

Broadcasters protest move to amend Copyright Act¹⁰¹

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New Delhi: Indian broadcasters have demanded immediate consultation on proposed amendments in the Copyright Act which, they feel, will completely skew the field against television and radio industries — in fact, could even jeopardise their survival — while spelling windfall gains for “monopolistic” music companies and copyright societies.

The broadcasters, under the banner of the Indian Broadcasting Foundation (IBF), have written to HRD minister Kapil Sibal, whose ministry is initiating the amendments, and I&B minister Ambika Soni, seeking an urgent meeting with them in order to impress upon them the need for wider consultations on a move of such far-reaching implications.

In a release issued on Wednesday, IBF has expressed shock at the “hush-hush” manner in which the changes in the Copyright Act are sought to be introduced. They have pointed out that none of the stake holders, including artists, lyricists and broadcasters, have been consulted nor have the proposed amendments been put up on the ministry website for inviting comments.

The proposed amendments, says IBF, seek to virtually kill the provision of “fair use” which al-

lows broadcasters, especially news channels, to use 1-2 minute clips of songs using their own orchestra or of sports events either free or by paying a nominal royalty. In turn, this would empower music companies and copyright societies to charge broadcasters at will. “They (music companies and copyright societies) are demanding exorbitant rates — as high as Rs 75,000 to Rs 1 lakh — per song for 1-2 minute usage and in some cases the demand could go as high as Rs 1.5 lakh,” the IBF said.

The broadcasters have raised special alarm on a new proposed provision, Section 33A, which would allow the aggrieved party to seek relief from the Copyright Board but would also stipulate that while the appeal is pending, the complainant would have to pay up the amount demanded by music companies/copyright societies. Since appeals often take 4-5 years to be settled, the dice would be completely loaded against the complainant. While asking for immediate consultations, the broadcasters have demanded that a single-window regulator be set up for the music sector, the interests of artists and lyricists be protected, copyright societies be made to operate in a transparent manner and broadcasters protected under the Broadcast Treaty which is being framed by WIPO.