
The Fragmented Structure of Copyright Administration in India's Music and Film Sectors

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Introduction

A single popular film song in India is rarely governed by one copyright. It typically involves at least three distinct rights: the sound recording (owned by the producer or record label), the musical composition (owned by the composer), and the lyrics (owned by the lyricist or their publisher). When the film itself is considered, a fourth layer emerges — the producer's rights over the cinematograph film as a whole. Each of these rights can be licensed, assigned, and enforced separately, and each has historically been represented by a different institution. This essay argues that the fragmentation commonly observed in India's copyright regime for music and film is not primarily a defect in the statutory text of the Copyright Act, 1957, but a consequence of how collecting societies, licensing intermediaries, and courts have administered that text in practice.

Existing literature on the subject largely converges on this diagnosis. Academic reviews of enforcement in the Indian music industry have found that while the statutory provisions are reasonably comprehensive, actual compliance and enforcement remain inconsistent and poorly coordinated. A related strand of scholarship, based on surveys of working musicians, has pointed to the informal and fragmented character of industry practice itself — noting that limited institutional support and uneven awareness of royalty mechanisms compound the problems created by overlapping collecting societies. This essay builds on both strands by tracing how the collecting-society system

and the film-specific royalty provisions introduced in 2012 have generated recurring litigation, and what that litigation reveals about the gap between the law as written and the law as administered.

The Layered-Rights Problem

The starting point for understanding fragmentation is the structure of ownership itself. Under the Copyright Act, a sound recording is a separate copyrightable work from the underlying musical work (the composition) and the literary work (the lyrics). A record label that owns the sound recording does not automatically control the composition or lyrics embedded within it; those rights typically remain with, or are licensed by, the composer, lyricist, or a publisher acting on their behalf.

This separation matters commercially because a party wishing to use a song might need to clear rights with more than one party before the use is lawful. In practice, this has meant that a licence obtained from a record label covering the sound recording does not necessarily extend to the underlying musical and literary works, leaving the licensee exposed to a separate claim from the society or publisher representing the composer and lyricist. This structural feature is the root of much of the fragmentation discussed in the remainder of this essay: it is not a single point of licensing failure but a permanent multiplicity built into the ownership structure of a song.

Collecting Societies: Overlap, Withdrawal, and Litigation

India's copyright collecting societies were intended to simplify this multiplicity by acting as centralised licensing bodies. In practice, they have added a further layer of institutional fragmentation.

Three societies are relevant to music: the Indian Performing Right Society (IPRS), representing composers, lyricists, and music publishers; Phonographic Performance Limited (PPL), representing record labels and sound recording owners; and the Indian Singers' Rights Association (ISRA), representing performers. Each was set up to license a different layer of the same commercial transaction, meaning that a single broadcaster or venue may need separate licenses and separate royalty payments to two or three different bodies for the same piece of music.

This system was significantly disrupted by the Copyright (Amendment) Act, 2012, which tightened the regulatory framework governing copyright societies, including provisions requiring registered societies to operate with greater transparency and government oversight under the Copyright Rules, 2013. Rather than accept this oversight, both IPRS and PPL withdrew their applications for re-registration as copyright societies, effectively operating outside the formal Section 33 framework for

a period, even as they continued to issue licenses and collect royalties under other provisions of the Act, such as Sections 18 and 30. IPRS was subsequently re-registered as a copyright society in 2017, while PPL's status has shifted more than once, with reports of it being reinstated as a registered copyright society more recently. This episode illustrates a recurring pattern: rather than resolving disputes over licensing authority through the statutory registration process, the major rights-holder bodies have at times stepped outside that process, leaving licensees uncertain about which body's demands carry legal force.

Alongside IPRS and PPL, private licensing entities such as Novex Communications have also entered the market, seeking to collect royalties on behalf of rights holders without being registered as copyright societies under Section 33. This has produced direct litigation over standing: licensees have argued that only a duly registered copyright society can lawfully issue licenses and demand royalties for the broadcast or public performance of works, and that unregistered entities lack this authority. Courts have had to resolve these disputes on a case-by-case basis, effectively performing a regulatory function that the collecting-society framework was designed to make unnecessary.

Two recent decisions illustrate how this uncertainty plays out for commercial users. In litigation between Vodafone Idea Limited, Saregama India Limited, and IPRS, the Calcutta High Court was asked to determine whether a telecom company that had obtained a licence from a sound recording owner also needed a separate license from IPRS to use the underlying musical and literary works incorporated in that recording — a question that goes to the heart of the layered-rights problem described above. Separately, in a dispute between PPL and a small business, the Delhi High Court examined a petition for a compulsory licence under Section 31 of the Act, after the business argued that PPL's licensing fees for a modest corporate event were disproportionate and arbitrarily set. Both cases show courts, rather than the collecting societies or a sector regulator, being asked to determine basic questions of licensing scope and pricing fairness, a sign that the administrative apparatus has not resolved these questions on its own.

Film-Specific Fragmentation: The Producer–Composer Divide

Film music introduces an additional and distinct source of fragmentation. Under the Copyright Act, the producer of a cinematograph film is generally treated as the first owner of copyright in the film, which historically allowed producers to also control the exploitation of the music composed for that film without further payment to composers or lyricists once the initial contract was fulfilled.

The 2012 amendment altered this balance for a specific category of use. It introduced a proviso protecting the right of composers and lyricists to receive an equal share of royalties when their work is exploited in ways other than as part of the film itself — for example, when a film song is played on the radio, streamed independently of the film, or used in advertising. This right was made statutorily unwaivable, meaning composers and lyricists cannot contractually sign it away, even under pressure to do so as a condition of being hired.

In practice, compliance with this proviso has been inconsistent, and it has generated its own stream of disputes distinct from the collecting society litigation described above. Because this royalty share depends on tracking how and where a song is used outside the film — a task that again typically falls to collecting societies such as IPRS — the film-specific right is entangled with the same institutional uncertainty already affecting the collecting-society system generally. The result is that a right created specifically to correct the traditional imbalance between producers and creative contributors is itself administered through the same fragmented institutional structure it was meant to work around.

Consequences of Fragmentation

The practical consequences of this fragmented structure fall on both rights holders and licensees. For composers, lyricists, and performers, fragmentation has been associated with delays and inconsistency in royalty distribution, as royalties collected by one society for a particular layer of rights do not guarantee that a corresponding claim by another society will be honoured or even recognised by a given licensee. For businesses seeking to use music lawfully — broadcasters, telecom companies, hotels, and event organisers — the uncertainty over which body holds valid licensing authority increases compliance costs and litigation risk, as illustrated by the compulsory-licence dispute over PPL's tariffs. Smaller users are disproportionately affected, since they are less able to absorb the cost of separate negotiations with multiple societies or the risk of an infringement suit brought by a licensing entity whose own authority may later be challenged in court.

Conclusion

The fragmentation of copyright administration in India's music and film sectors is not primarily a story of legislative gaps. The Copyright Act, 1957, as amended in 2012, establishes a reasonably coherent structure of layered rights and a specific mechanism for protecting composers and lyricists in film music. The fragmentation instead arises from how that structure has been administered: overlapping collecting societies representing different layers of the same work, episodes of societies

withdrawing from formal registration, the entry of unregistered private licensing entities, and the resulting reliance on litigation to settle basic questions of licensing authority and scope. Until collecting societies operate within a more stable and transparent registration framework, and compliance with the film-royalty proviso is more consistently enforced, courts are likely to continue performing the coordinating function that the statutory framework was designed to provide.

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