. To undertake a comparative analysis vis-à-vis a foreign statutory regime such as the US (Music Modernization Act) and South Korea (Korean Copyright Act).

Research Questions

To interrogate the statutory and institutional challenges in the regulation of music webcasting, this study evaluates the following research questions:

1. Does Section 31D of the Copyright Act of 1957, in its extant form, apply to internet webcasting and digital streaming services? Moreover, is the current jurisprudence in consonance with the intent of the legislature?
2. What legislative amendments and alternative licensing regimes, drawing on the digital licensing experience of the US (Music Modernization Act of 2018) and South Korea (Korean Copyright Act), can be deployed to bridge the statutory lacunae in the regulation of the music broadcasting regime in India in a manner that balances the rights of creators with technological innovation?

Scope and Outline of the Report

The study primarily focuses on Indian copyright law concerning the rights of broadcasting and digital exploitation of musical works and sound recordings. It examines Section 31D of the Copyright Act, 1957, including the procedural rules, the statutory protection of the authors' royalty entitlement, and the collective management as administered by the courts in their interpretation of the relevant provisions.

The study considers the relationship between the different rights implicated in the context of recorded music. This is because the licensing of a sound recording may entail rights that are legally distinct from those in the underlying lyrics and musical composition. The research, therefore, does not regard a payment to a single commercial rights holder as conclusive evidence that all relevant creators have been remunerated in accordance with the law.

The comparative component of the study is confined primarily to the United States and South Korea. The United States is examined with particular reference to the Music Modernization Act of 2018, particularly its blanket licensing arrangements for specified uses of musical works in the digital space. South Korea serves as a comparative example of copyright administration and collective management. The comparison sought is functional rather than exhaustive. It consists of identifying relevant institutional mechanisms and assessing their suitability for India, rather than providing a comprehensive account of every aspect of the copyright law of either country.

The research is doctrinal and comparative in nature. It is informed primarily by legislation, judgments of courts of law, official legal materials, scholarly articles, and relevant institutional publications. The study does not seek to establish the actual magnitude of unpaid royalties or the prevalence of inaccurate reporting unless supported by reliable empirical evidence. Likewise, the recommendations regarding a proposed licensing regime are normative and must be distinguished from a description of the law currently in force.

The report is organised as follows. The first section sets out the research problem, objectives, questions and scope. The second section critically reviews the relevant literature, and the third analyses India's statutory framework governing music broadcasting. The fourth section compares selected licensing and royalty administration mechanisms in the United States and South Korea, and the fifth examines the judicial interpretation of Section 31D in *Tips Industries Ltd. v. Wynk Music Ltd.* The sixth section synthesises the literature and identifies the research gap, the seventh offers a critical analysis, and the eighth concludes. The ninth section sets out recommendations, followed by a consolidated list of references.

Research Methodology

This paper employs a primarily doctrinal research methodology, complemented by a comparative approach. This methodology is particularly effective for exploring the theoretical and conceptual dimensions of law and for systematically elucidating legal doctrines and principles. In addition to doctrinal analysis, the comparative methodology enhances the research by juxtaposing statutory frameworks and legal principles across jurisdictions.

The primary sources consulted in this study encompass statutory materials such as the Copyright Act of 1957, the Copyright (Amendment) Act of 2012, and pertinent foreign legislation, including the US Music Modernization Act and the Korean Copyright Act. Landmark judicial precedents further enrich the analysis. Additionally, secondary sources, including legal commentaries, peer-reviewed journal articles, international treaty provisions, and legal digests, are critically examined. The research process involves the systematic identification, collection, and critical analysis of these sources to evaluate the statutory scope of Section 31D and to draw informed conclusions about the legal status of internet webcasting.

Literature Review

Indian legal scholarship focuses on the interpretation of Section 31D of the Copyright Act, 1957, and the challenges posed by the application of a broadcasting-specific licensing regime to digital platforms. Scholarship on the recorded music industry emphasises the economic impact of streaming services and record companies. In contrast, studies on copyright societies and music aggregators analyse the institutional context in which royalties are collected and distributed. The literature produced in the United States and South Korea provides further insights into the issues of digital licensing, collective management and performers' rights.

This review critically examines the bodies of literature mentioned above under six interconnected themes: (1) statutory licensing and digital music transmission in India; (2) copyright ownership, performers' rights and royalty distribution; (3) copyright societies and collective management; (4) music aggregators and

platformisation; (5) comparative approaches in the United States and South Korea; and (6) the research gap that emerges from the existing scholarship.

Copyright Law, Music Broadcasting and the Statutory Licensing Gap

One of the most pressing questions in the literature on music distribution deals with the relationship between copyright owners' exclusive rights and the licensing needs of digital music services. A single track of music may involve the separate rights in the underlying musical and literary works and the sound recording that embodies those works. Consequently, the legal authority to use the track may vary depending on the nature of the use, the rights involved and the licences already in place. One study on copyright collectives in the digital streaming age highlights the scale of licensing ahead for digital services and the continuing relevance of mechanisms to reduce transaction costs.[1]

In the Indian context, the Copyright Act, 1957, establishes the statutory framework for the protection and exploitation of copyright. Section 14 specifies the exclusive rights attaching to different categories of works, while Section 30 permits copyright owners or their duly authorised agents to grant licences. Section 31D creates a statutory licensing regime for broadcasting organisations communicating published literary and musical works and sound recordings to the public, subject to the statutory conditions. One must examine its operation in conjunction with the definitions in section 2 of the Act and the Copyright Rules, 2013, particularly rules 29–31.[2,3]

In *Tips Industries Ltd. v. Wynk Music Ltd.*, the Bombay High Court examined whether the defendants could rely on section 31D to justify the online streaming and downloading of music. The Court determined, based on the facts of the case, that the statutory licence under section 31D was not available for the impugned internet-based activities. Its reasoning included the provisions of the Copyright Act, the Copyright Rules, the royalty-rate determination requirement and the legislative history of the Copyright (Amendment) Act, 2012.[4]

On 29 June 2022, the Bombay High Court in the appeals in *Wynk Ltd. v. Tips Industries Ltd.* noted that arguable questions arose about section 31D and the applicability of statutory licensing to the transmission or broadcasting of copyright-protected content over the internet.[5] The procedural history must therefore be examined before one describes the 2019 decision as a conclusion of all the issues raised by digital broadcasting.

The scholarship identified in this research provides a foundation for discussing the conflict between statutory licensing and the commercial imperatives of online music services.[6–9] These works are relevant insofar as they address the implications of copyright law in the digital music environment, licensing challenges, and the balance between copyright protection and access to music.

The Copyright Rules, particularly rules 29–31, specify the procedural requirements associated with statutory licensing. These rules must be analysed to determine how the prescribed notice, information and royalty-related procedures and accounts apply to the statutory licensing regime.[3]

On 5 September 2016, the Department for Promotion of Industry and Internal Trade (DPIIT) issued an Office Memorandum stating that Section 31D should not be read restrictively as covering only radio and television broadcasts. Following the Bombay High Court's decision in Tips Industries, DPIIT withdrew that memorandum by its Office Memorandum dated 21 August 2024. Both are relevant to the administrative interpretation of Section 31D.[4,10]

Copyright Ownership, Performers' Rights and Royalty Distribution

Music is a composite product that involves the contributions of lyricists, composers, performers, producers and sound-recording owners. These participants have different rights, and the fact that one category of right

holders receives economic benefits does not necessarily indicate that the others will receive just compensation.

The Copyright Act, 1957, must therefore be analysed as a statutory framework containing distinct categories of rights rather than a single entitlement to royalties. Sections 13 and 14 deal with copyright in protected works and the exclusive rights associated with them. Sections 17–19 address authorship, ownership and assignments, while sections 38–38B concern performers' rights and protections. One must consider the application of these provisions in conjunction with licensing practices, contractual arrangements, and statutory rules governing copyright societies.[11]

A study on digital technology and the Indian Performers' Rights Society is relevant to the question of performers' rights and their relationship with technological change.[12] Its subject matter focuses on the practical challenge of protecting performers' interests in a digital environment in which music can be reproduced, transmitted, and monetised through multiple intermediaries. For this research, the central question is whether the legal recognition of a right is accompanied by practical mechanisms by which the relevant performer can identify the use of a recording, demonstrate entitlement, and receive the appropriate remuneration. Earlier studies analyse music-aggregator distribution through the lens of the three pillars of the copyright system.[13] This work is relevant to the discussion of performers' position in the context of distribution, particularly when the route from the creator to the audience involves intermediaries.

The study concerning legal protection for the fulfilment of copyright owners' royalty rights also relates to the enforcement and realisation of remuneration entitlements.[14] It may help to identify questions about whether legal protections translate into the actual collection and payment of royalties.

A platform may generate revenues from music usage. Still, a right holder's receipt may depend on the identification of the relevant work, the ownership information, the contractual deductions, the accuracy of the reports, the distribution rules and the mechanisms for challenging an incorrect or omitted payment. The present research therefore addresses royalty distribution not only as a commercial issue but also as a matter of transparency, accountability and the enjoyment of copyright and performers' rights.

A sound-recording owner, a composer, a lyricist and a performer may have different rights and receive remuneration through distinct legal or contractual channels. A proposed reform to section 31D should therefore be analysed not only to assess whether it facilitates licensing for broadcasters, but also to examine whether it preserves the relevant rights and establishes an equitable and traceable system of remuneration.

Copyright Societies and Collective Management in India

Collective management is a third theme in the literature. As users of music may require the permission of many owners to use a large number of works, collective management organisations can reduce the transaction costs associated with individual licence negotiations. They may also play a role in the collection, administration and distribution of royalties.

The literature suggests that collectives have historically helped reduce the costs of matching numerous rights holders with numerous music users. Digital streaming, however, presents a more complex environment: the volume of music usage increases the potential value of collective licensing. In contrast, technological systems for tracking usage and distributing payments may reduce the need for collective intermediation. Priest's analysis therefore shows that collective management cannot be analysed by assuming that collective licensing is always more efficient than direct licensing.[1]

Scholarly studies focus on reforms, ambiguities, and digital developments, allowing the author to explore the tensions between individual and collective licensing in the Indian copyright law regime.[15] It provides a basis

for examining whether the existing institutional framework has sufficient clarity and accountability to meet the requirements of a music industry that increasingly relies on digital distribution.

The significance of collective management is not limited to the question of whether a society has the authority to administer certain rights. A functional system also depends on the accuracy of repertoire information, the reliability of usage reports, the transparency of tariff arrangements, the appropriateness of distribution methods and the procedures for questioning and correcting payments. Where the information is incomplete, or the rights are fragmented among several parties, the efficiency of licensing may not translate into an equally efficient distribution of royalties.

Music Aggregators, Digital Platforms and the Platformisation of the Indian Music Industry

A fourth strand of the literature examines the impact of digital platforms and intermediaries on the music industry. Music aggregators may facilitate the delivery of recordings to streaming services, while platforms manage access to music and monetise user engagement. These organisations can increase creators' reach, but they can also add contractual and administrative steps between creators and the receipt of royalties.

The authors of scholarly research analyse how platformisation is transforming the Indian recorded music industry, including its relationship with the historical predominance of film soundtracks and the position of non-film musicians. Their analysis identifies opportunities for new forms of music, as well as the risks that digital platforms pose to the distribution of music through dominant record companies. It also raises concerns about the position of musicians who work in languages other than the dominant ones, such as Hindi and English.[16]

This analysis is important because a legal framework may appear neutral on its face but operate within a market in which power asymmetries determine outcomes. The legal assessment of digital music licensing must thus address both the industry structure in which rights are exercised and the allocation of rights. A study on music aggregator distribution complements the platformisation literature by focusing on the intermediary role between performers and digital distribution channels.[13]

An article on copyright protection in the music industry and digital-era enforcement may offer further discussion of enforcement challenges.[17] However, as a general survey of copyright protection, it is less directly relevant to this study than sources that address Section 31D, digital transmission, royalty administration, or the position of music creators.

The platformisation literature thus broadens the scope of the present research. Not only is the availability of a licence for a digital platform an issue, but so is the adequacy of the legal framework governing relationships among right holders, record companies, aggregators, streaming services, and collective management organisations. The latter has implications for licensing costs, access to usage information, bargaining power and the distribution of revenue.

Indian Statutory Framework Governing Music Broadcasting

Copyright Protection for Musical Works and Sound Recordings

The Copyright Act 1957 lays out the rules for protecting works.[18] A recorded song may involve people: the lyricist, the composer, the performer, and the producer of the sound recording. These roles are separate. The rights each person holds may not belong to the same person or company. That means getting permission for one type of right does not automatically permit all rights related to the same recording.[19]

Sections 13 and 14 of the Act set the foundation. Section 14 specifically sets out the exclusive rights attached to literary works and sound recordings.[20] A sound recording is treated differently from the song itself. Section

30 allows the owner of a copyright, or someone they authorise, to give a licence.[21] This must be done in accordance with the law.

So, a music service has to look at what it does. Does it broadcast a song? Does it let users pick songs on demand? Does it allow users to download and keep a copy for listening? Each activity may touch on rights. Just because a service has a licence from one rights holder does not mean it has permission to use all rights involved. Each activity must be checked against the rights in the law and the terms of the licence.

Section 31D and Statutory Licensing

Section 31D of the Copyright Act, 1957, provides a licence for certain broadcasting activities. It applies to published works, musical works and sound recordings. This kind of licence is different from a licence because it is set by law rather than by private agreement. That means it offers a way to use music without having to negotiate with every rights holder.[22]

This does not mean that any use of music is allowed under Section 31D. The availability of a licence must be carefully considered. Section 31D is not a pass to use any music just because a platform is broadcasting it. The scope of the licence depends on how the law defines the terms and what rights are involved. The definitions in Section 2, the exclusive rights in Section 14, and the Copyright Rules 2013 must all be taken into account.[23]

Rules 29 to 31 deal with the process of getting a licence. They say how to give notice, how royalty is paid, and how the rates are set. These rules are important because a statutory licence is not about having the right – it also requires following the correct procedures.[3]

The central interpretive issue is whether, and to what extent, Section 31D covers different forms of internet transmission. Linear broadcasting, non-interactive webcasting, on-demand streaming, and downloads should not be treated as equivalent activities by default.[24]

Judicial treatment of licensing under the Act predates the question of the internet. In *Entertainment Network (India) Ltd. v. Super Cassettes Industries Ltd.*,[25] the Supreme Court read the compulsory licensing provision in Section 31 purposively, holding that a compulsory licence is not confined to a single applicant and treating public interest as central, which left the royalty payable by the licensee as the remaining question for the Copyright Board. The decision shows the Court's willingness to read licensing provisions in the light of their purpose. The later reasoning in *Tips Industries Ltd. v. Wynk Music Ltd.*, by contrast, turned on the express language and structure of Section 31D (see the section on judicial analysis below), a contrast that sharpens the question of whether the legislature, rather than the courts, should settle the digital scope of statutory licensing.

Authors' Royalty Entitlements and Performers' Rights

Even if a digital service has a licence, it still needs to ensure that the creators of music get what they are owed. The law gives some protection to authors and composers. Sections 18 and 19 of the Copyright Act cover the assignment of copyright.[26] These sections say how rights can be transferred and under what conditions. There are rules about royalties for authors when their work is used in films or sound recordings.[27]

These rules are not the same for everyone. They do not create a right to royalties. The type of work, the way it is used, and the terms of the agreement all matter. The protection for authors and composers differs from that given to performers. Performers have their rights under Sections 38A and 38B.[28] Performers have moral rights, including rights concerning identification and prejudicial distortion.[29]

The legal right to a royalty is not enough on its own. Real protection depends on how the system works in practice. Are the works and contributors identified? Are the uses of music properly reported? Can the people who are entitled to payment understand how royalties are calculated? Can they challenge a payment?

So the law must be looked at not in terms of rights but also in terms of how those rights are used and paid for. This is especially important in the world, where platforms, aggregators, record labels and copyright societies all play different roles in managing music. Each of these actors has a responsibility to ensure that creators are paid fairly.

Copyright Societies and Collective Administration

Sections 33 to 35 of the Copyright Act set up the system for copyright societies.[30] These societies help manage rights on behalf of creators. They can make it easier to obtain permissions for a collection of music and collect and distribute royalties. This is helpful because it would be very difficult for a music service to deal with every individual rights holder individually.

Just because a copyright society exists does not mean the job is done. It does not mean that all the rights are licensed or that all royalties are paid correctly. The society must have the authority to manage the rights in question. It must have records. It must get information from digital services. It must be able to fix mistakes if they happen.[31]

So collective administration is not about having a society. It is about how the system works.[32] Are the processes transparent? Is there accountability? Can people challenge payments? These are the questions. The law shows two challenges. One is figuring out which path a digital music activity should follow to get a licence. The other is making sure that the people who created the music are properly recognised and paid. These challenges are distinct. They are not the same. Both must be addressed to make the system work fairly.

Comparative Perspectives: The United States and South Korea

Comparative literature offers an avenue for exploring potential responses to the difficulties identified in the Indian framework. The point of comparison is not to assume that the law of another jurisdiction can be transplanted to India, but to identify institutional mechanisms and legislative choices that may help to evaluate the adequacy of India's approach.

The U.S. and South Korea were chosen as cases for the study since they provide complementary examples of how to regulate music copyrights. The U.S. offers an important case of legislative reform regarding digital mechanical licenses and is accompanied by a unique set of collective and structured reporting systems.

In contrast, the South Korean materials offer a comparative view of copyright protections and neighbouring rights for performers. Five criteria will be used to compare these two countries: the scope of their respective licensing frameworks; the methods used to determine or administer royalty payments; the identification of works and right-holders; the degree of transparency and accountability provided by the collective management system; and the protection of performers and other contributors to the work. These five criteria will be applied to identify principles that could help develop Indian copyright law.

United States: The Music Modernization Act

The United States provides an example in the form of the Music Modernization Act (MMA). Title I of the MMA established a blanket licensing system for specified digital uses of musical works and the Mechanical Licensing Collective to administer the licence, receive usage information, collect royalties and distribute payments. According to the United States Copyright Office, the system applies to specified digital phonorecord deliveries, including interactive streams. Still, it does not constitute a universal licence for all copyright rights or all forms of music transmission.[33,34]

The American model is relevant as a response to some of the practical challenges posed by licensing a large repertoire for digital services. The mechanisms of blanket licensing, usage reporting, repertoire information and royalty distribution provide a basis for comparing whether India's system requires more clearly defined procedures for digital music use. The comparison must nevertheless retain the distinction between mechanical rights covered by Title I and other rights, including sound-recording rights, that may entail alternative licensing arrangements.

The closer American analogue to Section 31D, however, lies outside the Music Modernization Act. Under 17 U.S.C. § 114, eligible non-subscription, non-interactive digital transmissions, that is, webcasting, may be made under a statutory licence.[35] The Copyright Royalty Judges set rates on a willing-buyer, willing-seller standard, and SoundExchange collects and distributes royalties to copyright owners and performers. Interactive services, which allow listeners to request or customise the recordings they hear, fall outside that licence and must obtain licences directly from rights holders. The United States therefore draws the very line that Indian law leaves unclear: statutory licensing for non-interactive webcasting and negotiated licensing for on-demand services.

Elliott Hughes and Richard Watt's study of bargaining theory and the Copyright Royalty Board's rate-setting decisions for interactive music streaming can contribute to the economic dimension of this comparison.[36] It is relevant to the relationship between royalty-rate determination and the bargaining positions of participants in a digital music market. S. Ruwe's work on copyright tribunals that set royalties in the United States may help explore the institutional role of rate-setting mechanisms.[37] These sources illuminate the design and consequences of royalty determination in the United States; they do not imply that the United States' institutional arrangements are directly equivalent to India's.

A comparative study of royalty distribution transparency in Indonesia, Australia, and the United States provides another perspective on accountability and payment administration.[38] Its scope for comparison may help identify issues to consider when examining the transparency of royalty-distribution systems. Its relevance to Indian law is, however, analytical rather than directly authoritative.

South Korea: Copyright and Performers' Rights

South Korea provides a second comparative perspective, in particular regarding copyright and performers' neighbouring rights. A study of music copyright law in Korea and Japan may help to identify similarities and differences between the legal approaches of East Asian jurisdictions.[39] An article comparing the legal structure of musical performers' neighbouring rights under French and Korean law is relevant to the distinct legal position of performers and the protection of their interests.[40] Together, these sources bear on whether performers' rights and remuneration are adequately recognised within the wider licensing framework.

The relevant statutory text is the Copyright Act of the Republic of Korea.[41] Articles 66 to 68 give performers the moral rights of paternity and integrity, which are inalienable. Article 76 requires organisations that transmit commercial phonograms by digital audio transmission to pay performers reasonable remuneration. The remuneration is claimed through a collective organisation; the annual amount is set by agreement with the transmitting organisation and, where no agreement is reached, it is fixed and publicly announced by the Minister of Culture, Sports and Tourism. Article 76-2 applies the same mechanism to the public performance of commercial phonograms, and Articles 82, 83, and 83-2 grant phonogram producers parallel remuneration rights for broadcasting, digital audio transmission, and public performance. The Korean Act thus pairs statutory remuneration rights for performers with collective claiming and an administrative backstop for rate-setting, namely the administrative supervision of royalties referred to in the abstract. Its relevance to India lies in these mechanisms rather than in the text of the provisions, which must be read against India's own statutory and market conditions.

The comparative literature thus provides two complementary insights. First, digital licensing systems may include mechanisms that enable services to license large repertoires while collecting structured usage and payment data. Second, the protection of creators and performers involves consideration of the allocation of different rights and the institutions that collect and distribute remuneration. The present research uses these insights to evaluate potential improvements to the Indian framework without assuming that a foreign model can be adopted unchanged.

Comparative Analysis and Relevance to India

Comparative analysis indicates two distinct areas in which India could consider reforming its laws. The U.S. model provides guidance on managing the use of specific digital licenses, reporting the use of licensed content, and identifying the musical works and associated rights holders.

In contrast, the South Korean model provides a basis for assessing how statutory recognition and practical administration of performers' rights have developed. Both models cannot simply be applied to India without taking into account India's statutory framework, the functioning of current copyright societies, and the various rights associated with recorded music. The most effective way to reform is to identify the mechanisms that will address clearly identified shortcomings within India's legal framework, and then determine whether these mechanisms can be implemented through legislative, regulatory, or institutional reform.

As a result of this comparative analysis, a focused reform agenda emerges: establish boundaries for statutory licensing; enhance the quality of data regarding the use of works and their ownership; increase transparency in accounting for royalties; and ensure that authors, composers, and performers do not lose sight of their rights because of arrangements negotiated predominantly with commercial rights holders.

Judicial analysis: The interpretation of Section 31D in *Tips Industries Ltd. v. Wynk Music Ltd.*

The 2019 decision

In *Tips Industries Ltd. v. Wynk Music Ltd.*, the Bombay High Court considered the issue of whether Wynk could rely on Section 31D of the Copyright Act 1957 to justify its use of Tips Industries' repertoire through its digital music service. The dispute concerned both online streaming and features which allowed users to download or retain recordings for offline listening. The Court considered the statutory licensing provision together with the exclusive rights held over sound recordings, the relevant Copyright Rules and the legislative background to the 2012 amendments. The Court rejected Wynk's reliance on Section 31D for the activities in question in part, due to lack of express statutory language extending the provision to internet broadcasting and the structure of the statutory scheme and requirement concerning the determination of royalty rates. The legal scope of a statutory licence must be determined from the language and structure of the legislation.[4]

The appellate proceedings and settlement

The procedural history must be stated accurately. On 29 June 2022, the Bombay High Court in the appeals in *Wynk Ltd. v. Tips Industries Ltd.* observed that there were arguable questions concerning the interpretation of Section 31D and the applicability of statutory licensing to the transmission of copyright-protected content over the internet. This order showed that the issue warranted appellate consideration but did not reverse or finally determine the interpretation adopted in the earlier decision. The dispute was subsequently settled in 2024, with the parties agreeing to abide by the 2019 judgment. The 2019 decision therefore remains the operative judicial interpretation of Section 31D for the internet-based services before the court, and the June 2022 admission order should not be read as a final appellate pronouncement on the question.[5]

Legal significance and critical evaluation

The decision provides more clarity on the interpretation of Section 31D in relation to the internet-based activities of the Court's consideration. It also shows the limits of relying on administrative interpretation to expand a statutory licensing provision beyond the scope recognised by the courts. An executive memorandum cannot, on its own, substitute for the statutory language required to create or extend a legal entitlement. This is borne out by DPIIT's withdrawal of its 2016 memorandum on 21 August 2024. At the same time, the judgment should not be described as establishing that all digital music activity is unregulated or necessarily unlawful. Digital services may seek permission through voluntary licences or other legally available routes depending on the rights involved and the circumstances of use. The narrower issue is whether Section 31D provides a statutory licensing route for the relevant internet-based activities. The decision therefore raises a policy question for the legislature: whether the distinction between traditional broadcasting and digital transmission remains appropriate across all categories of service. If Parliament considers that particular forms of digital transmission should benefit from statutory licensing, the scope of the provision should be addressed through clear legislative language with corresponding rules for notice, usage reporting and royalty determination. The case thus provides a foundation for evaluating reform. Any proposed extension of statutory licensing must balance access to music and licensing efficiency against the exclusive rights and remuneration interests of copyright owners, authors, composers and performers.

The institutional context has also shifted. The Intellectual Property Appellate Board was dissolved by the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021, promulgated on 4 April 2021,[42] and the Copyright Act was amended so that the Board's functions pass to the Commercial Courts and the High Courts. Disputes over statutory licences and over copyright society tariff schemes are now matters for the Commercial Courts, and appeals from the Registrar of Copyrights lie to the High Courts. Rate-setting and dispute resolution relating to Section 31D therefore depend on general courts rather than a specialised forum, which strengthens the case for the accessible dispute-resolution mechanism recommended in the Recommendations section.

Synthesis of the Literature and Identification of the Research Gap

The literature examined above shows that copyright and music broadcasting cannot be considered solely as a matter of whether a statutory licence is available. The issues are interrelated: the scope of Section 31D affects the options open to broadcasting organisations and digital services; the distinction between musical works and sound recordings determines which rights need to be cleared; collective management impacts on transaction costs and royalty administration; and platformisation shapes the bargaining positions and experiences of creators and performers.

The first gap concerns the relationship between Section 31D and various forms of digital transmission. Though the decision in Tips Industries provides an important judicial interpretation, the research must distinguish between on-demand streaming and downloads on the one hand, and non-interactive webcasting and conventional radio or television broadcasting on the other.

The second gap relates to the relationship between licensing and royalty distribution. While much of the practical discussion of digital music concerns services' ability to obtain permission to use works, the existence of a licence does not necessarily mean that all relevant right holders have been properly identified and fairly remunerated.

The third gap relates to the institutional role of copyright societies. Collective management may reduce transaction costs and facilitate licensing, but its efficacy depends on governance, accurate information and accountability. The present research consequently examines the relationship between statutory licensing, voluntary licensing and collective administration rather than treating them as equivalent mechanisms.

The present study aims to determine whether the current framework provides adequate legal clarity for digital music broadcasting and whether improvements are required regarding licensing procedures, royalty determination, transparency, and the protection of creators and performers.

The principal contribution of the study lies in integrating the questions within a single analytical framework. Rather than examining Section 31D in isolation, this analysis considers the provision within the broader system of copyright ownership, digital transmission, collective management, and remuneration. This enables the research to identify the limitations of the existing statutory framework and the areas in which legislative, regulatory, or institutional reform may be appropriate.

Critical Analysis and Conclusions

Statutory Licensing and Internet-Based Music Transmissions

Based upon this study, it appears that the problem associated with Section 31D is not a lack of copyright protection for all internet-transmitted music, but rather the degree to which statutory licensing is available for certain types of internet-based activity. In *Tips Industries Ltd. v. Wynk Music Ltd.* (2019), the Bombay High Court interpreted Section 31D to limit its applicability to the internet-based activity that was at issue before the court.

The fact that there is no statutory licence does not imply that voluntary licensing is unavailable. Rather, the question is whether the current system provides an adequate balance between the rights of copyright holders and the licensing needs of digital services. It is unreasonable to assume that all internet-based transmissions are comparable to traditional broadcasting.

Licensing and Royalty Disbursement are Two Separate Issues

Additionally, this study has indicated that the availability of a legal licence and the proper disbursement of royalties are two distinct issues. Although a service may have acquired the required permission for a specific use, there may still be questions concerning whether the relevant works and contributors have been properly identified and whether the resulting payments have been distributed in accordance with applicable laws and contracts.

Thus, Sections 18 and 19 (assignment and authors' royalties), Sections 38–38B (performers' rights) and Sections 33–35 (copyright societies) must be evaluated regarding the entitlements established therein. The position of an author or composer can be significantly different from that of a performer or sound recording owner. Therefore, effective protection requires clarity regarding the rights involved, who is entitled to receive remuneration, and under what terms.

Institutional and Data-Related Challenges

The roles played by copyright societies, aggregators, and digital services indicate that royalty administration relies heavily on accurate data and accountability. The identification of works, ownership interests, and usage patterns affect whether a payment is made to the appropriate individual. When data is incomplete or contested, the existence of either a statutory or contractual entitlement may not result in prompt distribution.

This study does not quantify the amount of unpaid royalties or determine the frequency of reporting errors. These types of assertions would necessitate empirical evidence beyond the doctrinal sources utilised in this study. Nonetheless, this study identifies the legal and administrative significance of transparent record-keeping, understandable royalty reports, error-correction processes, and accessible mechanisms for dispute resolution.

Conclusion

An analysis of the provisions in Section 31D reveals that statutory licensing was not a mere exception but a mechanism for balancing the interests of broadcasters, copyright owners and the public. The court ruling in *Tips Industries Ltd. v. Wynk Music Ltd.* illustrates the complexity in applying such licensing mechanisms to online music services. The case raises questions about how best to interpret the rules framed by official entities with respect to the law's original purpose and the rapidly evolving technological landscape. Thus, there is a need to distinguish traditional broadcasting from on-demand music, downloads, and non-interactive webcasting. The two cannot be conflated as interchangeable modes of music distribution.

Moreover, the research highlights the inadequacy of a mere licensing framework to address issues in the copyright ecosystem. Copyright owners need to ensure that the collection of royalties reflects a nuanced assessment of how their performances or works are used. Royalty payments are contingent on factors such as accurate reporting of the usage of copyrighted material. Without due diligence in implementing the above, it may become impossible for creators and performers to demonstrate the value of their performances or track their use.

Collective Management Organisations and Music Aggregators can help address some of these challenges by reducing costs and facilitating the licensing of multiple works, recordings, and performances. Digital aggregators can help connect performers and recordings to digital music platforms. These entities can only serve their purpose if they operate efficiently, report reliable data, have appropriate licensing agreements, and enable easy access to information relevant to royalty collection.

A comparative analysis of approaches in the United States and South Korea offers useful insights for building effective licensing frameworks. The US Music Modernization Act addresses some of the challenges in music licensing by creating a blanket licensing regime with a designated entity and imposing a comprehensive set of reporting requirements. While it is not possible to adopt this framework in its entirety in India, its underlying principles should inform music licensing reforms. The key lies in designing a system that enables transparent identification of music, its use, and the allocation of revenue. South Korea takes a performer-centric approach to its copyright ecosystem, safeguarding moral rights and enabling performers to collect royalties.

There is a need to evolve a comprehensive licensing framework for digital music distribution. This also entails ensuring that statutory licensing provisions and related provisions on moral and economic rights of creators and performers are enforced effectively. There is also a need to ensure that copyright societies are structured to operate efficiently and fairly. Similarly, digital music platforms need to adopt appropriate licensing and royalty payment practices that are consistent with legal requirements. Finally, it is necessary to develop enforceable, self-regulating mechanisms to ensure accountability at all stages of the digital music distribution chain.

A rights-based approach should guide the evolution of a revised copyright ecosystem that balances the interests of all stakeholders amid rapidly changing technologies. To ensure that the rights of creators and performers are protected and that they benefit from the digital transformation of the music industry, it is important to adopt a holistic approach to copyright reforms. The focus should simultaneously address both the organisational and economic aspects of the digital music ecosystem.

Recommendations

Clarification of Section 31D and revision of copyright rules

Parliament should further consider clarifying the scope of Section 31D of the Copyright Act, 1957, by specifying which digital forms of music transmission, if any, may benefit from statutory licensing. The

distinction between conventional broadcasts, non-interactive webcasting, on-demand streaming, and downloads should be taken into account, rather than treating all such activity as internet-based. Rules 29-31 should be considered to establish appropriate notice, reporting on usage, record-keeping, and compliance procedures for covered digital services, as well as to ensure the protection of the relevant rights. Specifically, this paper recommends that any statutory licence be extended only to non-interactive webcasting, with rates fixed by an independent body and with notice and usage-reporting duties. At the same time, on-demand streaming and downloads remain subject to negotiated licensing.

Transparent determination and distribution of royalties

The statutory and regulatory framework should stipulate transparent criteria for determining royalties under the applicable statutory licensing regimes. It should acknowledge the relevant categories of rights and prevent conflating different uses of recorded music with different entitlements. Copyright societies and other authorised administrators should be required to produce verifiable records of amounts collected, deducted, allocated and paid, and appropriate reporting and correction processes should be established for the benefit of right holders.

Enhancement of rights identification and collective management

India should promote reliable and interoperable systems for music work, sound recording, ownership, licensing, and usage identification. Copyright societies should also be subject to appropriate governance, disclosure, accounting, and accountability requirements to enable the identification of persons entitled to royalties and the correction of errors in ownership and payment allocation. Appropriate procedures should be made available for right holders to raise queries and dispute any issues relating to the administration of their rights.

Protection of authors, composers, performers

Reforms should acknowledge the separate legal rights and entitlements to remuneration for authors, composers, performers, and sound-recording owners. Licensing and royalty-administration systems should not prioritise the interests of commercial rights holders and digital services at the expense of creators and performers. Statutory protections should be applied effectively, and procedures should be in place to help creators and performers obtain relevant information about payments and pursue any issues.

Accessible dispute resolution and lessons from abroad

India should consider establishing accessible procedures for resolving disputes concerning digital music licensing, usage reporting, and royalty distribution. The processes should take into account technical records, conflicting ownership claims, and the inclusion of multiple parties. The US and South Korea frameworks can serve as examples for India regarding licensing regimes, information management, and performers' rights. Still, their adoption should be considered in the context of India's legislative and institutional environment.

Further consideration and periodic review

The government should conduct periodic reviews of the digital music licensing framework in consultation with creators, performers, copyright societies, broadcasters, digital services, and other stakeholders. It should identify outdated procedures, dispute patterns, and administrative issues, taking into account changes in practices in the music distribution sector, and make the necessary adjustments to legislation and regulation.

Conflict of Interest Declaration

The author declares no conflict of interest.

References

1 Priest E, The Future of Music Copyright Collectives in the Digital Streaming Age, *Columbia Journal of Law & the Arts*, 45 (2021), https://doi.org/10.52214/jla.v45i1.8953

2 The Copyright Act 1957, ss 2, 14, 30, 31D (India)

3 The Copyright Rules 2013, rr 29–31 (India)

4 *Tips Industries Ltd* v *Wynk Music Ltd*, Notice of Motion (L) Nos 197 & 198 of 2018 in Commercial IP Suit (L) Nos 114 & 113 of 2018 (Bom HC, 23 April 2019), https://indiankanoon.org/doc/90217575/

5 *Wynk Ltd* v *Tips Industries Ltd*, Commercial Appeal Nos 424 & 425 of 2019 (Bom HC, 29 June 2022) (order admitting the appeals), https://indiankanoon.org/doc/142477608/

6 Atchuta Sai Gowtham & Achanta Rama Chandra, A Critical Examination of Copyright Law and Its Influence on Music Streaming Services, *Indian Journal of Law and Legal Research*, 8 (2026) 5722

7 Nahar H, Music Makes Money: Copyright in the Music Industry, *Indian Journal of Law and Legal Research*, 6 (2024) 2670

8 Ghosh R, Ghosh J & Ghosh P, Copyright Infringement and Exemption Clause on Indian Copyright Law: Issues and Challenges, *Journal of Intellectual Property Rights*, 29 (2024) 43, https://doi.org/10.56042/jipr.v29i1.872

9 Mazumdar S, Online Music Streaming and Indian Laws, *Journal of Legal Studies and Research*, 5 (2019) 34

10 Office Memorandum, Government of India, Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, No 14-35/2015-CRB/LU (IPR-VII) (5 September 2016) (withdrawn 21 August 2024); Office Memorandum, Department for Promotion of Industry and Internal Trade, Government of India (21 August 2024), https://copyright.gov.in/Documents/Office_Memorandum/Office_Memorandum_dated_21_08_2024.pdf

11 The Copyright Act 1957, ss 13–19, 38–38B (India)

12 Ferrao R, Digital Technology and Copyright Protection: The Challenges of Indian Performers Rights Society, *International Journal of Membrane Science and Technology*, 10 (2023) 2408, https://doi.org/10.15379/ijmst.v10i4.3505

13 Zeehan Fuad Attamimi et al, The Role of Music Aggregator Distribution Toward Music Performers in View of the Three Pillars of the Copyright System, *Journal of Law and Legal Reform*, 5 (2024) 361, https://doi.org/10.15294/jllr.vol5i1.2201

14 Amelia Anggriany Siswoyo et al, Analysis of Legal Protection Regarding the Fulfilment of Copyright Owners' Royalty Rights, *Journal of Creative Power & Ambition*, 4 (2026), https://doi.org/10.70610/jcpa.1731

15 Devarhubli G & Tomar A S, Copyright Societies in India: A Critical Review of Reforms, Ambiguities and Digital Futures, *Cogent Social Sciences*, 12 (2026) art 2681243, https://doi.org/10.1080/23311886.2026.2681243

16 Lal A, Hesmondhalgh D & Umney C, The Changing Shape of the Indian Recorded Music Industry in the Age of Platformisation, *Contemporary South Asia*, 31 (2023) 291, https://doi.org/10.1080/09584935.2023.2206998

17 Sharma K, Copyright Protection in the Music Industry: A Legal Analysis of Rights Challenges and Enforcement in the Digital Era, *LawFoyer International Journal of Doctrinal Legal Research*, 4 (2026) 1771, https://doi.org/10.70183/lijdlr.2026.v04.78

18 The Copyright Act 1957, s 13(1)(a), (c) (India)

19 The Copyright Act 1957, s 13(4) (India)

20 The Copyright Act 1957, s 14(a), (e) (India)

21 The Copyright Act 1957, s 30 (India)

22 The Copyright Act 1957, s 31D (India)

23 The Copyright Act 1957, ss 2, 14, 31D (India)

24 The Copyright Act 1957, ss 30, 31D (India)

25 *Entertainment Network (India) Ltd* v *Super Cassettes Industries Ltd* [2008] 9 SCR 165 (India)

26 The Copyright Act 1957, ss 18–19 (India)

27 The Copyright Act 1957, s 18, provisos; s 19(9)–(10) (India)

28 The Copyright Act 1957, s 38A (India)

29 The Copyright Act 1957, s 38B (India)

30 The Copyright Act 1957, s 33 (India)

31 The Copyright Act 1957, ss 34–35 (India)

32 The Copyright Act 1957, ss 18–19, 33–35, 38A–38B (India)

33 Music Modernization Act, Pub L No 115-264, 132 Stat 3676 (2018) (United States)

34 US Copyright Office, The Music Modernization Act, https://copyright.gov/music-modernization/ (11 October 2026)

35 17 USC § 114 (United States)

36 Hughes E & Watt R, Bargaining Theory and the Copyright Royalty Board's Rate-Setting Decisions for Interactive Streaming of Music, *Mathematical Social Sciences* (2025), https://doi.org/10.1016/j.mathsocsci.2025.01.005

37 Ruwe S, Past and Present Copyright Tribunals for Setting Royalties in the United States, *Columbia Journal of Law & the Arts*, 48 (2025), https://doi.org/10.52214/jla.v48i4.13929

38 Ni Putu Nita Anggrelia Jayanti & Kadek Julia Mahadewi, Transparency and Reform of Music Royalty Distribution in Indonesia, Australia, and the United States, *Jurnal Akta*, 12 (2025) 919, https://doi.org/10.30659/akta.v12i3.48499

39 Lim M S & Kim K, A Study on the Legal Issues of Music Copyright in Korea and Japan, *Advances in Social Sciences Research Journal*, 5 (2018), https://doi.org/10.14738/assrj.55.4527

40 Lee W & Choe H, The Legal Structure of Musical Performers' Neighbouring Rights: A Comparison Between the French Intellectual Property Code and the Korean Copyright Act, *Korea Copyright Commission*, 154 (2026) 173, https://doi.org/10.30582/kdps.2026.39.2.173

41 Copyright Act of the Republic of Korea, arts 66–68, 76, 76-2, 82, 83, 83-2 (English translation by the Korea Copyright Commission), https://www.copyright.or.kr/eng/laws-and-treaties/copyright-law/

42 Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance 2021 (India)