

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

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