



# The music creator economy

The rise of music publishing in India

2023

## **Björn Ulvaeus**

President

International Confederation of  
Societies of Authors and Composers



The works of songwriters and composers inspire our lives and enrich our cultures. With the support of publishers and authors societies, they are also a driver of economies that fuels other businesses and employs millions of people.

This potential of music, and specifically of what I call “the song economy”, is an important story which is why I am pleased to be able to introduce this report: “The Music Creator Economy - the rise of music publishing in India”.

This study can help improve many readers’ knowledge of our sector. It can help policy makers better understand the vital role of author’s rights. It can help artists and creators in India to be more aware of how to build a career from music.

And it can raise awareness of where more action is needed, in particular to create a fairer and more efficient digital music sector. Much change is still needed here, so that creators are provided good, fast and accurate data and receive royalties that are due to them.

Today’s music landscape is so incredibly different from the one in which I launched my career as a young songwriter with ABBA. The streaming market has brought great benefits, but it has also made it immeasurably harder for songwriters to build a career.

These are issues close to my heart, and on which I have been speaking out in my capacity as President of CISAC, representing authors’ societies worldwide. In this role I want to do whatever I can to help better the lives of music creators - to bring them more fairness, better remuneration and more respect of their rights.

Thank you to EY for shedding new light on the music publishing sector, its true value to society and its potential for further exciting growth.

## Ashish Pherwani

Partner

Media & Entertainment, EY India



Music is an important part of India's media and entertainment sector. Each year, over 20,000 original songs are generated in India by over 40,000 creators, generating over INR12,000 crore in revenues annually.

The music segment's sound recording revenues have been driven by both local and international labels for a long time, however, music publishing revenues remain much smaller, given the differing views on its applicability, litigation and low awareness.

Despite the above, music publishing has grown in India to INR884 crore (approx. US\$100 million) in 2022-23. The IPRS has over 13,500 authors as its members and continues to grow its revenues as more music users comply with publishing requirements.

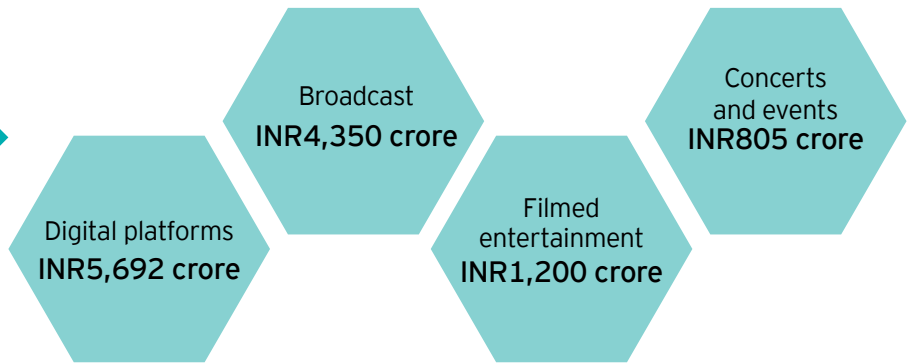
This report aims to capture the state of music publishing in India, perspectives around its applicability and market potential, and - for the first time in India - the results of a survey of 500 music creators.

We are certain that you will find it informative and insightful.

# Music publishing in India

Music generated **INR12,000 crore** of revenue in 2022

EY estimates

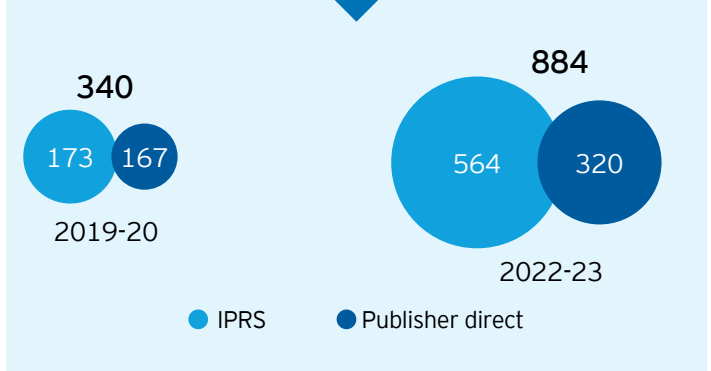


**7** of the top 10 songs on YouTube in 2022 were Indian

## Global YouTube listens over 12 months

1	Sunidhi Chauhan   Saami Saami   1.55billion   <i>R Alam-GDS Prasad</i>
2	Indravathi Chauhan   Oo antava...o o antava   1.52 billion   <i>C Bose-GDS Prasad</i>
3	Javed Ali   Srivalli   1.03 billion   <i>R Alam-GDS Prasad</i>
4	Hariharan   Sri Hanuman Chalisa   933 million   <i>PD-BKS Gilli-Lalit Sen</i>
5	Bad Bunny and Chencho Corleone   Me porto bonito   910 million   <i>Borrero-Cruz-Hernandez-Martinez-Molina-Montalvo-Valle</i>
6	Asees Kaur and Jubin N.   Raataan Lambiyan   892 million   <i>T. Baagchi-T. Baagchi</i>
7	Bad Bunny   Titi me pregunto   831 million   <i>Borrero-Bunny-Torres</i>
8	Rahull Spilgani and Kaala Bhairava   Naacho Naacho   748 million   <i>R. Mukherjee-MM Keeravaani</i>
9	Khesari Lal Y. and Shilpi R.   Le le aayi Coca Cola   704 million   <i>PK Sinha-S. Yadav</i>
10	Karol G and Becky G   Mami   697 million   <i>Uribe-Gomez-Quiles-Oviedo-Navarro-Castano</i>

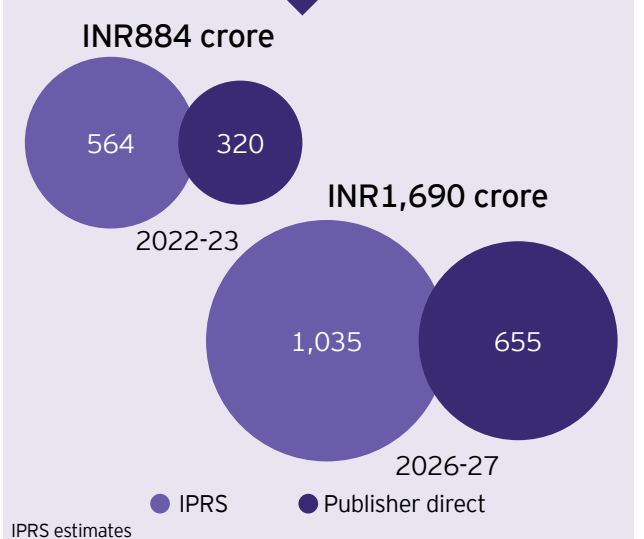
Publishing revenues have grown **2.5x** in three years to **INR884 crore...**



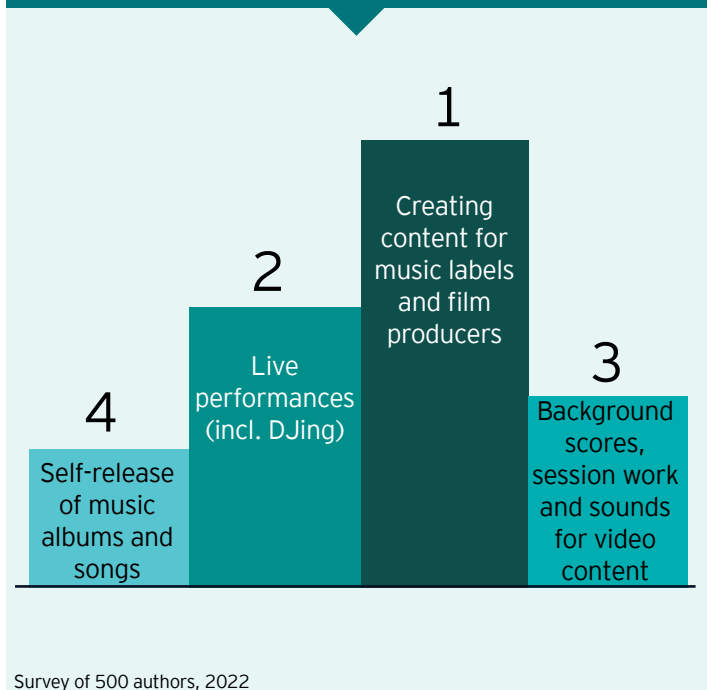
...however, compliance remains **low** at **1.2%**

Publishing revenue | IPRS estimates

Publishing revenues have the potential to double by 2026-27



On-call professional fees and live performances were key revenue sources for most creators



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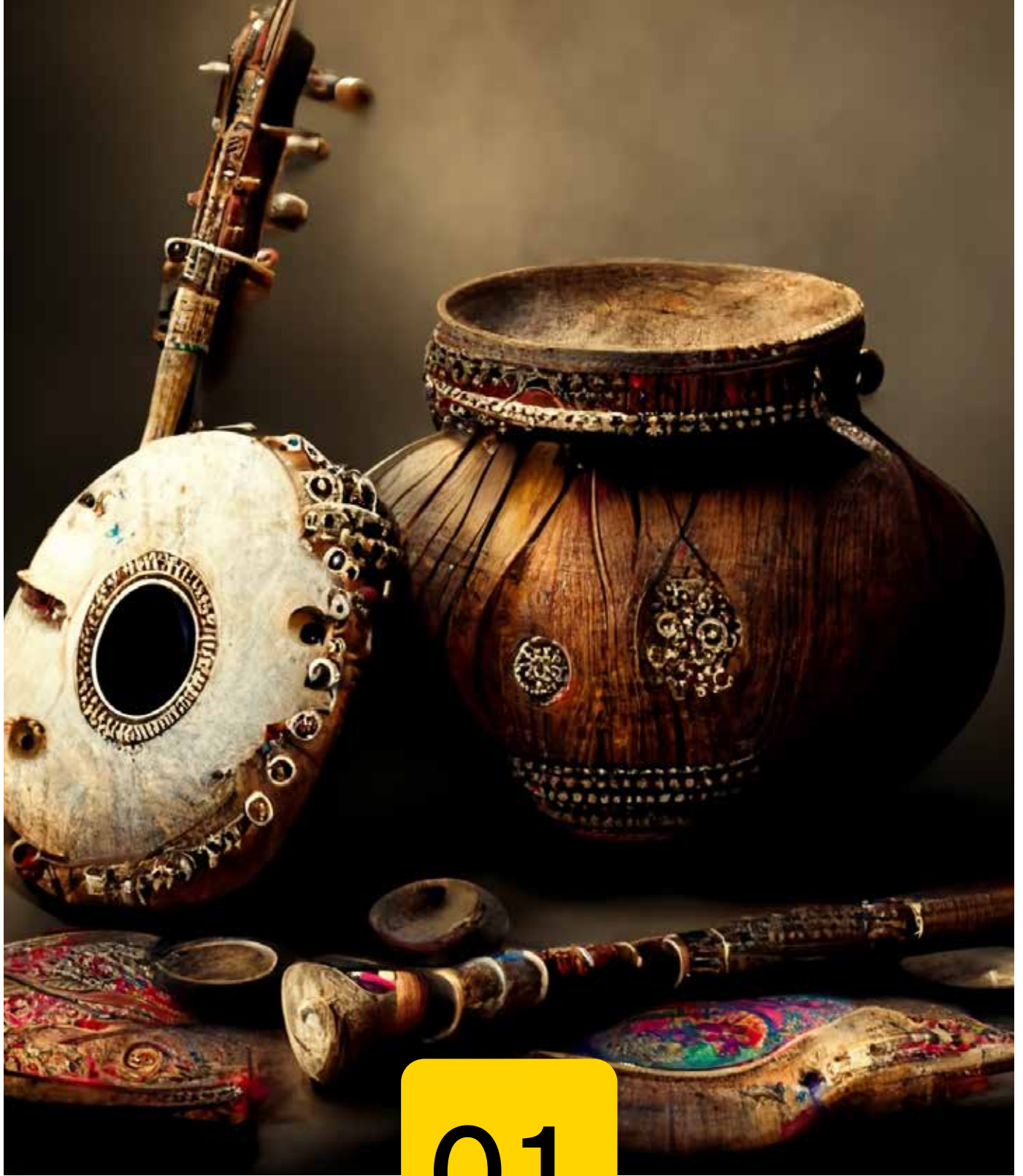


Indian music publishing market potential

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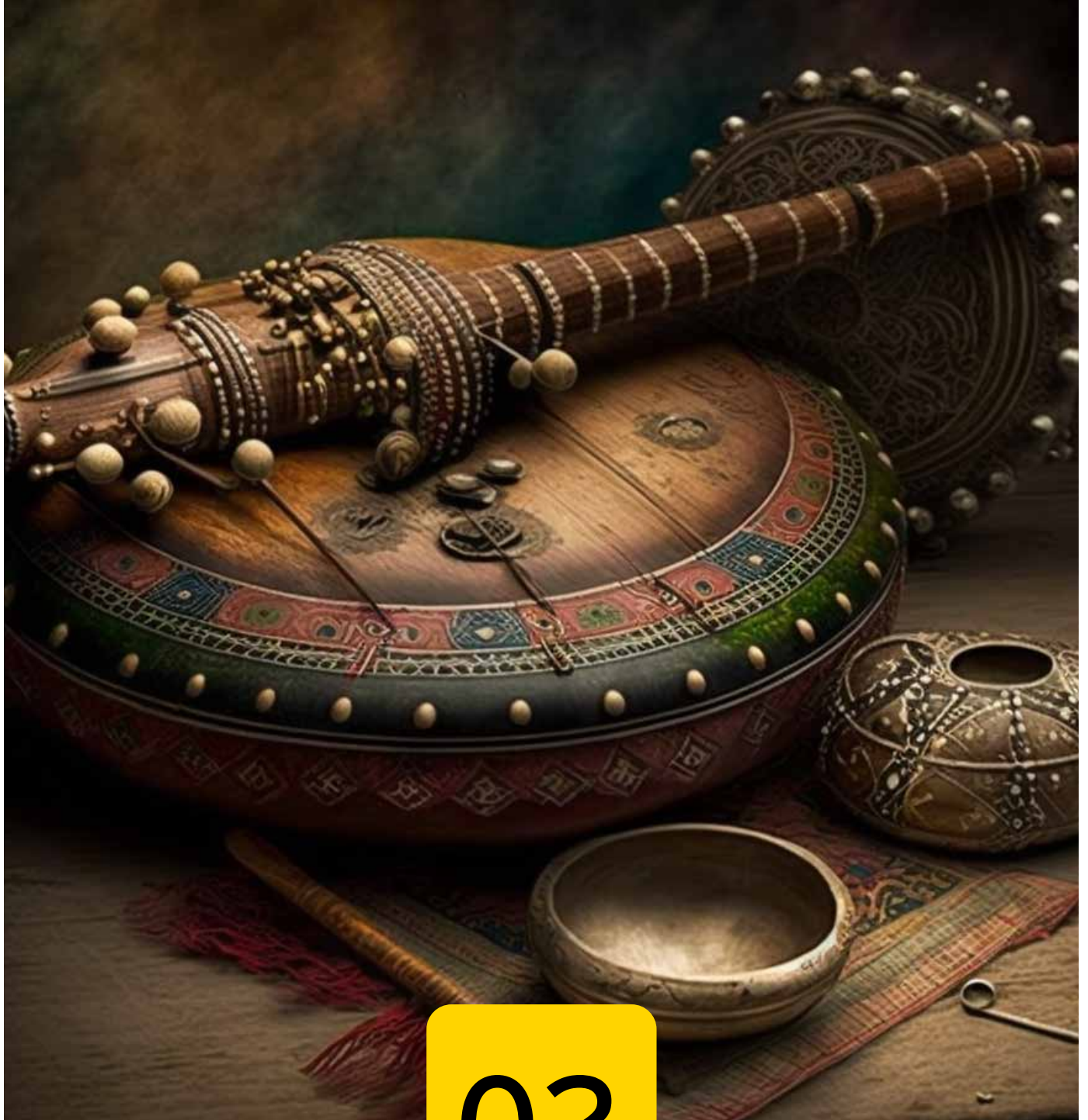
About this report



01

# Executive summary

- ▶ Each year, 20,000 to 25,000 original songs are made by over 40,000 music creators in India (this excludes remixes and music by the unorganized sector)
- ▶ Music is integral to streaming, films, television, radio, gaming and social media. It helps generate over INR12,000 crore of revenue in India, which is around 6% of the Media and Entertainment industry
- ▶ Indian songs are amongst the most popular in the world - they hold seven spots on the Top Ten YouTube Global Charts for 2022. In addition, they are the most streamed artists on YouTube in seven of our neighbouring countries, a testimony to the soft power of Indian content
- ▶ India's music business is primarily governed by the Copyright Act. However, divergent court decisions have resulted in differing viewpoints on its applicability and/ or its quantum, resulting in a market which has little awareness thus a low compliance
- ▶ Of the INR12,000 crore (US\$1.5 billion) generated by music, recorded music revenues of labels have crossed INR2,500 crore (US\$312 million) in 2022, while music publishing revenues will approximate INR884 crore (US\$100 million) in 2022-23. However, India's global revenue ranking is far behind other developed markets
- ▶ Our survey, in which 500 creators participated, indicated that their financial income is unpredictable and often limited:
  - ▶ 87% of respondents would have liked to make a living off their music alone, but only 60% were able to do so
  - ▶ Working outside of the traditional employer-employee relationship, one-time payments (upfront fees) and live performances were the primary sources of income for most creators
  - ▶ A majority strongly believed that they needed to learn more about music production and monetization
  - ▶ Only 56% of respondents had access to the equipment and infrastructure needed to produce music; while 35% of respondents reinvested more than 50% of their earnings from music on equipment, gear, software, and other infrastructure required to create music
- ▶ There is a need to enhance music education capabilities in India, where it is currently unorganized and not standardized
- ▶ Considering the on-call (gig employment) nature of the music industry, some countries have implemented special schemes to ensure the social security of artists. Indian authors currently have no separate social security net. However, due to lack of awareness, only 13,500 creators have registered with the IPRS from a potential base of 60,000+
- ▶ Several global and Indian music majors and independents have started setting up music publishing businesses in India. However, for India to achieve its full potential, a few aspects need to be considered:
  - ▶ **Technology for trust:** Use technology to track every single music usage, match it to the correct rights owners, automate the royalties distribution, and share the insights with the rights owners
  - ▶ **Awareness:** Increase member awareness drives nation-wide and use technology for membership of the IPRS and Works registration
  - ▶ **Clarity:** Fast track litigations to enable legal clarity at the earliest, including determining of fair publishing license fees for all stakeholders
  - ▶ **Compliance:** Simplify compliance and use technology to monitor it
  - ▶ **Focus:** Focus on the core of promoting music creation
  - ▶ **Scale:** Develop internationally through strategic tie-ups
- ▶ Compliance in the country, for the reasons outlined in this Study, is still abysmally low. According to the IPRS, with better legal clarity, greater awareness, and better compliance, Indian music publishing can reach INR1,700 crores (US\$212M) by 2027

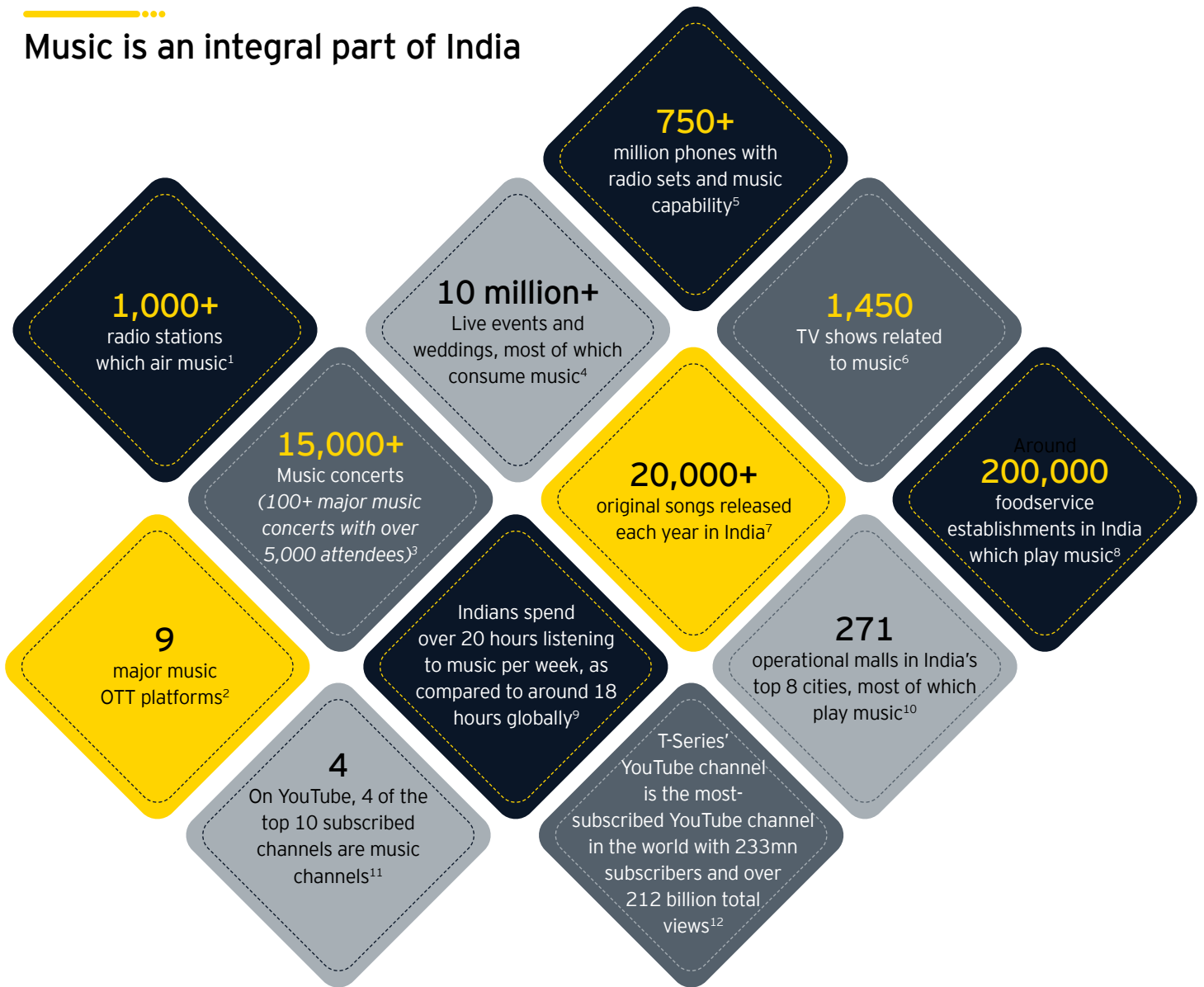


02

# Indian music landscape



# Music is an integral part of India



Rank	Channel	Subscribers
1	T-series	233M
2	Zee Music	91.3M
8	Filmigaane	63.4M
10	T-series bhakti	57.1M

Rank	Subscribers		Video views	
	Label	Millions	Label	Billions
1	T-series	233	T-series	212
2	Zee Music	91.3	Zee Music	53.1
3	Shemaroo	63.4	Shemaroo	29.8
4	Wave Music	55.4	Wave Music	38.7
5	Sony Music	55.3	Sony Music	27

<sup>1</sup>FICCI-EY M&E report 2022

<sup>2</sup>Spotify, Jio Saavn, Apple Music, YouTube Music, Gaana, Amazon Prime Music, Wynk, Resso, Hungama

<sup>3</sup>EY estimates through industry discussions, [www.palmtechnology.in/Sound\\_Impression3.aspx](http://www.palmtechnology.in/Sound_Impression3.aspx)

<sup>4</sup>EEMA, includes unorganized sector estimates

<sup>5</sup>Derived from ICEA data

<sup>6</sup>BARC, includes singing, dancing and other reality shows using music

<sup>7</sup>Refers to organized music, excluding compilations, based on industry discussions

<sup>8</sup><https://timesofindia.indiatimes.com/business/india-business/70-of-hotels-restaurants-could-close-in-45-days-warns-fhr-ai-after-no-relief-from-govt/artishow/75808858.cms>; assumes 5% of these are greater than 500 square feet, most of which would play music

<sup>9</sup>FPI

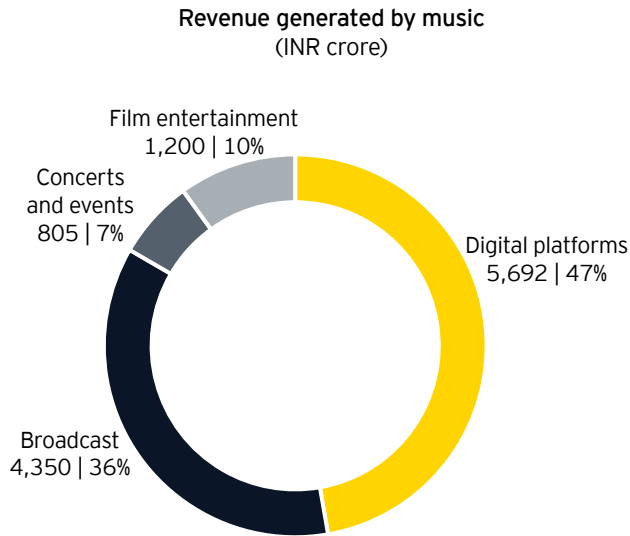
<sup>10</sup><https://economictimes.indiatimes.com/industry/services/property/-/cstruction/sixteen-new-shopping-malls-commence-operations-in-top-eight-cities-since-2020-report/articleshow/94170555.cms?from=mdr>

<sup>11</sup>Hypeauditor.com, as on January 11, 2023

<sup>12</sup>YouTube

# Music is monetized across several segments of the M&E sector

Music generates INR12,000+ crore of revenue

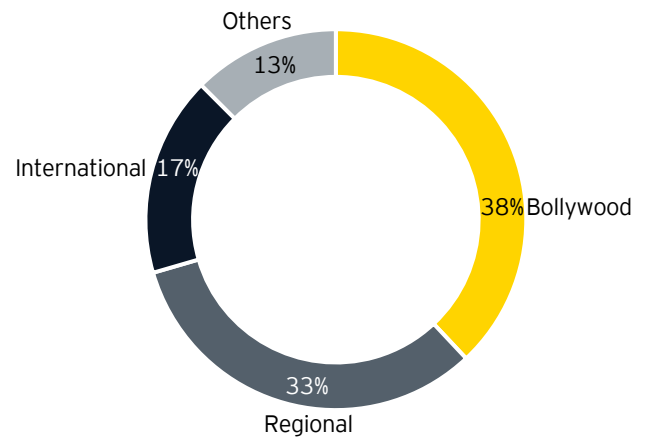


Music revenue | EY estimates

**EY estimates based on various sources and discussions:** In sizing music's contribution to generated revenues, we have considered 100% of music streaming and music concert revenues, 75% of radio broadcast revenues, 30% of YouTube and short video platform revenues, 10% of filmed entertainment revenues, 5% of other event revenues and 4% of television revenues. Data charges consumed on music streaming have also been estimated and included. Data pertains to 2021 and 2022, as available.

- ▶ Music generates INR12,000 crore of revenues per year, which is approximately 6% of the Indian Media & Entertainment industry<sup>13</sup>
- ▶ Music is directly consumed on radio, streaming platforms including YouTube and concerts
- ▶ Music forms an integral element of over 1,000 films released each year whether as on-screen songs, background scores, sound effects etc.
- ▶ In addition, it is also an important portion of several events including weddings, corporate events, sporting events, product launches, etc. Audio-visual content drives over 70% of data consumption and is a key contributor to telcos' data revenues
- ▶ Based on the above analysis and assumptions, 47% of total revenue generated by music is from digital platforms

Bollywood, regional and international are the top genres of music consumption on digital platforms



Digital listenership by genre | IMI Digital Music Study Report 2021

**70% of Indian music streamed is film music**

- ▶ As opposed to global music markets which are artist driven, the Indian music market is highly inclined towards film music, with 70%<sup>14</sup> of music consumption being film driven and 75-80%<sup>15</sup> of recorded music revenue in India being film-based
- ▶ However, the lack of film releases during the pandemic has given a boost to other music (indie, international, devotional, etc.), which is estimated to contribute 20-25% of total revenues today



Mukesh learning a song from Dattaram

<sup>13</sup>EY estimates  
<sup>14</sup>Industry discussions  
<sup>15</sup>Industry discussions

## The music publishing business in India is primarily governed by the Copyright Act but remains either sub judice or contested

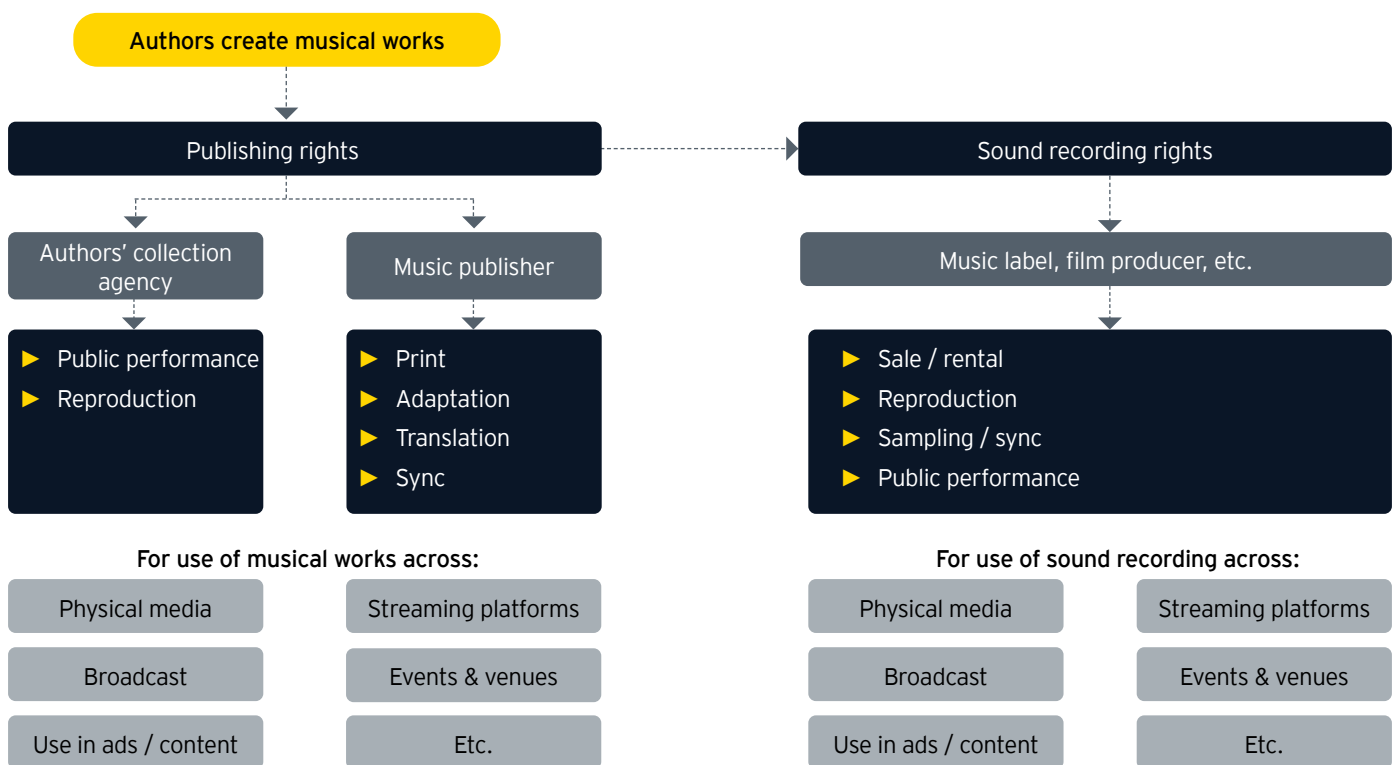
Divergent court decisions have resulted in differing viewpoints on its applicability and/ or its quantum, resulting in a low-compliance and low-awareness market.

### There are several types of rights, collected by various bodies

- ▶ The Copyright Act mentions three key types of rights: sound recording, publishing (authors) and performers, of which we are focussing on the first two:



Anirudh Ravichander



Note: This pictorial representation is only to aid in understanding some rights regarding music as discussed in this report. It is not a complete listing. Definitions of terms used above can be found in the glossary. They are provided to understand this report's content and may not be legal definitions

- ▶ **Publishing rights** (payment of which are currently sub judice in India as relates to radio and whose values are contested as regards other media) monetize the rights of authors' for the use of their lyrics and compositions. These are collected by IPRS or the publishers, who share the revenue with the authors
- ▶ **Sound recording rights** (also known as master rights) monetize the sound recordings. These are collected by music labels and independent artists who self-release their music

- ▶ **Performers' rights** relate to the exploitation of a performer's recorded performance, which are collected by owners of sound recordings and/ or bodies like ISRA, who then pay the performers

## Rights are administered by various bodies

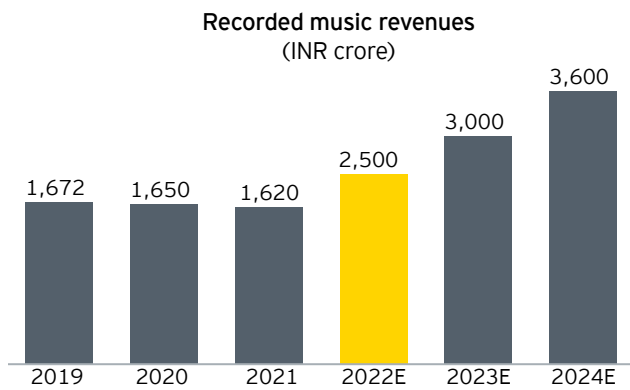
Body	IPRS	RMPL	ISRA	PPL	NOVEX
<b>Rights administered</b>	Authors' performing and mechanical rights	Public performance rights and radio broadcasting rights for sound recordings	Performers' rights in audio and video recordings	Public performance rights in sound recordings (limited to on-ground events and radio)	Public performance rights in sound recordings
<b>Represents</b>	Composers, lyricists & publishers	Record labels/ owners of sound recordings	Singers	Record labels/ owners of sound recordings	Record labels/ owners of sound recordings
<b>Status</b>	Registered u/s 33 of the Copyright Act	Registered u/s 33 of the Copyright Act	Registered u/s 33 of the Copyright Act	Collective operating u/s 30 of the Copyright Act	Collective operating u/s 30 of the Copyright Act



Raftaar Shringaar

## Sound recording and publishing revenues have grown in India, but are still unable to scale compared to major global markets

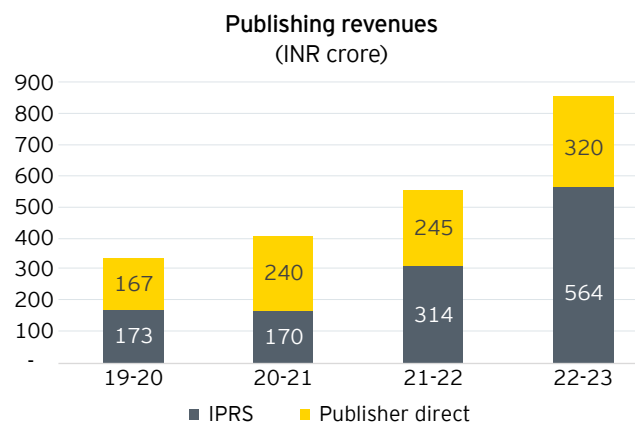
### Recorded music revenues have reached INR2,500 crore in 2022<sup>16</sup>



Recorded music revenue | IMI | 2022E reflects a change in revenue recognition policy from minimum guarantee to transaction basis

- ▶ Of the above, streaming revenues comprise 87%
- ▶ The balance comprises synch, radio, television, and general licensing (live events, shops, hotels, restaurants) revenue

### Music publishing revenues will approximate INR884 crore in 2022-2023



Publishing revenue | IPRS estimates

**IPRS estimates** - Include lumpsum settlements in the year in which they were received, but excludes publishing revenues earned directly by Indian publishers and authors from international markets

- ▶ IPRS is the largest copyright society in India. It collected around 64% of total publishing revenues in 2022, the balance being collected directly by music publishing companies and authors
- ▶ 98% to 99% of total publishing revenues are collected from India and the balance from international markets<sup>18</sup>

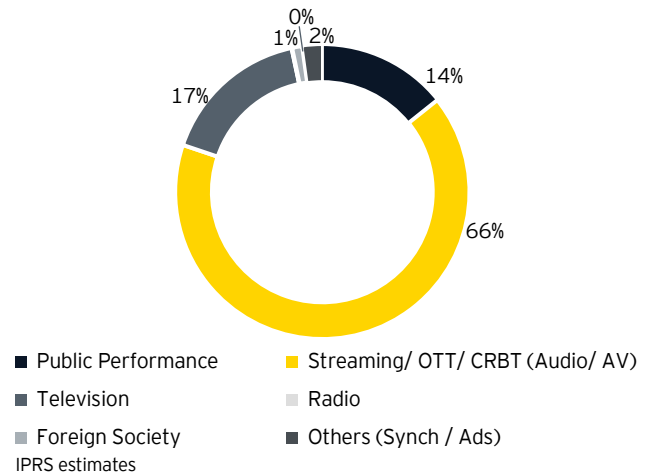
<sup>16</sup>IMI

<sup>17</sup>IPRS

<sup>18</sup>Several rights holders directly collect royalties from international markets or use collection agencies based in those markets

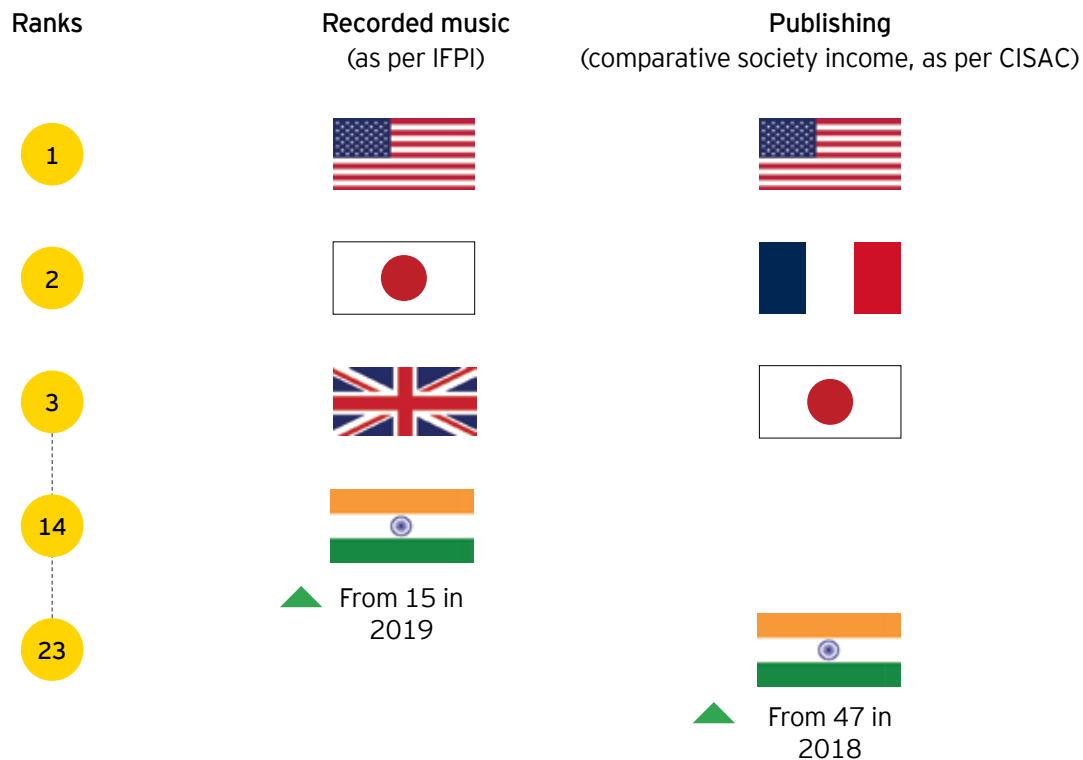
<sup>19</sup>IPRS data, as on December 2022

### Composition of publishing revenues

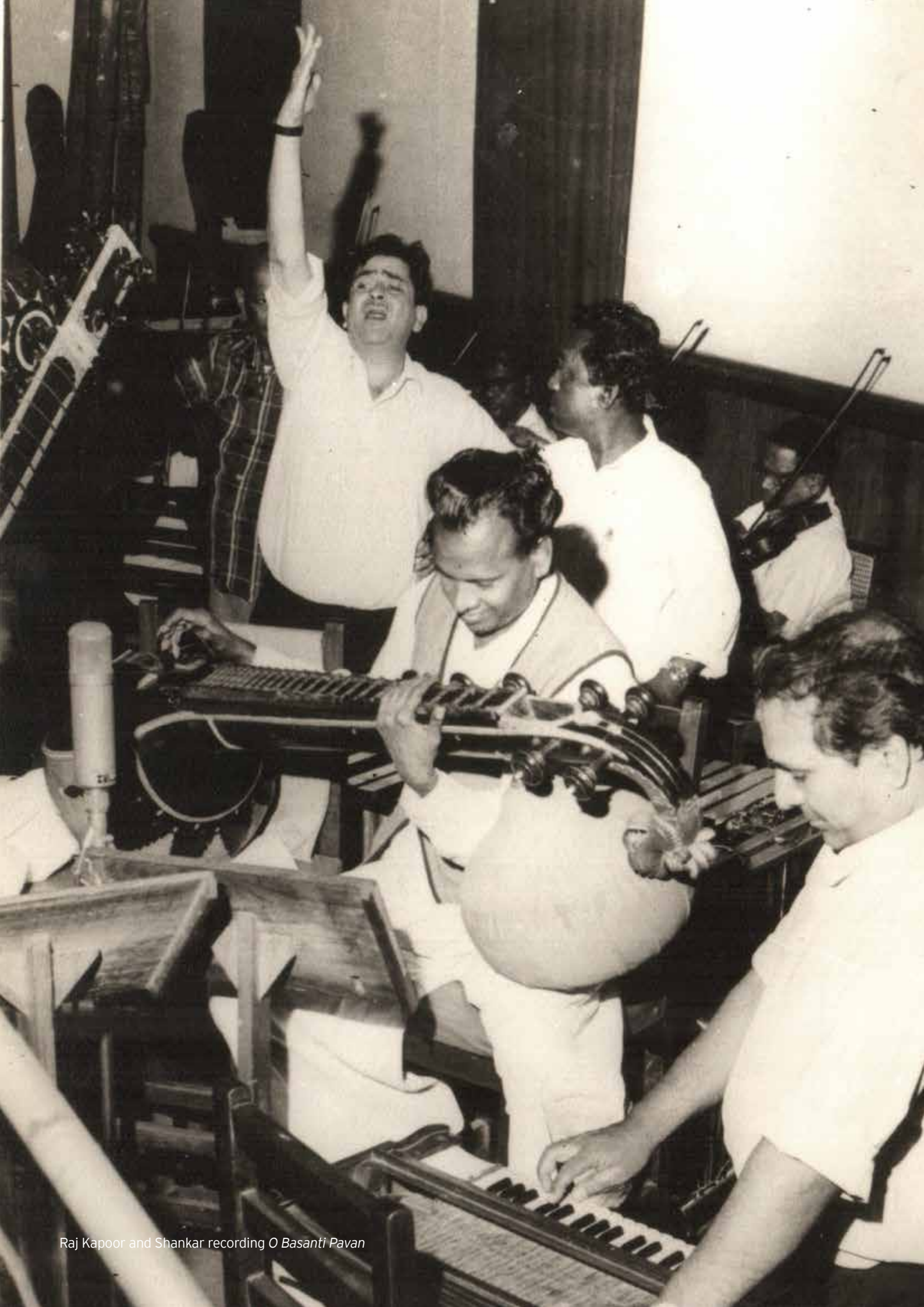


- ▶ 66% of publishing revenues are generated from digital media
- ▶ Several publishing businesses are setting up in India
  - ▶ Sony Music and Universal Music have set up separate publishing arms in India for their domestic and international catalogues
  - ▶ Anara Music, an independent UK music publisher, has set up an office in India
  - ▶ Turnkey Music & Publishing and Silk Road Communications are some of the other home-grown music publishing companies operating in India today
  - ▶ Hal Leonard Corporation (USA), the world's largest sheet music publisher, has set up a joint venture with Furtados Music
  - ▶ IPRS has 13,500+ members, approximately 12,000+ authors and 1,500+ publishers (who are music labels that own the underlying works, including T-Series, Saregama, Universal, Aditya, etc.)<sup>19</sup>

## India's global revenue ranking lags compared to other developed markets



- ▶ While India consumes more music per capita than the world average, it ranks 14<sup>th</sup> in recorded music revenues, while publishing revenues are way behind (ranked 23<sup>rd</sup>) due to various issues like lack of legal clarity and compliance, as detailed later in this report
- ▶ However, India's rank in publishing revenue collection is improving due to the settlement royalties to IPRS, and signing licensing deals with global platforms like Spotify, Apple, etc.
- ▶ India overtook China's rank in global publishing revenue in 2022
- ▶ CISAC provided support to IPRS in the last few years regarding advice on governance, technology and global best practices. The Government of India, too, has facilitated the transformation of the Society. IPRS now publishes an Annual Transparency Report in line with recently introduced government regulations



Raj Kapoor and Shankar recording *O Basanti Pavan*



03

# Regulatory landscape

Compiled by Ameet Datta, Partner, Saikrishna & Associates



It would not be unfair to say that even though India's copyright framework has achieved global recognition for assimilating and incorporating international copyright law principles<sup>20</sup>, authors<sup>21</sup> of music and lyrics in India unlike authors in the west, were unable to retain rights or monetize their works due to a variety of reasons, ranging from industry practices to judicial interpretation of the law to apathy, among others.

Internationally, rights to the music's composition and lyrics, which are usually called "publishing rights", and rights to recorded music, which are called "master rights," grew as separate sources of income. In India, however, music licensing was mainly about the rights to recorded music.

The subordination of the publishing right was a feature of post-independent India.

## Pre-Independence copyright law in India

In 1847, the British Crown introduced copyright law to India via the East India Company through the Indian Copyright Act of 1847. This Act was subsequently replaced by the Copyright Act 1914, which extended the Copyright Act 1911 of the United Kingdom to India.

The Copyright Act 1911 consolidated the principles of the Berne Convention in the United Kingdom. It increased the duration of copyright to 50 years after the author's death, provided remedies for infringement, and extended protection to various forms of art, including literature, music, photography, and paintings.

Copyright societies originated in France as early as 1791<sup>22</sup>. In the 19th century, copyright laws spread across the globe, culminating in the signing of the Berne Convention in 1886, which recognized the "public performance rights of authors and composers (along with several other fundamental rights) as the principal element of the protection to be afforded to all authors"<sup>23</sup>. The British Act 1911 (and, by extension, the Indian Act 1914) acknowledged the coexistence of multiple copyrights, namely those of the author(s) in the original works and those of the producer(s) in the sound recordings produced from the original works<sup>24</sup>.

## Post-Independence copyright law in India

The 1914 Act was repealed and replaced by the Copyright Act of 1957, which took effect on 21 January 1958. Under the direction of Maulana Abdul Kalam Azad, the initial Copyright Bill of 1955 was subjected to rigorous scrutiny by a Parliamentary Committee. Early in its discussions, the Joint Select Committee made it clear that it would take into account India's cultural framework and reality and other laws, even though the UK's copyright framework heavily influenced it.

The 1957 Act introduced several significant changes, such as the Copyright Office, the Registrar of Copyright, and provisions for "Performing Rights Societies", as well as a Copyright Board to deal with disputes relating to copyright. As in the UK, Section 16 of the 1957 Act clarified that copyright law was a statutory right, meaning there would be no basis for a parallel "common law copyright".

Most importantly, the 1957 Act recognized distinct classes of "works" such as literary, musical, artistic, dramatic, and recordings (later classified as Sound Recordings) and cinematograph films with exclusive rights accorded to each class of work.

Ironically, it was also under the 1957 Act that publishing was to suffer a near-fatal blow. Consequently, Indian composers and lyricists could not emerge as a distinct group of stakeholders.

## India's obligations under international treaties

India was originally 'volunteered' to be a part of the Berne Convention for the Protection of Literary and Artistic Works<sup>25</sup> in 1928 as a British dominion by the exercise of a "colonial clause" by the British-run Government of India, having acceded to the 1928 Rome Act of the Convention.

Independent India acceded to the Universal Copyright Convention<sup>26</sup> on 6 September 1952 and finally acceded to the Berne Convention on 10 January 1975. India also acceded to the WIPO Copyright Treaty<sup>27</sup> ("WCT") and WIPO Performers and Phonograms Treaty (WPPT<sup>28</sup>) on 25 December 2018. India has not acceded to the Rome Convention<sup>29</sup>.

<sup>20</sup>Including because of India's membership of international copyright treaties such as the Berne Convention for the protection of Literary and Artistic Works

<sup>21</sup>The term "Author" in this report refers to both lyricists and music composers

<sup>22</sup>[https://www.cisac.org/sites/main/files/files/2020-11/CISACUniversity\\_The\\_History\\_of\\_Collective\\_Management\\_FINAL.pdf](https://www.cisac.org/sites/main/files/files/2020-11/CISACUniversity_The_History_of_Collective_Management_FINAL.pdf)

<sup>23</sup>[https://www.cisac.org/sites/main/files/files/2020-11/CISACUniversity\\_The\\_History\\_of\\_Collective\\_Management\\_FINAL.pdf](https://www.cisac.org/sites/main/files/files/2020-11/CISACUniversity_The_History_of_Collective_Management_FINAL.pdf)

<sup>24</sup>Gramophone Co. Ltd. v. Stephen Carwardine & Co; Law Reports, [1934] I Ch. 450; Even in India in 1937 a Division Bench of the Bombay High Court in the case of *Welling-ton Cinema v The Performing Right Society* [1937] ILR (Bom) 724, held that the right of the authors in works underlying a film would still be capable of being separately asserted basis terms of license granted.

<sup>25</sup><https://wipolex.wipo.int/en/text/283693>

<sup>26</sup><https://en.unesco.org/about-us/legal-affairs/universal-copyright-convention-appendix-declaration-relating-article-xvii-and>

<sup>27</sup><https://wipolex.wipo.int/en/text/295157>

<sup>28</sup><https://wipolex.wipo.int/en/text/295477>

<sup>29</sup>Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

## Music rights in India

At first, India's copyright laws for music were the same as those in the United Kingdom. This meant that business streams around "Sound Recording" or "Master Rights" and "Musical Works and Associated Lyrics" or "Publishing Rights" were claimed and monetized as separate revenue streams under separate business entities<sup>30</sup>. In 1977, the Supreme Court's decision in *EIMP v IPRS*<sup>31</sup> dealt a blow to the author's first ownership of film music in favor of the film producer. By early 2000, the right of authors to royalty was in doubt since music labels, as assignees (or exclusive licensees) of film producers, claimed all the rights devolved in favor of film producers and thereby in their favor<sup>32</sup>.

Since "film music" (i.e., music, lyrics, and sound recordings created for Hindi and other regional language films) constitutes an overwhelming portion of the Indian music market (estimates range between 70% to 80%), rights ownership and licensing practices in the Indian music industry (both film and "non-film" music) have been heavily influenced by the "film music business".

Due to the above, the global practice of separating the "master rights" business (i.e., rights in sound recordings owned by a music label such as Universal Music) and the "music publishing" business (i.e., rights in lyrics and music compositions, owned by pure-play music publisher such as Universal Music Publishing), has not been followed in India. Indian music labels, big and small, negotiated master and music publishing as a single right.



## The pre-2012 copyright position

After the 1977 Supreme Court judgment and until the Copyright (Amendment) Act, 2012, which came into effect on 21 June 2012 ["the 2012 amendment"], the film producer was deemed the "first owner" of all rights in a cinematograph film, including lyrics and musical compositions. The lyricists and composers were considered hired workers "unless an agreement to the contrary" existed. This practice was extended to non-film music labels who acquired "the rights" lock, stock, and barrel via assignments.

A High Court judgment in 2011 and an appellate decision in May 2012 in *Indian Performing Rights Society vs. Aditya Panday & Ors*<sup>33</sup>. and subsequently, in September 2016, a judgment from the Indian Supreme Court in the case of *International Confederation of Societies of Authors and Composers v. Aditya Pandey*<sup>34</sup> also held that the exploitation of sound recordings (in these cases by radio broadcast) in the pre-2012 amendment scenario merited the payment of royalty only to the owner of the sound recording. The 2012 High Court

ruling held that sound recording exploitation did not warrant a separate license and royalty payment for the underlying literary and musical works.

This effectively meant that all licensing, including radio/television broadcast and online/ digital exploitation, would be handled solely by music labels; even though the Phonographic Performance Limited ("PPL") and Indian Performing Right Society ("IPRS")<sup>35</sup> existed as Performing Right Society since 1969 (IPRS) and since 1995 (PPL)<sup>36</sup>, IPRS was prevented from asserting its rights against radio, television, digital exploitation, and whenever a sound recording was used.

No other country had a situation like this.

The 2012 amendments changed this position by bringing the author back into the center of the creation and exploitation of creative works. Subsequently, in its 2016 judgment in *International Confederation of Societies of Authors and Composers v. Aditya Pandey*, the Supreme Court of India clarified that the law had changed with effect from 21 June 2012<sup>37</sup>.

<sup>30</sup>By way of example Saregama India Ltd's predecessors which merged sometime in the year 2000 included a separate music publishing entity called Gramco Music Publishing Ltd - See- <https://www.moneycontrol.com/company-facts/saregamaindia/history/si67>

<sup>31</sup>AIR 1977 SC 1443

<sup>32</sup>The Supreme Court Judgement from 1977 (*EIMP v. IPRS* AIR 1977 SC 1443) held that in the absence of a contract to the contrary, film producers were 'first owners' of the copyright in cinematograph film and underlying works (literary and musical works) commissioned for and incorporated in cinematograph film due to the effect of Sections 17(b) and (c) of the Copyright Act, 1957.

<sup>33</sup>MANU/DE/2834/2011

<sup>34</sup>(2017) 11 SCC 437

<sup>35</sup>IPRS is the Indian Copyright Society representing Authors and Publisher owners of musical compositions and associated lyrics

<sup>36</sup>IPRS has existed even earlier since 1969

<sup>37</sup>which was the date that the 2012 Amendments to the 1957 Act came into force.

## Post-2012 copyright amendments legal position

The 2012 amendments<sup>38</sup> made four significant changes to the Copyright Act 1957 (i.e., the changes contextual to this report), namely:

- ▶ The earlier presumption of 'first ownership' in favor of the film producer no longer exists in as much as the film producer is now required to secure specific assignments in respect of works underlying a film
- ▶ Notwithstanding an assignment or license, the author of a literary or musical work is entitled to an "equal share of royalty" in respect of the utilization in any form of literary and musical works forming part of a cinematograph film or a sound recording (the only exception being the exhibition of a movie in a cinema hall)
- ▶ The "royalty right" may not be assigned or waived by the author except to a copyright society or their legal heirs
- ▶ The contract between a copyright society and one of its members prevails. In other words, any subsequent contract which contradicts a standing contract between a copyright society and a member, would be void in law

As a result of the 2012 amendments, if a sound recording or film were to be "played in public"<sup>39</sup>, licenses would thus be required from:

- ▶ The owner of the sound recording
- ▶ The owner of lyrics and musical compositions, with the royalties shared equally with the authors. The royalty share payable to authors can only be paid to authors, legal heirs, or a copyright society representing authors

In the 2016 case *International Confederation of Societies of Authors and Composers v. Aditya Pandey*<sup>40</sup> the Supreme Court clarified the above-mentioned legislative change implicated by the 2012 amendments. The court distinguished between rights in the underlying literary and musical works before and after 21 June 2012, the start date of the Copyright (Amendment) Act 2012, which introduced new Sections 18 and 19 of the Copyright Act, 1957.

The amendments put an end to the situation that existed before 21 June 2012. Now, the author must be paid an "equal share of royalty" for:

- ▶ Any utilization of literary and musical works forming part of a cinematograph film (i.e., "film music")
- ▶ Any utilization of Literary and Musical works forming part of sound recording but not being part of a cinematograph film (i.e., "non-film music")

The above changes to the law covered both what is known as "Film Music" and "Non-Film Music". They said that authors should get an equal share of royalties as the publisher when their works are used after 21 June 2012.

On 30 December 2020, in *Music Broadcast Limited v. TIPS Industries Ltd. & Ors.* (OP (SEC-31-D-/3/2020/CR/NZ) concerning hearings held under Section 31D of the statutory license provision for Radio, and Television Broadcasters,

the Intellectual Property Appellate Board (IPAB) ruled that the 2012 Amendments to the Copyright Act, 1957 recognized the rights of authors and composers of lyrics and musical compositions in sound recordings and films. More specifically, the IPAB<sup>41</sup> held the following:

- ▶ The broadcasting organization must pay royalties to the owners of the sound recording and of the underlying literary or musical work that is broadcast;
- ▶ The radio broadcaster is responsible for paying the statutory royalty for the underlying works to IPRS. The music label cannot collect the royalty due to IPRS.
- ▶ The statutory royalties rates would be set so that literary and musical works, even though they are an intrinsic part of a sound recording, would be paid separately.

On 4 January 2021, in a suit between IPRS and an FM radio station<sup>42</sup>, a single judge of the Delhi High Court, contradicting the IPAB Judgement, held that the 2012 amendments had not changed pre-2012 case law, namely that the broadcast of a sound recording would not require separate payments for the exploitation of the literary and musical works. This judgment is on appeal before a division bench of the Delhi High Court, along with the IPAB judgment in *Music Broadcast Limited v. TIPS Industries Ltd. & Ors.*

In 2023, the high court of Bombay at Mumbai (IPRS v Music Broadcast Private Limited & IPRS v Rajasthan Patrika Pvt Ltd) held that music publishing royalties, as per the rates set down by the erstwhile Intellectual Property Appellate Board in December 2020, were payable by FM radio broadcasters to IPRS, notwithstanding separate payments made in relation to the broadcast of sound recordings.

## The post-2012 strengthening of music publishing in India

The 2012 amendments brought large scale changes in the Indian music business. Contracting practices changed and international practices were added. Contracts became more specific and structured. Since royalties were to be shared with authors, the music industry also saw value in boosting a separate revenue stream from publishing.

Early in 2017, music labels, publishers, and authors reached a historic agreement about the status and operation of the IPRS. This led to the Government of India re-registering the IPRS as a copyright society in November 2017.

With the re-registration of IPRS, music publishing became readily accessible on multiple platforms, including for the first time on international digital platforms like YouTube, Spotify, Apple Music, and Amazon. This led to an unprecedented increase in revenue and helped IPRS to rapidly grow its membership. The expansion of IPRS has been a big boost for publishing rights in India, and international publishing companies have started to consider India as a viable licensing and rights acquisition market.

<sup>38</sup>The Copyright (Amendment) Act, 2012

<sup>39</sup>i.e the Communication to the public

<sup>40</sup>(2017) 11 SCC 437

<sup>41</sup>The IPAB was subsequently abolished by the Tribunals Reforms Act, 2021, and its functions under the Copyright Act 1957 were merged into the Commercial Courts and other Appellate Courts.

<sup>42</sup>Indian Performing Right Society Ltd. v. Entertainment Network (India) Ltd.[2021 SCC OnLine Del 1]



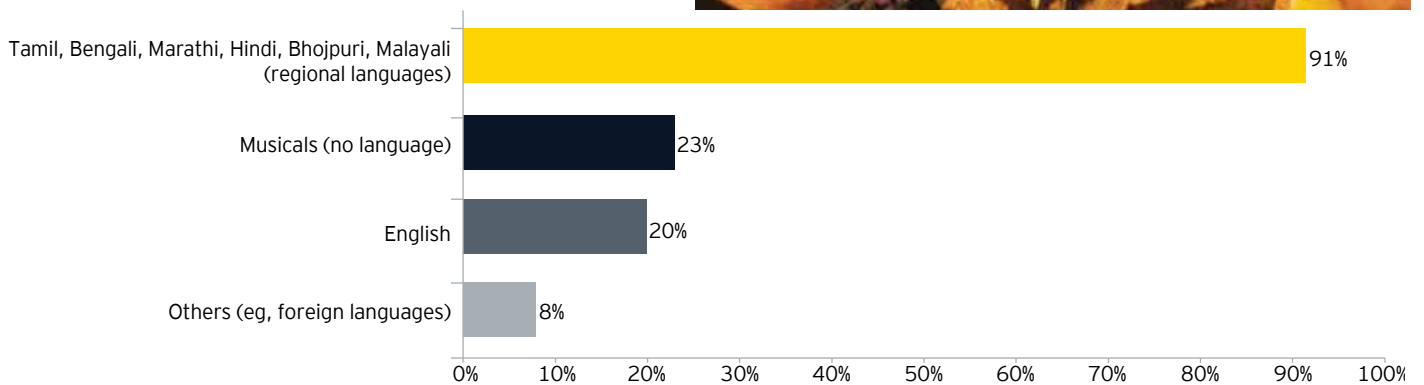
04

Understanding  
the Indian  
music creator

## Authors are the backbone of the music industry

- ▶ Sound recordings are the physical fixation of the literary and musical works of lyricists and composers, as recorded by performers and producers
- ▶ Promoting the creativity and well-being of authors has an impact on and benefits the entire downstream M&E industry
- ▶ In India, there are many singers, lyricists, composers and record labels in the organized sector who create an estimated 20,000+ original songs each year<sup>43</sup> and numerous non-film songs across over 20 languages and several dialects
- ▶ To better understand music creators and the correlation between popularity, monetization, and career span, EY conducted an open survey of 500 randomly selected Indian music creators

### Music in Indian languages was the most common genre amongst music creators who responded to our survey



IPRS-EY survey 2022 | Q. What language do you create music in (choose all that apply)?

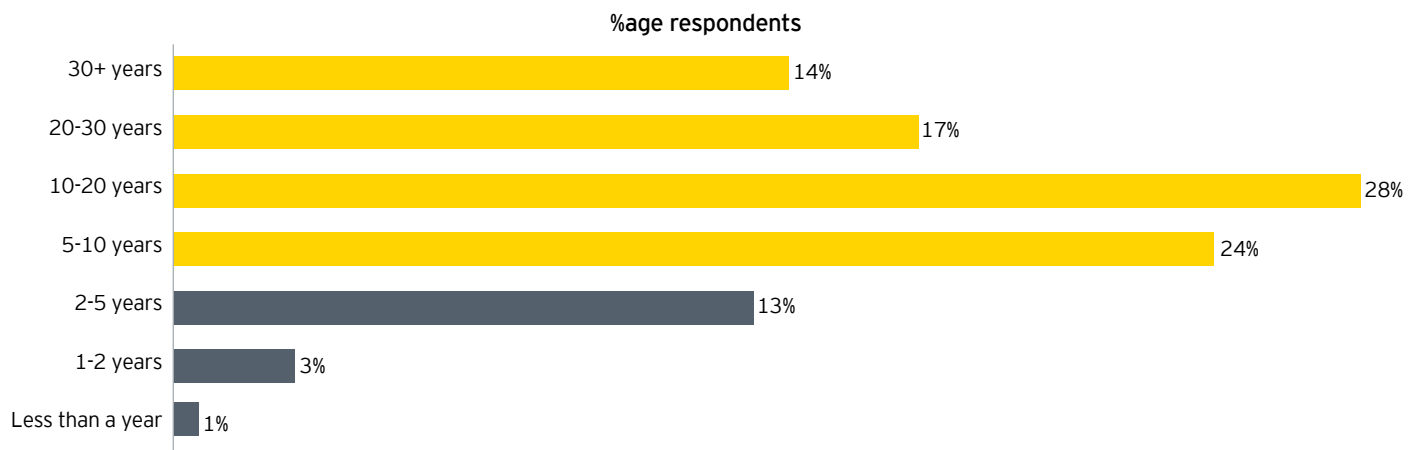
- ▶ While over 90% of respondents created music in Indian languages, a fifth of them also created music in English and/ or created instrumental (background) music. A small but growing number of composers work directly for foreign music labels which opportunity did not present itself a few years ago
- ▶ In 2020, 39% of streams across prominent music platforms were generated by regional language music, which was a 33% growth from 2019<sup>44</sup>



<sup>43</sup>No verifiable number is available as regards the number of songs created each year. Industry discussions indicate 1,800 films with an average of 4 songs in most of them, as well as 800 to 1,000 non-film albums, apart from remixes, devotional songs, musicals, etc. The number range we have provided is indicative only.

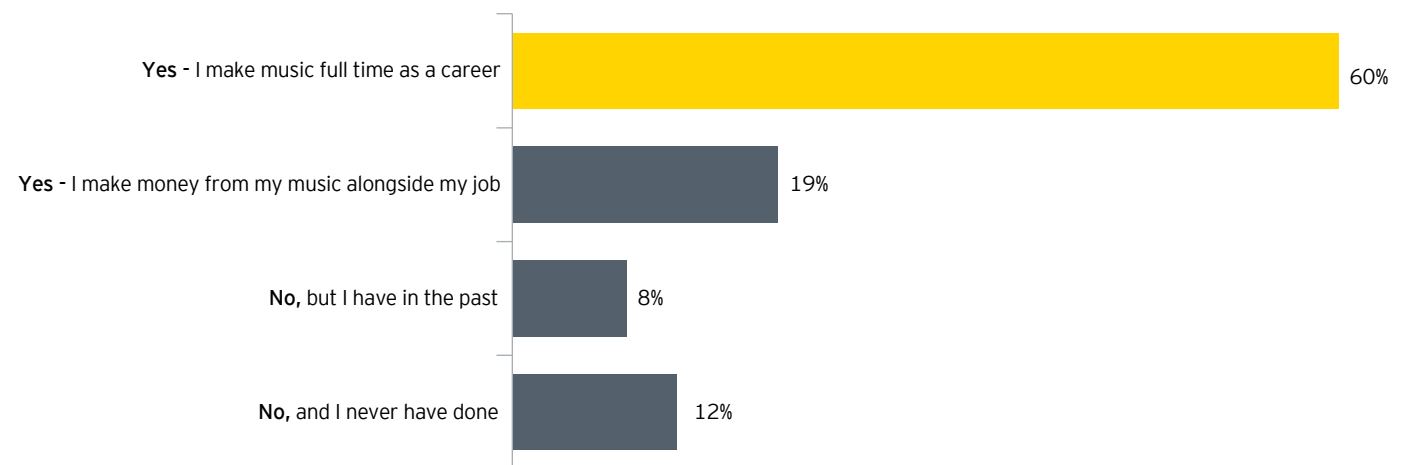
<sup>44</sup>FICCI-EY M&E sector report 2020

## 83% of survey respondents had been creating music for more than 5 years...



IPRS-EY survey 2022 | Q. How long have you been making music?

## ...however, only 60% were able to pursue their music career on a full-time basis

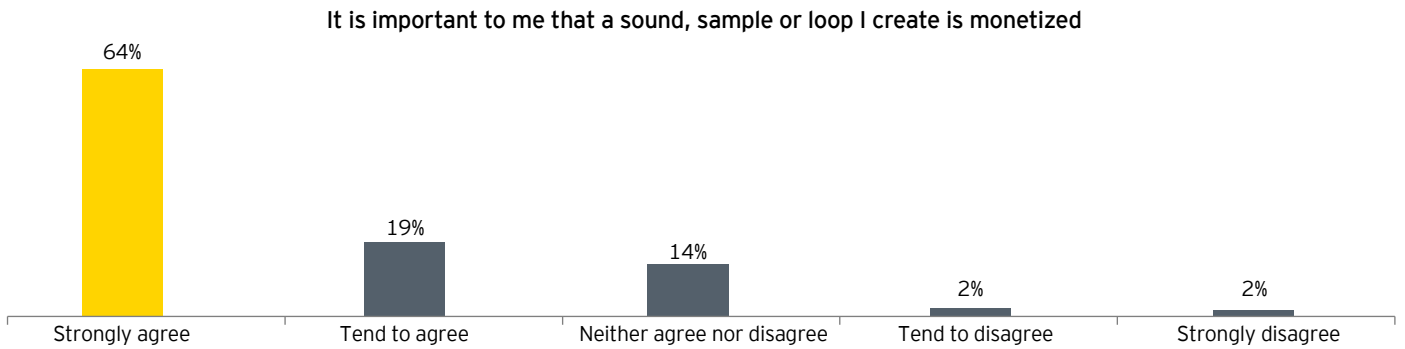


IPRS-EY survey 2022 | Q. Do you currently make money from your music making?

- ▶ Unlike a singer, whose career can last a lifetime, authors' careers are often limited by the changing tastes of the public
- ▶ In addition, most authors do not enjoy retirement benefits or social security, which in India, as in many other places around the world, is available primarily to salaried employees

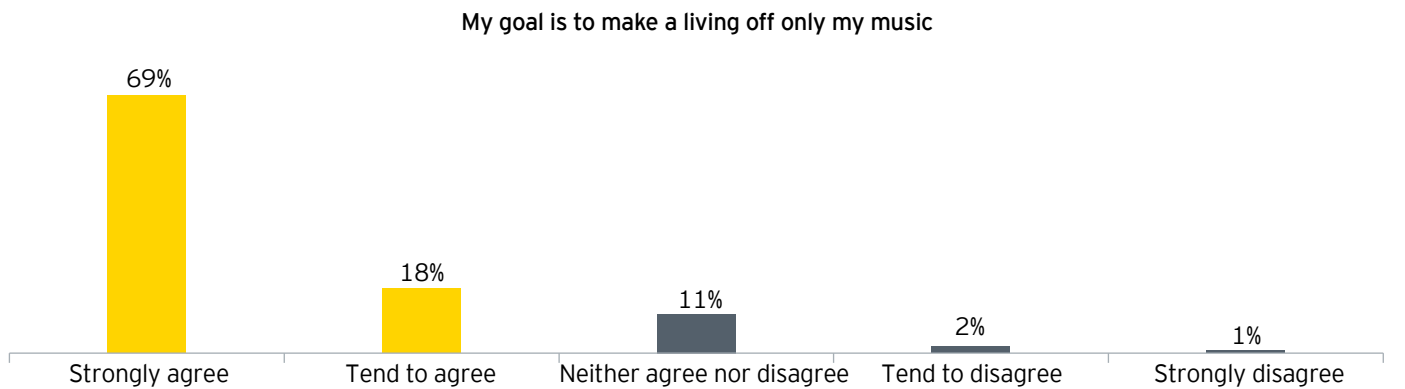
## Monetization and music as a profession

### 64% of creators would like their work to be monetized



IPRS-EY survey 2022 | Q. To what level would you agree or disagree with the statement: "It is important to me that a sound, sample or loop I create is monetized"?

### 87% want to live off their music alone

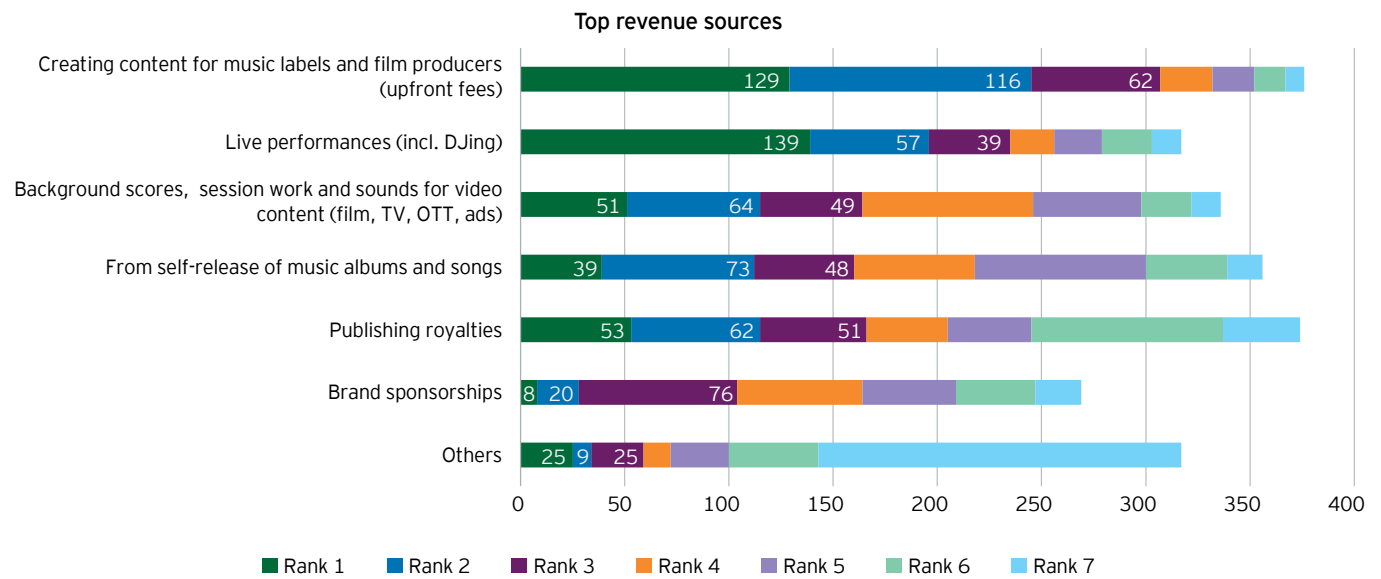


IPRS-EY survey 2022 | Q. To what level would you agree or disagree with the statement: "My goal is to make a living off only my music"?



Vaali, M. S. Viswanathan, T. K. Ramamoorthy

## On-call professional fees and live performances were key revenue sources for most creators



IPRS-EY survey 2022 | Q. What are your top revenue sources (Rank 1 to 7, 1 being the top-most)? | Number of respondents

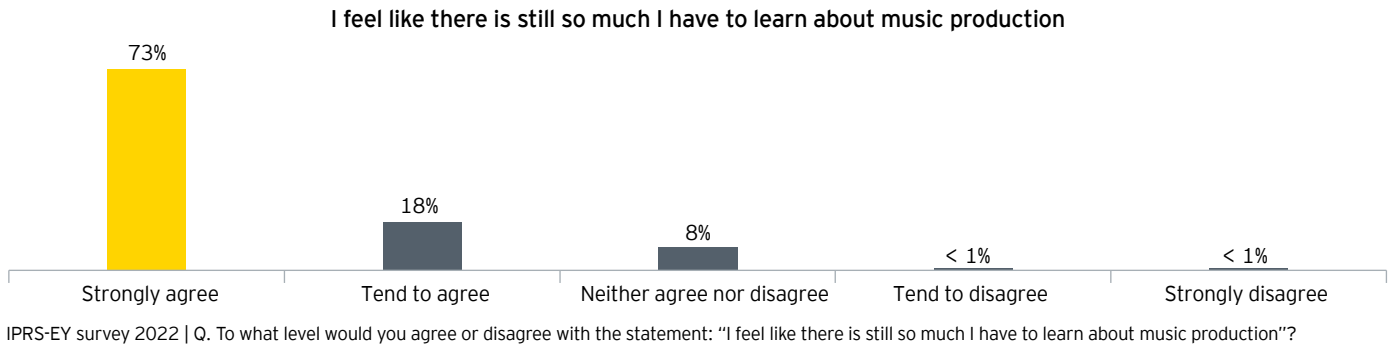


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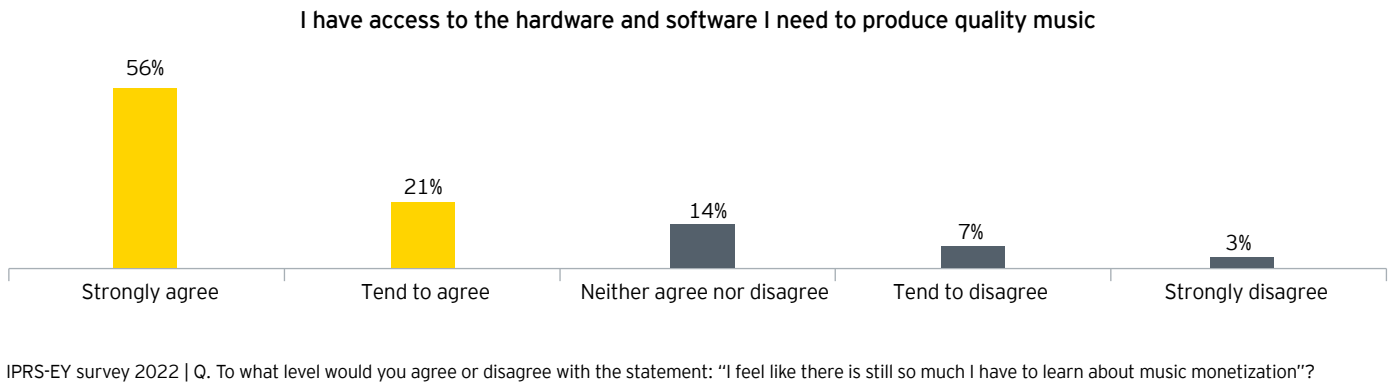


## The need for professional training

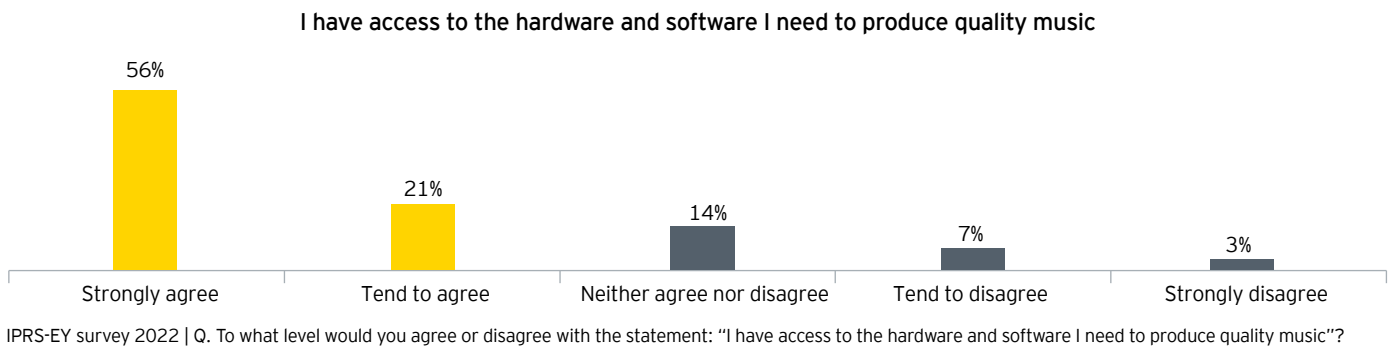
**73% strongly believed that they needed to learn more about music production**



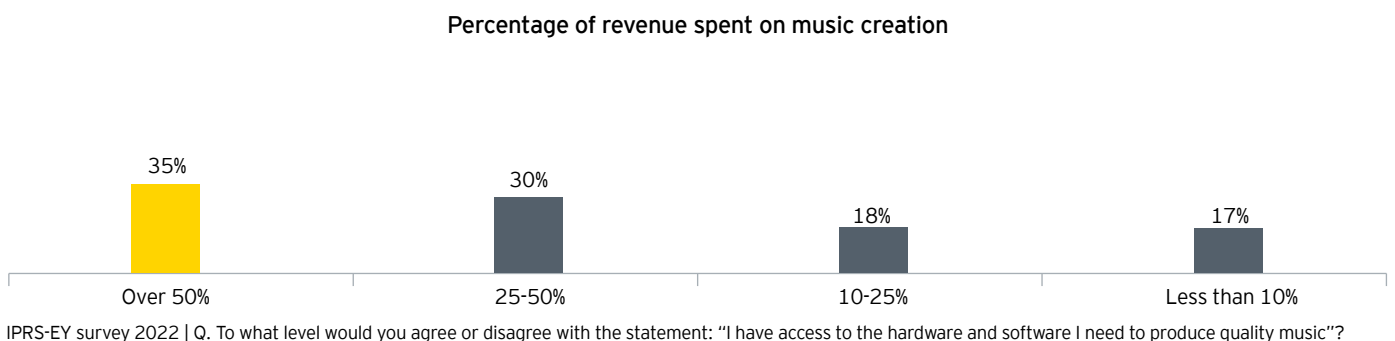
**Most respondents believed that they had a lot to learn about music monetization**

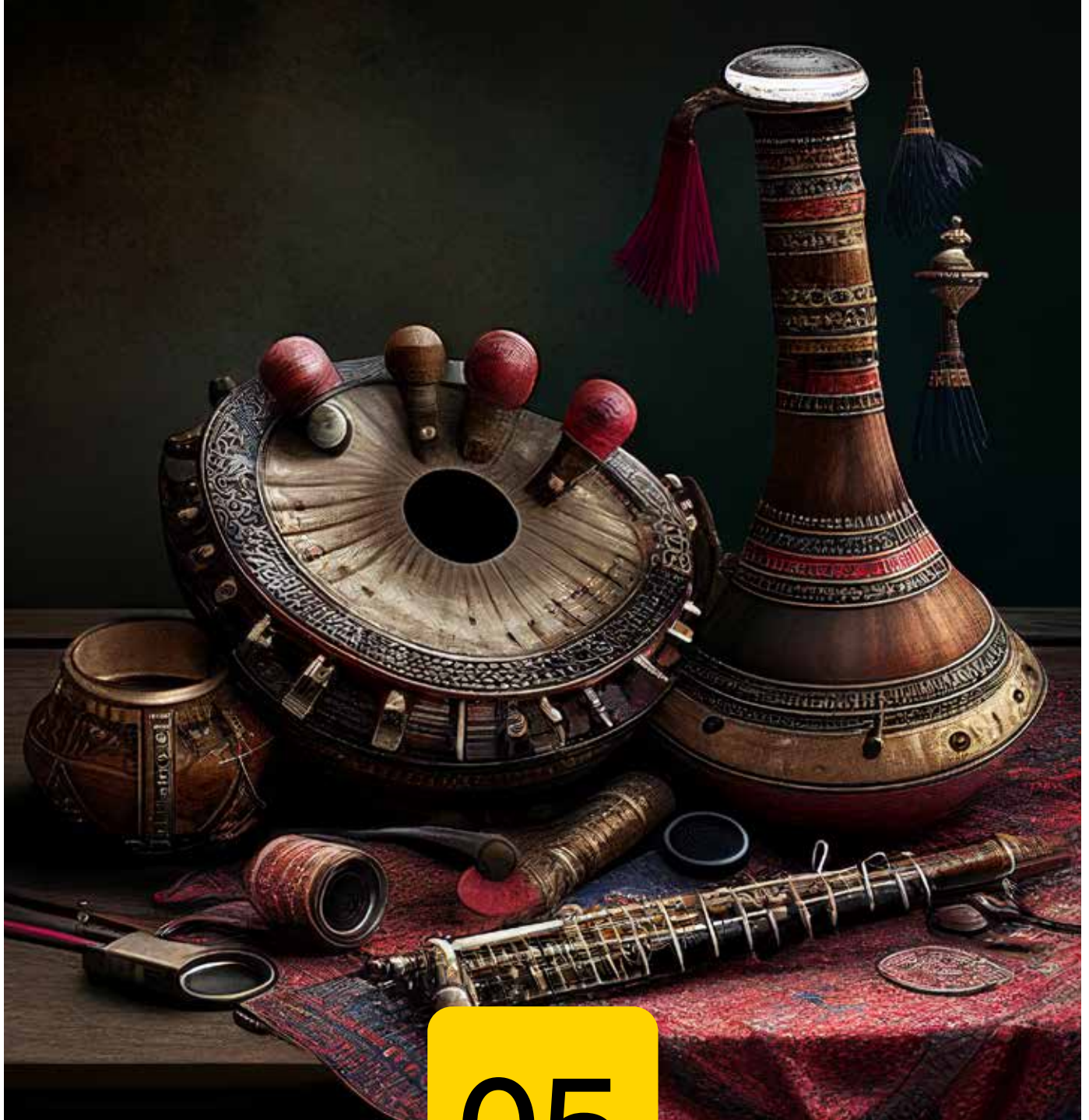


**Only 56% had access to the equipment and infrastructure required to produce music**



**35% of respondents re-invested more than 50% of their earnings from music on equipment, gear, software and other infrastructure required to create music**





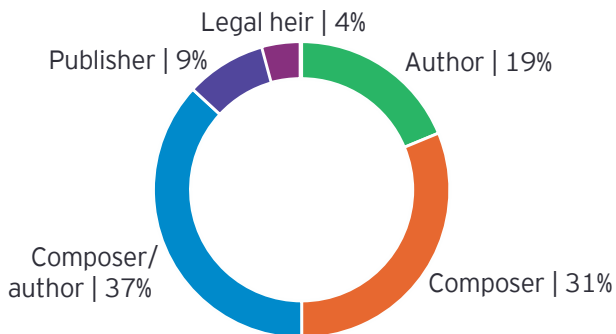
05

# Social security frameworks for artists

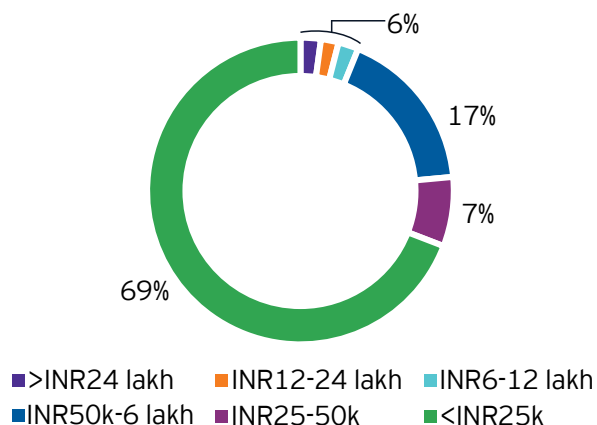
## Most Indian authors currently have almost no social security net

- ▶ As noted in our survey of music creators, most authors depend on one-time, on-call opportunities such as session work, live performances and creating content for music labels or film producers, as the primary sources of income
- ▶ These opportunities may not be available consistently especially during uncertain times like the pandemic, where they reached an all-time low viz, the events segment degrew 68% in India in 2020<sup>45</sup>
- ▶ In addition, as per discussions with various music industry stakeholders, unless they become extremely popular, the popularity span of most lyricists and composers is relatively limited when compared to singers and musicians
- ▶ While the Ministry of Culture has several schemes for artists and the promotion of arts and culture<sup>46</sup>, more attention needs to be paid to this aspect of a music creator's life, as was witnessed during the pandemic. Improvement in royalties will result in greater stability of income, will motivate our creators and invigorate India's musical creativity
- ▶ IPRS claims to have distributed over INR393 crores during COVID-19 to various authors

### Recipients of publishing revenues from IPRS



### Annual payout per author registered with IPRS (Percentage of recipients)



<sup>45</sup>FICCI-EY M&E report 2020 and 2021

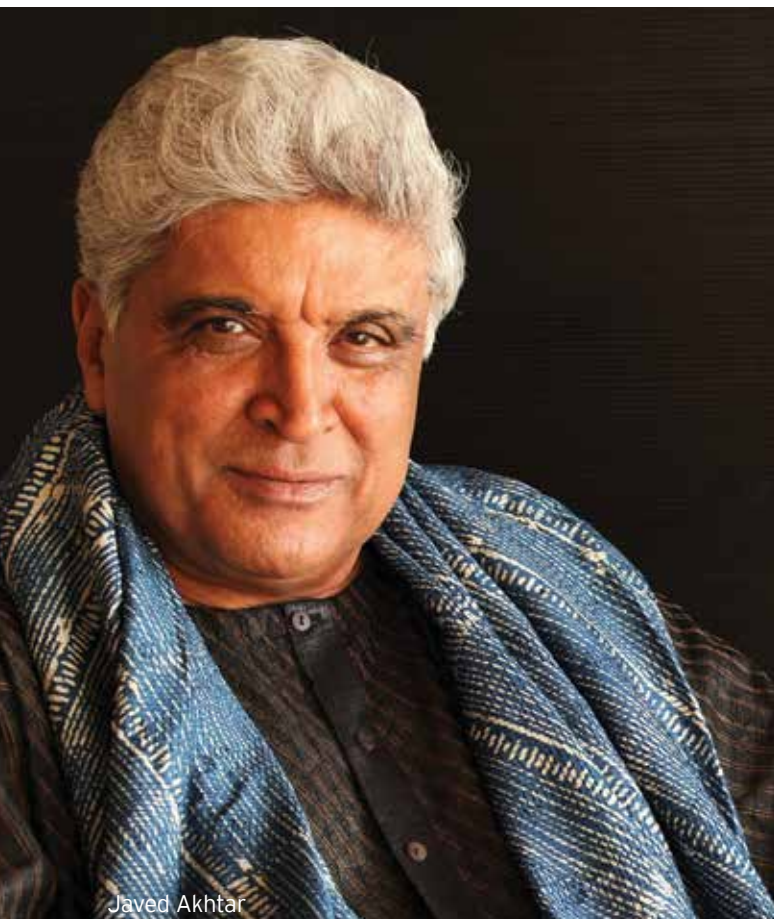
<sup>46</sup>Eg, Artistes Pension Scheme and Welfare Fund



## Various countries have implemented schemes to ensure the healthcare and social security of artists

- ▶ **France:** Under its Social Security Code Article L.382-1 on authors and artists, France provides funding for a flexible mechanism for unemployment protection for artists and technicians under fixed-term contracts that acts as a supplement to unemployment benefits. The scheme also offers an old-age pension, sickness benefits, healthcare insurance, disability allowance, survivor's pension, and maternity cover, which allows self-employed authors and artists to obtain the same benefits as regular employees. These provisions are implemented by the Authors' Society. The French system appears to be comprehensive.
- ▶ **Germany:** The 1983 established German scheme for artists collects contributions from "indirect employers" by requiring enterprises that use art to contribute to the fund, by government subsidies, and by the artists themselves. Participants in the Artists' Fund receive an old-age pension, health insurance, and long-term care insurance. However, unlike the French system, they do not receive employment injury compensation and have only limited access to unemployment insurance.
- ▶ **Latin America:** All artists, regardless of their employment status (dependent or self-employed) are governed by the same labour code and are covered by social security law. Additional qualifying conditions have also been put in place to help artists access social security benefits:
  - ▶ In Argentina, any artist with 120 consecutive or non-consecutive days of work can accrue one year of service.
  - ▶ In Uruguay, a year of service is accrued after contribution for at least 150 days.

- ▶ COVID-19 made many countries to provide temporary emergency benefits to the artists
  - ▶ **Brazil:** A Cultural Emergency Law was passed in 2020 which assigned €500 million to support the arts and cultural sector. Under the Law, a special benefit was established to support self-employed cultural and creative sector (CCS) workers who have no other contributory benefits
  - ▶ **Spain:** Launched an emergency program for CCS workers who had contributed for at least 20 days in 2019 under CCS activities. CCS workers were eligible for benefits of €735 per month for up to 4 months (and up to 6 months if they contributed for more than 54 days)
  - ▶ **Switzerland:** A special emergency aid program for cultural workers in order to support cultural workers in financial distress, irrespective of the loss of commitments and fees
  - ▶ **Republic of Korea:** The Ministry of Culture, Sport and Tourism took a number of ad-hoc measures including loans at low-interest rates, a creative funds program, an artists' employment insurance scheme, etc
  - ▶ **United Kingdom:** A one-time financial support program was implemented for creators. The benefit was a one-off payment of up to GBP2,500



Javed Akhtar

## Publishing royalties are the salary of music creators, yet uptake has been low

- ▶ Songs are assets created by lyricists and composers. These assets are protected during their lifetime and until sixty years after their death. The royalties generated by the commercial usage of these assets are the salary and pension for their creators and their legacy to their children<sup>47</sup>
- ▶ However, despite this obvious advantage, only 13,500+ of an estimated 60,000+<sup>48</sup> music creators have registered with their copyright society<sup>49</sup>
- ▶ The reason for the relatively slower performance of publishing rights in India are varied, and summarized below based on our discussions with music creators:

### Awareness

- ▶ Awareness is still a problem with music creators. Industry groups say that many are not even aware that they own rights, and that their rights can be monetized only by registration of their work
- ▶ While a publisher can also register a work with IPRS on behalf of the authors, payments to authors cannot be made unless the authors are also registered with the IPRS

### Registration

- ▶ Many composers still don't know the complete benefits of signing up with an authors' society. This is especially true for new and emerging authors who find other ways to make money, like brand sponsorships, creating content for social media, gig work, and streaming platforms
- ▶ Authors have a perception that the registration process is complex and royalty distribution is hard to understand

As per composer Salim Merchant, IPRS members are primarily people who have worked for more than 10 years. Younger members of the industry do not join the society due to lack of interest and awareness of importance of royalties.

<sup>47</sup>Industry discussions, IPRS

<sup>48</sup>Best estimates by IPRS

<sup>49</sup>IPRS, EY estimates

## Compliance

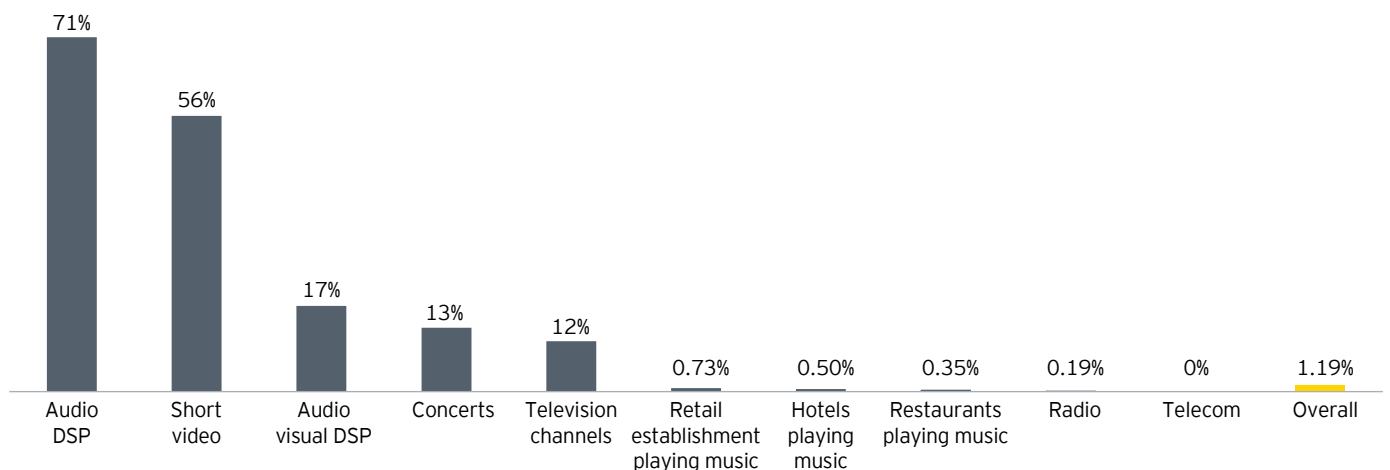
### Composition of publishing revenues

Source	Global	IPRS (India)	Asia-Pacific	Europe	Canada-USA	Latin America
Online	37.7%	66%	46.4%	28.0%	41.6%	38.0%
Broadcast (TV & Radio)	32.8%	17%	20.5%	32.2%	44.0%	33.2%
Public performance (events, retail, hotels etc.)	23.2%	12%	15.4%	27.9%	12.8%	26.7%
Physical	3.2%	0%	10.2%	1.8%	1.3%	1.7%
Others (Including private copying)	3.1%	5%	7.5%	10.1%	0.3%	0.4%

CISAC | 2022

- ▶ Compliance is a major pain point for music publishing because the question of whether publishing rights need to be paid is still up for debate in the courts (in the case of radio broadcasters) or is being contested by some major Indian users. We are given to understand that most Indian companies who operate in international markets, and international players who operate in India have fully complied and are paying the publishing royalties
- ▶ Consequently, while India generates a majority of its publishing revenues from digital media, it lags other developed markets as regards broadcast, public performance, etc.
- ▶ In addition, the effort required to obtain, clean, process and determine royalties is significant and requires several technological interventions. This can be an opportunity for India, known as a high-quality back office destination, to build and operate licensing and royalty distribution systems for the world

### % of entities licensed by IPRS



IPRS estimates

- ▶ 796 of 905 TV channels, 1,033 of the 1,035 radio stations and 3 major Indian digital service providers<sup>50</sup> have not taken a license from the copyright society, some citing the lack of legal clarity, others believing that their payment for the use of sound recordings includes the payment of publishing rights
- ▶ Two major music companies that own publishing rights are not members of IPRS; one of them has accepted that IPRS collects the authors' share of royalty<sup>51</sup>

<sup>50</sup>IPRS  
<sup>51</sup>IPRS

## Coverage

There is still a lot of headroom left across different sources of music consumption:

- ▶ In the case of hotels and restaurants, it is practically impossible to individually reach, educate and annually collect royalties from several hundred thousand restaurants across India who play music without the use of regulation, and technology can ease the licensing process for these large number of establishments
- ▶ Royalties for use of music in ads is a usage that has not yet been monetized fully
- ▶ High rate of unlicensed TV stations
- ▶ Royalty payment by FM radio stations has been under judicial scrutiny for over a decade<sup>52</sup>

“ Importance of royalties and IPRS was realized by authors during the COVID-19 lockdown when we all lost our jobs and active incomes. The income from royalties helped us out a lot. Along with our gratitude, our respect for IPRS has increased.

Vairamuthu  
Lyricist ”



HMV Studio, Shrikat Thakre with Mohd. Rafi

<sup>52</sup>IPRS internal data

“  
There is a need  
to enhance music education capabilities  
in India, where it is currently  
unorganized and not standardized.  
”

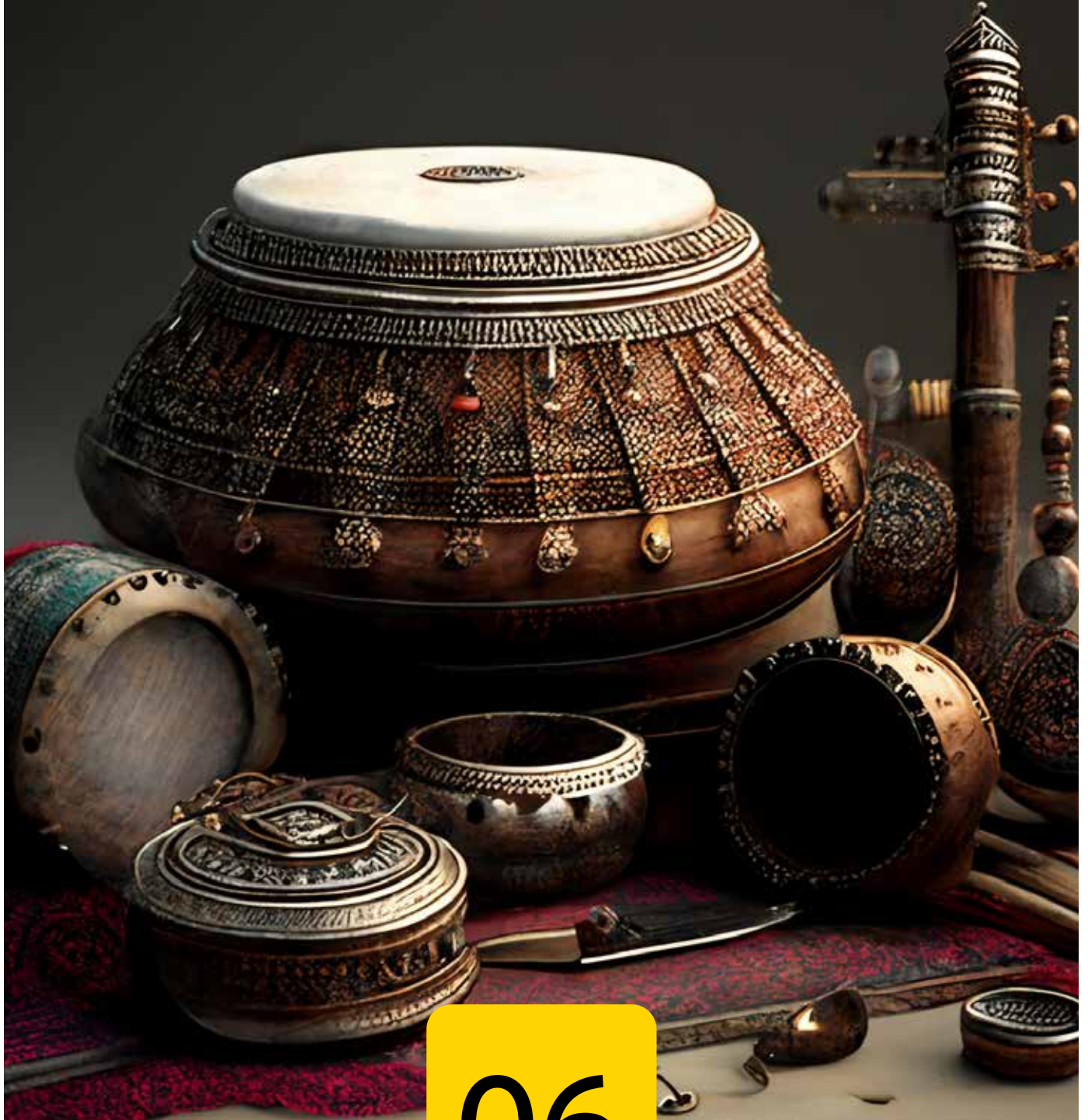
**Alokananda Dasgupta**  
Composer

“  
Creators have  
a different life and  
are gig workers. They get  
temporary engagements,  
and the royalties are what sustains them.  
It's the copyright that sustains the author.  
They don't have provident funds and social  
security unlike few countries which provides  
pension to their creators after the age of 60  
”

**Javed Akhtar**  
Composer and  
Chairman, IPRS

“  
IPRS is not  
perfect, it still has its  
own battles but is  
doing really well considering the  
vast complexities of a country like India.  
Majority of the problems within the  
disbursement of royalties are caused by authors/  
publishers themselves due to either  
inadequately setting themselves up to be  
able to collect royalties or  
having unrealistic expectations.  
”

**Tapas Relia**  
Composer



06

Indian music  
publishing market  
potential



# Music is strategically important for India's global aspirations

## Employment

Music creation resonates through the economy, creating **employment** from creation to performance, distribution and promotion

- ▶ Today, the music industry employs over 40,000<sup>53</sup> people directly for music creation
- ▶ It also employs 36,800 people<sup>54</sup> indirectly across concerts, television shows, OTT platforms, cinema, video production, short video platforms, etc. and approximately 14 million people<sup>55</sup> through informal means such as DJs, brass bands, sound engineers, manufacturers

## Education

**Education and training** are important factors that nurture every industry and lead to growth

- ▶ In India, music education is still at a nascent stage with only 3% penetration as compared to 40% penetration in developed western markets<sup>56</sup>
- ▶ Investing in music education is critical for the music and entertainment sector to achieve its potential and generate export revenues

## Exports

Top global songs	
Global YouTube listens over 12 month	
1	Sunidhi Chauhan   Saami Saami   1.55billion   <i>R Alam-GDS Prasad</i>
2	Indravathi Chauhan   Oo antava...o o antava   1.52 billion   <i>C Bose-GDS Prasad</i>
3	Javed Ali   Srivalli   1.03 billion   <i>R Alam-GDS Prasad</i>
4	Hariharan   Sri Hanuman Chalisa   933 million   <i>PD-BKS Gilli-Lalit Sen</i>
5	Bad Bunny and Chencho Corleone   Me porto bonito   910 million   <i>Borrero-Cruz-Hernandez-Martinez-Molina-Montalvo-Valle</i>
6	Asees Kaur and Jubin N.   Raataan Lambiyan   892 million   <i>T. Baagchi-T. Baagchi</i>
7	Bad Bunny   Titi me pregunto   831 million   <i>Borrero-Bunny-Torres</i>
8	Rahull Spilgani and Kaala Bhairava   Naacho Naacho   748 million   <i>R. Mukherjee-MM Keeravaani</i>
9	Khesari Lal Y. and Shilpi R.   Le le aayi Coca Cola   704 million   <i>PK Sinha-S. Yadav</i>
10	Karol G and Becky G   Mami   697 million   <i>Uribe-Gomez-Quiles-Oviedo-Navarro-Castano</i>

Libertygames.uk

Top global artists	
Global YouTube listens over 12 months	
1	Alka Yagnik   4.8 billion
2	Bad Bunny   4.1 billion
3	Udit Narayan   10.6 billion
4	Arijit Singh   10.2 billion
5	Kumar Sanu   8.82 billion
6	BTS   8.36 billion
7	Khesari Lal Yadav   8.32 billion
8	Blackpink   7.29 billion
9	Lata Mangeshkar   7.16 billion
10	Shilpi Raj   6.76 billion

Libertygames.uk

Music as a universal language is a generator of **export revenues**

- ▶ In 2022, seven of the top 10 global artists and songs (by number of streams on YouTube) were from India
- ▶ Today, Indian music generates over INR400 crores<sup>57</sup> from international markets comprising licensing and publishing, and revenues earned from concerts are in addition to this

## Music concerts and tourism

Music concerts and tourism are just starting to gain scale in India

### Number of music concerts

Audience size	2018	2025
5,000+	200	300
2,000-5,000	800	1,400
<2,000	7,000	15,000
<b>Total</b>	<b>8,000+</b>	<b>16,700+</b>

Industry discussions, IPRS, EY estimates

- ▶ Concert revenue can generate INR1,000 crore by 2025<sup>58</sup>
- ▶ 20 to 25 big ticket music and food festivals are held each year with ~1.5m unique visitors<sup>59</sup>
- ▶ The global music tourism market is projected to grow at a CAGR of 7% from 2022 to 2032<sup>60</sup>, with the Asia-Pacific region being the fastest growing market

<sup>53,54</sup>IMI 2019 report

<sup>55</sup>ICRIER report

<sup>56</sup>Newindianexpress.com

<sup>57</sup>Based on industry discussions and EY assumptions. This number is indicative since many licensing deals are private, and Indian music sometimes is included in a global deal with no separate mention/ quantification.

<sup>58</sup>EY estimates

<sup>59</sup>News articles

<sup>60</sup>futuremarketinsights.com

## Soft power

Music is an important tool to build India's soft power:

- ▶ Indian content is exported to 160 countries across the world, most of it with music<sup>61</sup>
- ▶ Several unique Indian experiences like meditation, yoga, Bollywood, and wellness are inexorably associated with musical signatures that associate the experiences with India and help build its international brand
- ▶ Besides film music, folk music, classical music and new genres such as fusion, devotional, production music and ethno-rock are gaining a global audience
- ▶ Indian music artists are the most popular on YouTube across seven neighbouring countries:

Country	Most listened to artist on YouTube <sup>62</sup>
Afghanistan	Alka Yagnik
Bangladesh	Arijit Singh
Maldives	Arijit Singh
Nepal	Arijit Singh
Pakistan	Alka Yagnik
Sri Lanka	Anirudh Ravichander
UAE	Alka Yagnik

“ The creator economy in the country has the potential to emerge as a soft power impacting economic growth, job creation, and even cultural influence. As our creators and artists build the next generation of media companies that are connecting with a global audience, their impact on the economy's overall success will only continue to accelerate

**Ajay Vidyasagar**  
Regional Director, APAC,  
YouTube partnerships

<sup>61</sup>FICCI-EY M&E sector report

<sup>62</sup>Each country's most listened-to artist is based on the number of times an artist has locally been listened to over the last 12 months, as sourced from the YouTube Video Music Charts for 2022. Source: Libertygames.uk

## In order to achieve its potential, there are several aspects to be considered

### Introduce tech enabled processes to manage the volume of music and complex rights

The volume of metadata that a collection agency needs to manage is increasing exponentially due to the explosion of digital distribution channels and the rise of short forms of creative expression. For example, IPRS claims to process over 8.8 billion streams from just YouTube and Meta for a two year period. Each stream must be analyzed and matched to the correct Work, and each owner's royalty must be determined and aggregated for the royalty statement before the payout. Handling such volumes needs the following:

- ▶ Create an authoritative Indian music repertoire database that all copyright societies and collection agencies can access
- ▶ Develop a tech process/ multi-lingual app for individual registration of new works to ensure payment of royalties. Include a tool/ dashboard to share insights of music usage and royalty payment
- ▶ Automated emails to authors for self-registration with collection agencies; simplified author and song onboarding process
- ▶ Demand more accurate logs from licensees, especially broadcasters, to enable accurate matching and royalty distribution. Incomplete and incorrect logs supplied by licensees are significantly more expensive to process and delay royalty distribution

“ There is a need to create an online portal/ app. This should become an effective tool to not only track their work but to also see the monetization of said works

**Salim Merchant**  
Composer

## Reinforce objectives and benefits through more member awareness drives

- ▶ Educate authors about their rights, collective rights management, music production and music monetization
- ▶ Incentivize authors to get registered as members of collection organizations and register all their compositions with correct codes to improve royalty collection and distribution
- ▶ Align and co-operate with industry associations and trade bodies like Authors Associations and Music Composers Associations to create a database of potential members

“

Audio fingerprinting is the key technology to significantly enhance usage tracking for royalty collection and accurate distribution

**Sherley Singh**  
Founder and Director  
Joshua Inc.

”

## Enable legal clarity

- ▶ Promote legal clarity on the existence and applicability of authors' rights among creators and music users
- ▶ Fast-track ongoing litigations to obtain final legal clarity on authors' rights
- ▶ Create a mutually agreeable pricing framework which considers both creators and users of music

## Simplify compliance

- ▶ Simplify collection through joint industry bodies and single window mechanisms, which are prevalent practices across many territories
- ▶ Build transparency in rights determination mechanisms, using emerging technologies which build trust
- ▶ Simplify the quantification, invoicing, collection and reporting process

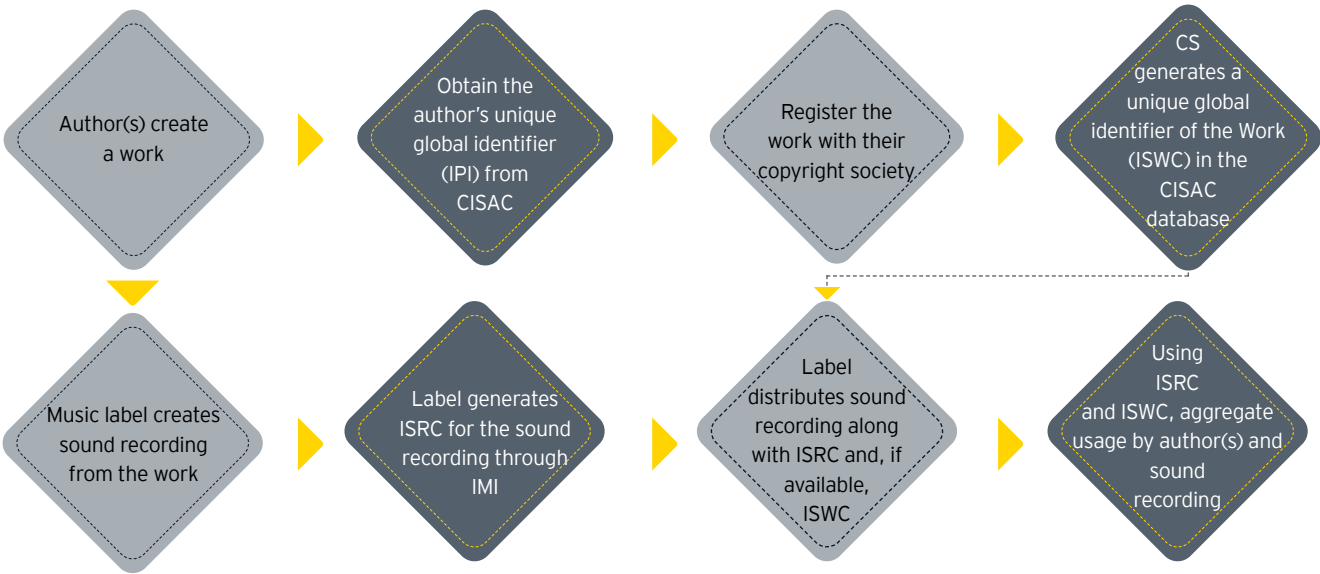
## Focus on the core of promoting music creation and distribution

- ▶ Invest in music education/ training and music creation
- ▶ Develop a talent identification and nurturing ecosystem in association with existing institutes, labels and media companies
- ▶ Investigate the feasibility of an India-centric healthcare, social security, and pension framework for eligible creators, drawing on various global initiatives
- ▶ Prioritize strategic international tie-ups to improve global distribution and monetization of Indian music



RD Burman, Manohari, Kersi and Basuda

## Music documentation for creator and song identification



- ▶ Lyricists, composers and music publishers must register themselves with copyright societies to entitle the society to collect the royalties in India and the rest of the world
- ▶ Unique global identifiers such as IPI, ISWC, and ISRC are indispensable for the collection and distribution of royalties viz, No identifier = no royalty
- ▶ Lyricists/ composers and publishers can register themselves with IPRS through a simple online process. While publishers can guide lyricists/ composers through the process, they cannot register on behalf of the authors/ composers
- ▶ Upon registration with a society, lyricists/ composers and publishers are each assigned a unique IPI. Publishers can register themselves under any legal entity, but lyricists and composers must always register themselves as individuals

- ▶ Each work registered with the copyright society is assigned a unique ISWC that can be mapped back to its creators' IPIs. When a work is recorded, the recording is issued an ISRC code that can also be mapped back to ISWC and its respective IPIs.

### Registration codes

#### Intellectual Property Identifier (IPI)

A unique code provided to each author/composer and publisher upon registering with a copyright society

#### International Standard Musical Work Code (ISWC)

A code assigned from a central database maintained by CISAC to each unique work that can map a work back to its creators

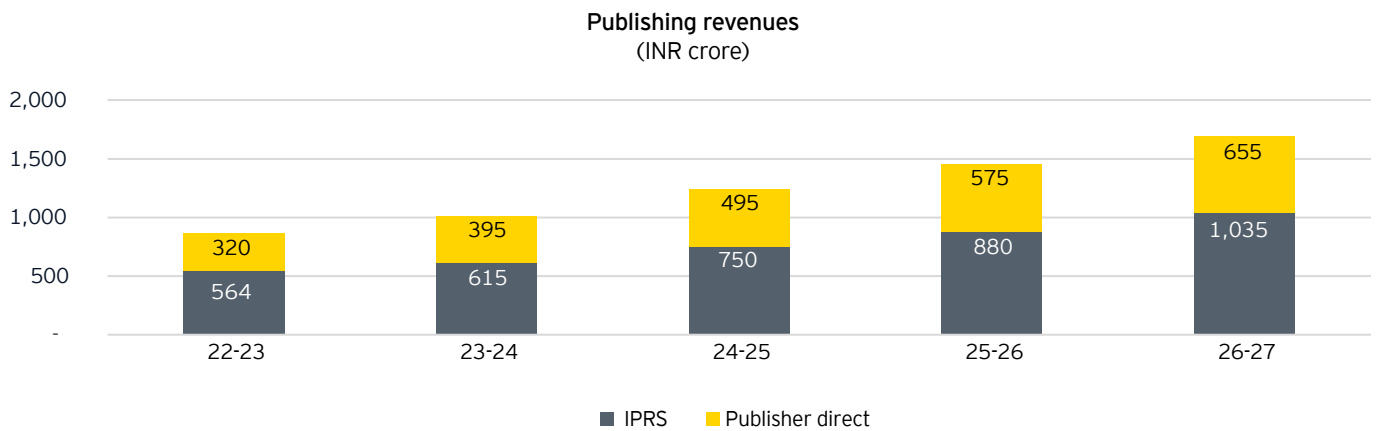
#### International Standard Recording Code (ISRC)

A code assigned by the record label to its sound recording of a musical work that maps a recording back to the label

Illustration using the song: "Ajib dastan hai yeh"

Author	Work	Music label	Sound recordings
<ul style="list-style-type: none"> <li>▶ Singh R S Shankar [IPI: 00055440591]</li> <li>▶ Jaishikan Panchal [IPI: 00055139289]</li> <li>▶ Shailendra [IPI: 00254243386]</li> </ul>	<ul style="list-style-type: none"> <li>▶ Saregama [IPI: 00439385425]</li> <li>▶ ISWC: T-913.502.957-1</li> </ul>	<ul style="list-style-type: none"> <li>▶ Saregama [ISRC:INH10-XXXXXXX]</li> </ul>	<ul style="list-style-type: none"> <li>▶ Lata Mangeshkar's version [INH109832520]</li> <li>▶ Vivek Singh's version [INH102102052]</li> <li>▶ etc</li> </ul>

## By fostering consensus and enhancing compliance, Indian music publishing can reach INR1,700 crore by 2027



IPRS estimates

International publishing revenues have a great potential to drive growth. For example, Middle Eastern countries are currently establishing copyright societies and music publishing companies. Given their natural cultural affinity for Indian creative works, as well as their large Indian diaspora, these territories have the potential to contribute significant export revenues to India.

To summarise, India is one of the very few countries whose musical creations are appreciated and monetized worldwide. Music publishing revenue is the lifeblood of songwriters. To expand, the music publishing industry must invest in identifying talent, develop training and infrastructure, and, most importantly, provide a secure framework for on-call (gig) workers both during and after their active period.

“ Artists are too lazy to register their own work because it’s a long process to register every composition individually. An easy way of auto registration will help more authors register their work. For e.g.- Some email stating a song has been registered- click yes to register.

**Anupam Roy**  
Singer and composer

“ Most authors lack awareness and interest about registering their work. For some language becomes a barrier. Every state needs a communicator or a point person for artists to contact. These officers should guide and encourage and help the artists to register themselves/their work. Artists do not do anything periodically due to their inherent nature. IPRS should endeavor to make it a practice for artist to register their work.

**Vairamuthu**  
Lyricist

“ I live in Kozhikode and am a full-time composer for films and television shows. Because there is no production music industry in the country, I’ve been working exclusively for international publishers since 2019. I am decently compensated and retain ownership of all of my compositions. Every year, I see an increase in royalties.

**Akshay Sreeram**  
Background music composer



07

About this report

## Disclaimers

This report has been developed by conducting primary and secondary research, discussions with several companies and industry stakeholders, and cross referencing of available data points. To the extent possible, the data has been verified and validated. However, there can be no guarantee that such information is complete or correct as of the date it is received or that it will continue to be correct in the future.

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While this report has been created at the request of the IPRS, EY retained complete editorial control over the same.



Dino James

## Glossary

ACSAP	Collection society of the US
Adaptation rights	The right to make an adaptation i.e., a new arrangement or transcription of an existing musical work
Artists	A collective term that can be used to refer to performers, composers and studio producers, but is often used to refer only to performers (In this report it refers to performers)
Audio fingerprinting	Representing an audio signal in a compact way by extracting relevant features of the audio content
Author	The composer or lyricist for a musical or literary work
Broadcasting	Television or radio services, usually unidirectional
CCS	Cultural and creative sector
CMO	Collective Management Organization
Collecting societies	Also known as CMOs. The music industry collecting societies operates on behalf of combination of right holders, including composers, lyricists and music publishers on the one hand and performers along with record-producers on the other, to monitor, license and monetize uses
Communication to the Public	The act of making available any work for display or diffusion via any means including acts such as radio or television broadcasting or online streaming. In India this term excludes acts of distribution of copies of works or acts such as digital download etc. (See also definition of Public Performance below)
Copyright	One of the four main branches of intellectual property, the other being trademarks, designs and patents. It is best understood as a 'bundle of rights', meaning that only rights-holders are allowed to do certain things with works (recordings and compositions/songs)
Copyright societies	Legal bodies that protect the interest of owners of the work in which copyright subsists, and collect royalties on behalf of the owners
Crore	10 million
Digital music	Music that has been recorded in or converted to a digital format
DSP	Digital service provider (or music streaming platform)
EY	EY LLP (India)
GEMA	Collection society of Germany
INR	Indian Rupee (US\$1 = ~INR80)
Intellectual Property Identifier (IPI)	Unique code provided to each author/ composer and publisher upon registering with a copyright society
International Standard Musical Work Code (ISWC)	A code assigned to each unique work and used to map a work back to its creators
International Standard Recording Code (ISRC)	A code assigned to each recording of a work
IPRS	The Indian Performing Right Society Limited, the Indian copyright society registered under the Copyright Act, 1957, administering performing and mechanical rights in musical works and associated Lyrics
ISRA	Indian Singers' Right Association, the Indian performers' right society registered under the Copyright Act, 1957 administering rights on behalf of singers



JASRAC	Collection society of Japan
MRO	Mechanical Rights Organization
Novex	Novex Communications, an Indian collective management organisation in India administering rights in sound recordings
Performers	The talent that performs music or makes any other presentation to live audiences, either physically or digitally (includes singers/ vocalists, musicians, conductors, actors)
Performer's Right	The right of Performers/ in their performances. Not to be confused with the "Public Performance Right" which is a right related to musical works and associated lyrics etc. Performer's right relates to Performers and their live presentations including live performance in recorded form.
Performance rights societies	Organizations that provide intermediary functions (particularly the collection of royalties) between copyright holders and users of copyrighted works, similar to copyright societies
Physical format sales	The distribution of music via CDs, vinyl, pre-loaded hard disks, and other physical mediums
PPL	Phonographic Performance Limited, an Indian collective management organisation in India administering rights in sound recordings
Print rights	The ownership of sheet music or other forms of physically printed music
PRO	Performance Rights Organization
PRS	Collection society of the UK administering performance rights in musical works and associated lyrics
Public performance rights	The right to play or perform the musical work in a public setting. Worldwide the term "public performance" means the public display of any musical works including via a live performance or through use of mechanical devices by use of loud speakers, radio or television broadcasting, or by acts such as online streaming. In India, the term "public performance" is limited to a live acoustic presentation of a work i.e. a live performance. Often used by Industry as a broad term to include both live performance and communication to the public.
Publishers	Businesses traditionally responsible for the promotion and monetization of music compositions (and lyrics) and representing the interests of authors and ensure that they receive royalties for their compositions, if utilized
Record/ music labels	Companies that record musical and literary works, distribute, and promote them, including the performers associated with the recordings
Reproduction rights	The right to reproduce copies including storing a musical work, also colloquially referred to as the "Mechanical Right" in the music industry
RMPL	Recorded Music Performance Limited, the Indian copyright society registered under the Copyright Act, 1957, administering rights in sound recordings
Royalties	Periodic payments to songwriters, recording artists, composers, publishers, and other copyright holders for the right to use their intellectual property
SACEM	Collection society of France
Song writers	Industry term meaning music composers and lyricists
Sound recording	Recording of sounds including musical work with or without associated lyrics
Sync rights	The right to use musical works timed to a visual/ film track
Translation rights	The right to translate a literary work into another language
Work	A term commonly used in copyright law and practice to refer to literary, musical, dramatic and artistic creation

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