

IP Lab

May 25, 2012

COPYRIGHT AMENDMENT BILL 2012 RECEIVES INDIAN PARLIAMENT'S ASSENT

Recently, the much awaited amendments to the Copyright Act, 1957 ("**Act**") were passed by the Lok Sabha¹ and the Rajya Sabha², the two houses of the Parliament of India. The Copyright Amendment Bill, 2012 ("**Amendment**") brings about significant changes particularly impacting the Media & Entertainment Industry. These amendments have been debated upon for almost two years and the film industry in particular was fairly divided on its support to these changes. While this may be the genie's lamp gifted to the lyricists, music composers, artists and the likes, it may prove to be a pandora's box to the producers with the legal and business paradoxes that it is likely to create.

To give a short background on the legislative history of the Amendment, amendments to the Act were mooted by way of the Copyright (Amendment) Bill, 2010 which was introduced in the Rajya Sabha of the Indian Parliament on April 19, 2010 by the Human Resources Development Minister of India and was then referred to the Parliament Committee for the purpose of examination on April 23, 2010. Following this, the Parliament Committee invited comments from the stakeholders who gave its report based on inputs received from stakeholders. The comments were considered before releasing a revised version of the bill in 2011 which has finally been passed in 2012. The bill is yet to receive the President's assent. Therefore, the law is still not in effect but will be effective from the date that the Central Government notifies the same in the Official Gazette.

The Amendments have perhaps earmarked a new era for the Media & Entertainment Industry in particular as it seeks to protect rights of authors of literary works like lyrics or scripts and musical works and grant them an equal right in the royalties earned from exploiting their creations. It also, inter alia, introduces moral rights for performers, statutory licenses for broadcasting organisations (like radio and television), compulsory licensing for foreign works and copyright society for administering performers rights and broadcasting rights. It has also given the power to the Copyright Board to grant interim tariffs.

Nishith Desai Associates is pleased to present an in-depth, incisive and detailed analysis of the Amendment where we seek to bring out the enigma created by its introduction and have endeavored to blend our findings with the current industry practices to ascertain the business impact on the Media & Entertainment Industry.

[Click here](#) to access the same.

We will be happy to have your [views](#) / [comments](#) on our analysis. Please read the disclaimer carefully.

- [Media & Entertainment Practice Group](#)

You can direct your queries or comments to the authors

¹ Passed on May 22, 2012

² Passed on May 17, 2012

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

Littlel International Guide (India) 2024

November 08, 2024

Unmasking Deepfakes

October 25, 2024

Are we ready for Designer Babies

October 24, 2024

Research Articles

The Bitcoin Effect

November 14, 2024

Acquirers Beware: Indian Merger Control Regime Revamped!

September 15, 2024

Navigating the Boom: Rise of M&A in Healthcare

August 23, 2024

Audio

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part I

August 26, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part II

August 26, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

[Click here](#) to view Hotline archives.

Video

"Investment return is not enough" Nishith Desai with Nikunj Dalmia (ET Now) at FI18 event in Riyadh

October 31, 2024

Analysing SEBI's Consultation Paper on Simplification of registration for FPIs

September 26, 2024

