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Most Immediate

F.No:10/2/2010/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Copyright Division

New Delhi, Dated January 14, 2011

Subject: Complaint by some lyricists and composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS)

The undersigned is directed to forward a complaint dated 20.12.2010 and 26.12.2010 received by this Ministry from 28 authors and music composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS) and non-disbursement of royalties due to them. It has been alleged in the above complaints by these authors and music composers that IPRS is illegally distributing the royalties due to them to its other members. Therefore, it is requested that comments of Indian Performing Right Society (IPRS) on the above and on the following additional issues may be sent to this Ministry by 21st January 2011 positively.

- i. The Government registered the Indian Performing Rights Society (IPRS) on 27.3.1996 under section 33 (3) of the Copyright Act, 1957 as a copyright society of authors and music composers for management, collection and distribution of performing rights. However, IPRS had amended its original Memorandum of Association and Articles of Association (i.e legal instrument) without informing the Government. IPRS was registered by the Government on the basis of the old instrument submitted at the time of its registrations and any such change in the instrument should have been informed to the Government. The Ministry has only learnt about the changes made in the instrument of IPRS only after IPRS filed the annual returns in 2008. IPRS went ahead and held it's Annual General Meeting (AGM) on January 5, 2008 on the basis of the new instrument, which was attended by only owner members, without informing the Ministry in this regard. This AGM was held

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even before it got the society re-registered again as per the amended instrument and without the approval of this Ministry. Please give your comments on this.

- ii. Did IPRS sign any deed of assignment with all authors / music composers when they became members of IPRS? If yes, as to how IPRS signed such assignments with authors/music composers when they do not have rights to assign to IPRS. Please give your comments on this.
- iii. It was informed in your letter dated 25th April 2008 that the IPRS on the basis of a Memorandum of Understanding (MOU) signed on 21.11.1993 (which was approved by the Governing Council of IPRS and members in the AGM and this was reconfirmed in the AGM of 2003) with Indian Music Industry (IMI) i.e. the then Indian Phonographic Industry (IPI) with understanding that such companies will share 50% of the performing royalty with the authors and composers for encouragement of the creative community. However, there was no mention of such undertaking to be given by authors and composers for receiving royalties in the said MOU indicating that they do not have rights in the works. Please give your comments on this.
- iv. Therefore, as per the above cited MOU, 50% of royalties have to be distributed to authors and composers and IPRS forcing authors and composers to sign such undertaking has no legal basis and it is against the very functions of a copyright society registered under section 33 of the Act for collection and distribution of royalties to its members. Please give your comments on this?
- v. Does IPRS insist similar undertakings from the music companies before distributing their royalties? Please give your comments on this? Please also give the total number of members along with their names who have not signed the undertaking that they have no rights?
- vi. Does any article of the amended Memorandum of Association and Articles of Association stipulate that authors and composers have to give an undertaking

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that they have no rights in any work for which they receive royalties. Please give your comments on this.

- vii. It was also mentioned in MOU dated 12.11.1993 (Para 1) that 'IPRS understands' that record producers have two copyrights. However, it was not confirmed in MOU that they are the owners. Please give your comments on this.
- viii. MOU is not a legal document and the individual members of IPRS are not party to it. Therefore, it is not binding on the authors and composers. Please give your comments on this.
- ix. On what basis it was determined that only 'owner members' are the real owners of copyright and on what basis? Please give your comments on this. Are there any court orders determining the issue of ownership in this regard? Please provide copies of the same.
- x. The very two tier membership, namely 'owner members' and 'ordinary members' is in violation of the provisions of section 33 of the Copyright Act, 1957 which provides for registration of the Copyright Society. What are your comments in this regard?
- xi. It is evident from the letters dated 24.2.2004 issued by IPRS to various music users that the right owners have decided that they would not like the administration of ring tone royalty to happen through IPRS and it would not be possible to renew licence agreement. By forfeiting the right to collection royalties from ring tones IPRS has taken a decision which is extremely detrimental to the interest of authors and music composers. Has IPRS discontinued the collection of royalties for ringtones? If so, what are the reasons? In which Governing Council meeting or AGM meeting such a decision was taken? Please give your comments on this.
- xii. If IPRS is not administering collection and distribution royalties due to authors and music composers from ringtones to whom they have authorized to

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do so? If IPRS has allocated this work to any other society, please provide documentary proof regarding the matter.

- xiii. Is IPRS also collecting royalties for the mechanical rights? If so, give details. If no, please give reasons thereof.
- xiv. Has IPRS authorized Select Media Holdings Private Limited and Label Music India Private Limited and others to collect royalties on its behalf. If yes, please give details.
- xv. What is the percentage of administrative expenses out of the total income of IPRS in the last 5 years? Please provide the details.

2. It is directed that the management of IPRS should desist from distributing the royalties due to the authors and music composers listed in the above complaints to its other members till the matter is examined and a decision to the effect is taken by this Ministry.


(G.R. Raghavender) 14/11/2011
Director and
Registrar of Copyrights
Tel./Fax: 2334 1894

To,

1. The Chairman
(Shri Hasan Kamal)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West), Mumbai – 400 053

O/C


17/01/2011

2. The Chief Executive Officer,
(Shri. Rakesh Nigam)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West), Mumbai – 400 053



The Indian Performing Right Society Limited

Regd. Office : 208, Golden Chambers, 2nd Floor, New Andheri Link Road, Andheri (W), Mumbai - 400 053.
Tel : (022) 2673 3748 / 49 / 50 / 6616 Fax : (022) 2673 6658 Fax. No. (022) 2673 6658.
E-mail - admin@iprsltd.com Visit us at : www.iprs.org

Ref:IPRS:SHE:HK:3698:2011

20th January, 2011

Mr G R Raghavender
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
Jeevan Deep Building, 4th Floor,
Parliament Street,
New Delhi – 110 001

Re : Complaint by some lyricists & composers regarding illegalities with respect to administration of The Indian Performing Right Society Ltd. (IPRS) vide letter No: F. No :10/2/2010/CRR Dt. 14th January 2011.

Dear Sir,

On the above captioned subject & reference, the letter in question dated 14th January, 2011 dispatched by you on 17th January, 2011 and received by us on 19th January, 2011, therefore a response to the Ministry by 21st January, 2011 as you would agree is not possible.

At the Executive Committee Directors meeting held for this subject it has been decided to refer your letter to the Governing Council and a reply would be sent to you there after as soon as possible.

The next Governing Council meeting will be called shortly and we will file the reply as discussed and advised by the Governing Council.

Thanking you with Warm and Musical Regards

Yours sincerely,
For **The Indian Performing Right Society Limited**


Hasan Kamaal
Chairman


24/11

Administrative Office - North
B 317, Som Datt Chamber, 1-5,
Bhikaji Cama Place, New Delhi - 110 066.
Tel. : (011) 2610 1556 • Telefax : 2610 1572
E-mail : delhioffice@iprsltd.com

Administrative Office - East
Room No 2 & 5, Asian Hotel
P-38, Princep Street,
Kolkatta - 700 072 • Tel. : (033)4005 4450
Telefax : 4005 4453 • E-mail : kolkattaoffice@iprsltd.com

Administrative Office - South
Parsn Paradise, Resi. Apts., D-1 Block, IInd Floor,
109, G.N.Road, T. Nagar,
Chennai - 600 017 • Telefax : (044) 2834 1056.
E-mail : chennaioffice@iprsltd.com

Member : International Confederation of Societies of Authors & Composers (CISAC)
: Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India.

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The Indian Performing Right Society Limited

Regd. Office : 208, Golden Chambers, 2nd Floor, New Andheri Link Road, Andheri (W), Mumbai - 400 053.
Tel : (022) 2673 3748 / 49 / 50 / 6616 Fax. : (022) 2673 6658 Fax. No. (022) 2673 6658.
E-mail - admin@iprsd.com Visit us at : www.iprs.org

Ref:IPRS:SHE:HK:3698:2011

20th January, 2011

Mr G R Raghavender
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
Jeevan Deep Building, 4th Floor,
Parliament Street,
New Delhi – 110 001

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Thanking you with Warm and Musical Regards

Yours sincerely,
For **The Indian Performing Right Society Limited**

Hasan Kamaal

Hasan Kamaal
Chairman

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Administrative Office - North B 317, Som Datt Chamber, 1-5, Bhikaji Cama Place, New Delhi - 110 066. Tel. : (011) 2610 1556 • Telefax : 2610 1572 E-mail : delhioffice@iprsd.com	Administrative Office - East Room No 2 & 5, Asian Hotel P-38, Princep Street, Kolkatta - 700 072 • Tel. : (033)4005 4450 Telefax : 4005 4453 • E-mail : kolkattaoffice@iprsd.com	Administrative Office - South Parsn Paradise, Resi. Apts., D-1 Block, IInd Floor, 109, G.N.Road, T. Nagar, Chennai - 600 017 • Telefax : (044) 2834 1056. E-mail : chennaioffice@iprsd.com
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Member : International Confederation of Societies of Authors & Composers (CISAC)
: Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India.

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Message Confirmation Report

24-JAN-201= 03:30 AM TUE

Fax Number :
Name :

Name/Number : 02226736658
Page : 1
Start Time : 24-JAN-201= 03:29AM TUE
Elapsed Time : 00' 36"
Mode : STD ECM
Results : [O.K]

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Immediate

F.No:10/2/2010/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Copyright Division

... New Delhi, Dated January 24, 2011

Subject: Complaint by some lyricists and composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS)

The Undersigned is directed to refer to your letter dated 20.1.2011 on the above subject. You have mentioned in the above letter that the Ministry's letter dated 14.1.2011 was received by you only on 19th January 2011. From our records we found that the same was faxed on 14.1.2011 for which we have a confirmation report and it was orally confirmed by your office as well. Nevertheless, in view of your request for extension of time limit to respond, the same is extended to 3rd February, 2011 as a matter of last chance.

2. In the second Para of your letter, you have mentioned that 'at the Executive Committee Directors meeting held for this subject it has been decided to refer our letter to the Governing Council and a reply would be sent to you there after as soon as possible'. You have also not mentioned the date by which you will be sending your comments to this Ministry. You would appreciate that these are internal procedures of your organization and we cannot wait indefinitely for your reply. Nevertheless, the time limit for reply has been extended up to 3rd February, 2011 as mentioned above.

3. In view of the above, you are directed to send your comments on this Ministry's letter dated 14.1.2011 by 3rd February 2011 positively. If no reply comes within the above specified time, the Ministry will be constrained to take a decision in this regard without your comments.

4. This issues with approval the competent authority.


(G.R. Raghavender) 24/1/2011
Director and
Registrar of Copyrights
Tel./Fax: 2334 1894

To,
The Chairman,
(Shri Hasan Kamal)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West), Mumbai - 400 053

Copy to: The Chief Executive Officer, (Shri. Rakesh Nigam), Indian Performing Right Society Limited (IPRS), 208, Golden Chambers, 2nd Floor, New Andheri Link Road, Andheri (West), Mumbai - 400 053