



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and

a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB, LLM degrees from Banaras Hindu University & PHD from university of Kota. He has successfully completed UGC sponsored M.R.P for the work in the Ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; PH.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St. Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing PH.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Inter-country adoption laws from Uttarakhand University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, PH.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, PH.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University. More than 25 Publications in renowned National and International Journals and has authored a Text book on CR.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); PH.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

COPYRIGHT ROYALTY AND INEQUALITIES **AMONG INDIAN MUSIC PERFORMERS**

AUTHORED BY - MS. HARRIET THOMAS
CHRIST (Deemed to be University), Bengaluru

Abstract

This study looks closely at whether India's music performers are doing well despite the fact that music-making and consumption have undergone a sea change in the digital age. The main problem that has been pointed out is the persistent disparity between the legal recognition and the actual impact. Performers have economic and moral rights under the Copyright Act 1957 (amended in 2012), but at the same time, the buyout agreements are ruled out under one of the artist remuneration forms; the producer and big record labels mostly reap the financial benefits of the royalty. Besides, the rise of streaming services has changed the revenue models to a large number of very low payments per play; however, the current low per-play payouts in India, alongside the opaque accounting and contracts that allow the labels to take the right to the artists' masters at the beginning of their careers, make most performers heavily dependent on unreliable income. The study at the international level indicates that countries like the USA and the European Union have a stronger collective management system and a simpler licensing process, which are the main factors in the protection of the remuneration of performers. At the national level, India has statutory protections outside of formal collective management organizations like IPRS and ISRA, and case law. One such important decision is the 2005 Anand Raj Anand ISRA case, which further cemented the entitlements of performers. India has had a hard time providing adequate protection against challenges like sluggish litigation procedures, lack of enforcement frameworks, and the industry's lack of political will. The research is doctrinal and library-based; it relies on statutes, judgments, literature, and industry reviews. The likely solutions that emerge from the research relate to better enforcement, more transparency in royalty calculations, regulated collective management that can be enforced and held accountable, enhancing the legal literacy of performers, preventing exploitative contractual practices from becoming entrenched, and possibly using technology, particularly block chain and automated tracking technology to track possible payments to adapt international norms to India's diverse music ecosystem.

Keywords: copyright royalties, performers, Copyright Act 2012, streaming royalties, collective management, transparency, enforcement.

I. Introduction and Background

Through this research paper on ‘Copyright, Royalties and the Status of performers in the Indian Music Industry’, I am trying to address the very concern on whether the performers are receiving royalties and adequate compensation for their works being used, especially in the era of technological advancement and artificial intelligence, in comparison to others in the music ecosystem, including authors and composers. In the literal sense, my interpretation of this topic is, copyright royalties are the payments that are made to the copyright holders, which include musicians, composers, singers, etc., when their music is being used commercially.¹ In the Indian context, if we look back to our history, music was not merely used as a source of entertainment; rather, it plays a critical part in forming our culture, religion, and society. With the passage of time, music has been intertwined with the world of Indian cinema, making it one of the core elements, the heart of the film industry, which contributes towards the generation of billions of revenues annually. The copyright law is designed to protect the creators and performers by ensuring that they receive² monetary and moral rights for their contributions. For a prolonged period, the composers and lyricists fought for their rights, and performers, singers, and musicians remain vulnerable. Even after having legislative safeguards, the Indian Music industry is still facing multiple hurdles in enforcing copyright laws due to various technological advancements, inadequate awareness, and lacunas and administrative mechanisms.³ This paper will explore the copyright royalties in India's music industry, assessing whether performers are still being marginalized. The recent researchers state that despite the recognition of performers' rights more widely after the 2012 amendment of the Indian Copyright Act, royalties “never reach the deserving singers” in most instances, partially because of the troubles in tracing the usage and finding the rights-holders, as well as the frail systems of collective administration.⁴ The paper asserts that performers' rights (economic and moral) have now been legally recognized, but their enforcement is nevertheless very slow;

¹ Riya Yadav, *Copyright Violations in the Indian Music Industry: Challenges & Legal Perspectives*, 12 JETIR 5 (May 2025), available at www.jetir.org

² Music Laws and Regulations: What You Need to Know, ART & MEDIA LAW, <https://artandmedialaw.com/music-laws-and-regulations/> (last visited Sept. 12, 2025).

³ Indian Copyright Act, 1957, §13.

⁴ Ferrao, R. . (2023) “Digital Technology and Copyright Protection the Challenges of Indian Performers Rights Society”, *International Journal of Membrane Science and Technology*, 10(4), pp. 2408-2412. doi: 10.15379/ijmst.v10i4.3505.

usually, courts and industry practices still favor the rights of the masters or contractual rights over the rights of the performer. However, studies of different legal systems side by side bring out the traveling international instruments like the Rome Convention and the WIPO Performances and Phonograms Treaty (WPPT) to the fore, and these documents unequivocally establish moral rights, attribution, and protection against derogatory treatment benchmarks that Indian law now only nominally adheres to, but with ineffective enforcement. Other lacunae that are identified are that emerging technologies, blockchain, smart contracts, and AI are proposed as solutions for more transparent royalty accounting and distribution in India, but point out that the large-scale adoption of such technologies will face infrastructural, legal, and awareness obstacles.

Statement of Problem

Despite India's Copyright Act being amended in 2012 to entitle performers an equal share of royalties, the reality of the Indian music industry shows an enormous gap between policy and practice, with producers/ record labels continuing to dictate the distribution of royalties, while archly asserting that reform has happened; so to this day performers still have no say in negotiating, regardless of the contemplated changes to the law. Now we have streaming platforms that have changed the landscape and revenue models, and have caused performers to be even more confused about being paid than before. Practical barriers make it even more difficult for the performer to even enforce their rights. Because of this, performers in India are still at a disadvantage and have a hard time getting a fair part of the money their labor makes, even though it is legal.

Research Objectives

1. To ascertain why producers and record labels continue to control the distribution of royalties despite legal reforms aimed at increasing performers' rights.
2. The focus of the study is to discover the impact of the transition to streaming platforms on the income of artists in India and to classify the whole scenario as either a gain, a loss, or just a change in the form of payment.
3. One of the main objectives is to pinpoint the real-life obstacles that prevent artists from exercising their rights to the fullest extent, such as ignorance, ineffective enforcement, and industry influence.

Research Questions

1. What exactly is the reason for producers and record labels to maintain such tight control over royalty distribution, even when there are legal reforms that are supposed to put performers in a more powerful position?
2. Now that the terrestrial royalty scenario has been muchly altered in the light of music streaming platform disruptions, what does it mean for musicians in India?
3. What are the practical obstacles that prevent the performers from exercising their rights completely, Is it uninformed awareness, lack of strong enforcement, or pressure from the industry?

Research Methodology

The research methodology used for this article is the doctrinal research, also termed as library-based research, which is a method that focuses on studying the law as it is written and how it has been interpreted. The works in doctrinal research are mostly with legal texts, adjudicative decisions, and academic commentary. The intention is to recognize, explain, and systematize the legal principles that are applicable to a particular issue. It pertains to the observation of the law's uniformity, the discrepancies between different legal provisions, and assessing the degrees of disconnection in terms of context when laws are implemented. It is about meticulous interpretation of the law, gaining insight into its application, and somehow comparing it with larger principles and practices. For this paper, several valuable sources have been used, it mainly includes scholarly law articles from peer-reviewed journals, blog articles, thesis work, and the legal framework in the light of the Indian Copyright Act, 1957, especially its 2012 amendments are the primary legislative reference. Industry analysis on the strategic positioning of major record companies provides an economic view of market forces. Additionally, other blogging-type reports from sites like Indie Music Academy and Desi Renaissance provided some recent data and analysis on the issues of streaming services impacting artists' earning potential. Chapter 25, Bar & Rest and Nigh Fever Club & Lounge, is very important for the comprehension of judicial interpretations and handling of enforcement issues. The research database was complemented by authoritative discussions on collective management organizations and copyright in the Indian music industry.

I. Ownership Traditionally Agreed Upon by Practice

The overwhelming reason why producers and record labels retain control over royalty distributions comes down to the contracts artists and performers enter into. It is not uncommon for artists to sign agreements at the beginning of their careers when they are perhaps not in the best position to negotiate. The normal procedure is that the record labels receive the rights to the master recordings via the contracts, and the artists get only a small part of both mechanical and performance royalties, as they are usually the ones being captured.⁵ The record label also owns (or controls) the copyright in sound recordings (as distinct from copyright in musical compositions), and thus has the right to use it commercially. The record label's large economic expenditure should fulfill the necessary justification.

Economies of Scale and Market Structural Advantages

In aggregate, the largest record labels operate as oligopolists in the music industry. They have substantial resources to sign and promote multiple artists; they can take advantage of economies of scale (economies of scale mean that as an entity produces more units, the cost to produce them decreases)⁶; and they often control their supply chains provision to the records they control through vertical and horizontal integration -- from production to distribution. This market concentration mentions that independent artists or even smaller, less resourceful entities have a weaker hand in negotiating for better terms in royalty distribution.⁷ Furthermore, while digital distribution and streaming have transformed the traditional model from ownership and selling records, and even as labels keep control over the masters and have the ability to negotiate directly with the platforms, which allows them to funnel royalties to performers through their contracts with the artists.

Changes to Legislation and Limitations of Implementation

The theoretical framework aims to explore the recorded music supply chain and its technological upheavals in order to understand whether major record labels are still the most efficient label type in operationalizing each activity of the value chain. Changes made through legal reforms, such as the Copyright Amendment Act in 2012 to include but not limited to,

⁵ <https://blog.delivermytune.com/relationship-between-artists-and-record-labels/>

⁶ 4.2 Costs, Scale of Production and Break-even – Cambridge Essentials – Cambridge IGCSE & A-level, CAIE BUSINESS, <https://www.caiebusiness.com/igcse-costs-scale-breakeven/> (last visited Sept. 12, 2025).

⁷ Anouche Aprikian, *Major Record Labels' Strategic Positioning in the Digital Popular Music Market* (July 2020) (M.A. thesis, Erasmus Univ. Rotterdam, Erasmus Sch. of Hist., Culture & Comm'n).

clarified aspects of the creator and performer in establishing fairer royalty schemes (however they did disallow "buyout" agreements which prevented performers from retaining their share of future royalties, as well as some royalty sharing for authors, composers and lyricists.) but again these new schemes primarily only deal with the rights of composers and lyricists, and so they do not get rid of the contractual dynamics where the record label or producer can still retain ownership of the royalties and control the royalty proceeds.⁸ Moreover, although there are legal reforms, even when complete enforcement and collective management of performer rights exist across various jurisdictions, a performer's ability to negotiate for or claim a share of 'fairer royalties' appears questionable. Streaming royalties, on the other hand, are complex and opaque, with the conditions favouring labels and producers, primarily because they have more resources to negotiate better terms.

II. Functions of Producers in Royalty Distribution

The action of producing music is at the heart of the art of recreating music, and producers are vital to the creative process. The negotiable position of producers as copyright holders and/or performing artists is generally not acknowledged in copyright law in the United States. Producers' income is often negotiated in different ways (i.e., through points on record sales or production fees) that are not subject to statutory royalties.⁹ Therefore, the position of producers in terms of being distributed income in the remuneration process is always less secure and variable, dependent on contracts with labels rather than statutory rights. Despite advancements in the law to give more power to performers, producers, and record labels still dominate royalty distribution in the music industry. The main cause behind this is the historical imbalance of contract power, the power of the major labels in the market, the unreliability of performer rights enforcement, and the structural economic advantages that always work in favour of production and distribution entities over artists. While there has been a law that has addressed some of these issues, it will require more structural changes, good collective rights management, and transparency in the transfer of royalties for performers to receive fair payments for their work. The horizontal integration has taken place on a larger scale, in which gigantic companies merge along with other sectors of the market and the shift from the large six in the 1980s to the large 3 in 2012. The expansion of a firm's market share by owning smaller labels leads to more

⁸ <https://www.sonisvision.in/blogs/royalty-disputes-in-music-streaming-evaluating-how-artists-and-labels-navigate-copyright-and-revenue-sharing>

⁹ *Music Royalties Explained: The Ultimate Guide for 2025*, Indie Music Academy (blog), <https://www.indiemusicacademy.com/blog/music-royalties-explained> (last visited Sept. 11, 2025).

revenue generation. This record label consolidation also occurred because the industry was going down, and only a few companies were able to survive. The decline of physical sales and the emergence of new technologies have required economic and strategic repositioning in the market.

III. The new model for royalties: more listeners, but micropayments

The emerging streaming companies, such as Spotify, Apple Music, YouTube, and JioSaavn, have now altered the way consumers listen to music and how it is monetized. Previously, music royalties were based on physical sales, radio, or public performance. The digital space has now come with stream-based micropayments and real global audiences. The story pertaining to the earnings of artists in the Indian music and performance sector is quite intricate: some artists are creating the path for new opportunities, while others are still trying to navigate through new ways of monetizing their art and the hurdles of equitable revenue sharing. Since the royalty system in the case of streaming services is that they distribute the payment to the rights owners according to the number of times the music has been played, this means that each time music is streamed, the rights holders get a small amount of money as payment. Copyright holders in India receive even less money per stream than those in the West, primarily due to the fact that Indian subscription prices are lower and advertising revenue is less.¹⁰ In India, Spotify, for example, pays nearly US\$0.0008 (₹0.067) for each stream; thus, the sum of one million streams amounts to nearly ₹66,000, which could be a huge amount for solo viral artists; however, it seems absurd when distributed among several artists. Digital streaming has "flattened" access to artists, allowing many Indian artists to develop a national and international audience. In the year 2024, it was estimated that around half of the total royalties earned by Indian artists on Spotify were generated from outside the country, and in addition, the number of artists getting more than ₹ 1 crore a year as royalties has grown three times¹¹ since the year 2022. The entry costs are lower, artists can use focused social media and playlist placements to build an audience and increase their income rapidly, and artists who use digital marketing are savvy.

¹⁰ *Why Artists in India Hate Streaming Services, And Who's Really to Blame*, Desi Renaissance (blog), <https://desirenaissance.com/indian-artists-streaming-crisis/> (last visited Sept. 11, 2025).

¹¹ "Indian Artists' International Spotify Payouts Grew 40%," RouteNote (blog), <https://routenote.com/blog/indian-artists-international-spotify-payouts-grew-40/> (last visited Sept. 11, 2025).

IV. Continued Problems

Income is "Different," But Not Necessarily "More." Many Indian performers already find that average earnings are low and very uncertain unless their music is somewhat popular (or virally and globally popular). Streaming is very low per play, and each revenue pool is divided/consumed by many stakeholders (labels, platforms, place of origin, publishers, etc., and sometimes, multiple creators). Industry experts in the local context and musicians say that, for most, streaming dollars either do not constitute a liveable income or they continue to be frustrated by a lack of transparency and gatekeeping by labels. Slowly but surely, the Indian performers' situation is improving as the reforms are still being implemented. Some of those reforms are the increased public scrutiny of rights organizations like IPRS, the more stringent measures against the misappropriation of royalties, and the use of blockchain and AI for tracking rights. The royalties that IPRS paid out to the artists were huge in 2024-2025 and are gradually taking up a larger part of the streaming income. Nonetheless, the situation is still characterized by legal disputes, unaccounted for royalties, and continuous struggles for fair distributions (mainly between record companies and artists), which are still taking place. There is broad agreement that streaming has redistributively generated and increased royalty revenue at the aggregate level, but whether performers, individually, are generating "more" depends on their audience reach, level of contractual agreements, and whether they can access streaming directly.

Different payment methods are now employed for artists; the per-stream "micro-payments" can be very beneficial for a well-known artist, international listeners contribute to the revenue, and the combination of changes in laws and advancements in technology has led to better collection and accountability of the money involved. Nevertheless, the average per-stream royalty payment in India is low and not enough for most artists to rely on streaming entirely for their income sustainability. The digital era has not only opened up more avenues but has also split and muddled the income picture, thus making it a must for artists who aim to thrive to possess agility, a good connection with the audience, and proper business acumen. The legal and international treaties have improved the rights position of performers in India, but barriers to rights in practice remain in place. While performers have been explicitly granted economic and moral rights in the Indian Copyright Act and have included collective management, there is still a gap between the law and what performers actually experience.

The major barriers include unawareness of their rights, law enforcement weaknesses, contract/cultural industry pressure, and technological change - all of which have kept performers vulnerable to exploitation even in the digital age. A basic barrier is that many performers, particularly those who are new to the industry or in regional/traditional arts, do not understand their legal rights, new reforms, or how they assert their control and claim royalties. For example, research shows that of performers surveyed, fewer than half were “slightly aware” of legal entitlements like secondary royalty claims or moral rights and had little knowledge of processes for dispute resolution, collective bargaining, or unionizing. They lacked legal literacy and additionally may face convoluted contracts and few resources for guidance, which means that their rights may go unused.

Weak Enforcement

Even when performers know their rights, the enforcement of rights is also at times inconsistent and very slow. Legal matters, though quite strong from a legal point of view, still experience slow processes, high costs, and jurisdictional problems, particularly where the usage that violates rights is digital and transnational. For example, cases taken to court by performer associations (e.g., ISRA) to recoup performer royalties often take several years in litigation, and when settled, settlements can be unpublicized and, as a result, not have much precedential weight. Moreover, the issues related to piracy, illegal streaming, and poor digital rights management often lead to economic loss being unchallenged, particularly in the case of less famous performers.

Industry Pressure and Contractual Power

Perhaps the most enduring limitation is industry pressure and the disparity in bargaining power that exists between performers and the larger music/film production companies. Performers especially newer performers are all too often required to sign one-sided contracts with the large music and film companies that give up both future royalty earnings and creative control in exchange for an upfront fee (or sometimes a short-lived opportunity). More, in conjunction with assorted reduced-cost arrangements with different stages of producers and service providers, they also routinely lobby against anything that can increase performer gains in general, as well as using ambiguous and slow legislative changes to their advantage. This industry pressure is further reinforced by cultural norms like thinking of performers as easily replaceable "talent for hire," but also some industry practices like obscure accounting practices,

centralized royalty collections, and opaque sharing of digital revenues. Even the "collective management organisations" can be impacted by and subject to label pressures, which further erode the purpose & need for fair and equitable distribution of royalties. India's performer rights enforcement has changed over time and still faced some difficulties at the same time. The different landmark judicial decisions between 2012 and 2025 demonstrated this whole scenario. The verdicts showed the manner in which the decision-making process could be swayed by the factors of cognition, limitations of law enforcement, and the struggle between the industries.

Since the Copyright (Amendment) Act, 2012 recognized the rights of performers to receive royalties and control commercial use of copyright-protected performances (especially for use of the performances on digital rights or public performances), there has been an increasing number of recourses to courts to address disputes between performers, authors, collective management organizations, and antagonists.

For instance, the case of *Neha Bhasin v. Anand Raj Anand* is a landmark decision, as no guidelines have been issued by the Tribunal on performer rights since the amendment in 2012. The Court recognized that both studio and stage performances are entitled to performer rights protection. The judgment also indicated that consent from the performer is required to use such performances, and that the use of a performance without consent is an infringement; therefore, it gave the performers standing to seek injunctions and damages. In the matter involving *Indian Singers Rights Association (ISRA) v. Chapter 25 Bar and Restaurant* (Delhi High Court, 2016), ISRA was a legal person that claimed from the bar and restaurant the performances of its singers that had been done without getting prior permission and without the payment of royalties. The court upheld ISRA's case, and the judge determined that every time a performer performs in public, fees must be paid to the performer whenever a commercial user uses or broadcasts that performance.

Later cases, including ***ISRA v. Night Fever Club & Lounge***¹² Continue to reinforce the statutory right of performers to receive royalties for the commercial use of performances, regardless of whether the performances were recorded film in the case of *ISRA v. Night Fever*

¹² *Indian Singers Rights Ass'n v. Night Fever Club & Lounge*, CS (OS) 3958/2014, Delhi High Court, Judgment dated Sept. 30, 2016.

Club & Lounge. These cases shed light on areas of ambiguity in the law, especially in the digital age of use, distribution, and cross-border use of performances, but have given weight to enforce an entitlement for producers and performers. However, although we have started to see extensive development in case law, enforcement is still a question.

An example is in the matter of **Vodafone Idea Ltd. v. Indian Performing Rights Society (IPRS)**¹³ (Calcutta High Court, 2022 - On Appeal 2024) where the court again reiterated the legal position post-2012, and reiterated some principles of law in respect of can authors and creators of music can be remunerated by telecommunications companies, and what are the telecommunications company obligations to pay in respect of the use of caller ring back tones and similar digital services. The ruling made it necessary to pay royalty fees before the commercial use of the works, and it also imposed the usual obligations on the operators of the broadcasters and platforms. In the same way, the collective management organizations such as ISRA and IPRS have had to go through long court procedures to make sure their royalty claims for the benefit of their members are respected; thus, indicating the very real barriers of resistance and delay from the industry.

V. Suggestions

- A major suggestion for the improvement of this research is to very clearly broaden the analysis of the gap between law and practice in the context of India's copyright environment. The amended Copyright Act of 2012 supports the performers with statutory rights when it comes to royalties. This paper portrays the associated enforceable rights that the present system lacks.
- At the initial stage through the contracts, the performer's control over his record labels and the litigation process where time time-consuming and often slow, which high prices and the absence of a clear-cut precedential value, even when the performers were often unsuccessful in enforcing their rights.
- The case of the weaknesses in an individual's practical knowledge of these limitations is directly correlated to the realization of the public policy objectives; in short, the statement recognized in law does not translate to protections in practice. Another is for continued development related to the changing nature of streaming royalties. The paper has shared that micropayments per stream in India are very small; even a more extensive analysis of

¹³ AIR 2019 (Cal.) NOC 7 (Calcutta High Court)

why Indian performers have a disadvantage compared to many performers abroad would add depth.

- Lower subscription fees and advertising revenue in India reflect lower payouts, which means that while a performer can technically earn royalties, their actual value is diminished. The research may be helped here by paying attention to performers' ignorance regarding the rights in question, as there are fewer established, international artists; it is likely that many new or regional artists are (or were) ignorant of secondary royalty claims, moral rights, and collective bargaining, again due to ignorance about the rhetorical implications of rights.
- Furthermore, an engagement with case law would improve the study. While cases such as *Neha Bhasin v. Anand Raj Anand* and *ISRA v. Chapter 25 Bar and Restaurant* indicate that the courts do uphold performer rights (assuming they can pursue a claim), the roadblocks to enforcement remain. In the event that these judgments were enlarged to show how these judgments not only interpreted the law but also revealed the existing practical difficulties, it would be a clear indication of the continuing tension between the recognition of rights and their exercise.
- The paper could also emphasize reforms that are geared towards improving transparency and accountability. Labels most of the time dictate the royalty movements and do so in a non-transparent manner. If you were to propose reforms such as the obligatory disclosure of royalty divisions, or through technology, for instance, utilizing blockchain and AI monitoring of plays and payments, these would be shown as the realistic methods to link this gap. India might in the future get inspired by the EU and US collective management systems, but with the adaptation of its diverse and informal music ecosystem, as India is the one having a different culture and lifestyle.

VI. Conclusion

The study shows that India's copyright law recognizes the right of performers to receive royalties, especially after the amendments to the Act in 2012, but in practice, that right is very weak. In comparison to the rights of the producers, record labels have the most power in the royalty payment system. There is an established pattern that is usually caused by contracts that performers sign, many times at the beginning of a career, which transfer rights and ownership to labels. This, coupled with the oligopolistic presence of the major labels and a lack of transparency in accounting, keeps performers on the outskirts of earnings; thus, public policy

has not resulted in the intended outcomes and reforms that have marginalized their participation in the value of their work, despite recent reforms intended to enfranchise players to artists in the market. While the shift to online platforms for streaming of music might have changed the modality of earning a royalty fee and potentially increased the size of the overall body of collections, the economic reality of the average performer has not necessarily improved. When streaming is seen as a means of lowering barriers to entry for performers, giving performers access to audiences across the globe, and allowing overall royalty collections to increase, the reality for some successful indie artists and viral explorers has to be more than a TBC, especially if they find themselves on the airwaves or dipping into their international audiences. However, micropayments per play in India, which are very low and are, of course, paid out to a number of players, can mean that for many performers to be receiving little if anything of steady value. And so many performers are not truly “earning more” as a result of streaming, but “accruing value with” if they perform regularly, which means they might even be able to truly make money, and may not always become a “success” solely based on how successful they could be at reaching their audiences, or engaging directly with those audiences, which would be consistent with their “market conditioning”.

Practical barriers are still the main barrier for performers exercising their rights. Many performers are devoid of knowledge about royalties and rights available to them, especially new and regional artists. Even if they know the royalties exist, there is either weak appreciation for these rights or weak enforcement and slow legal processes that make claiming the rights impractical or impossible. There is also immense pressure from the industry, where performers cannot refuse to sign one-sided contracts, and cultural norms reinforce the replaceable nature of performing artists. Ultimately, Indian performers have legal standing, but do not have practical standing, exercising those rights in practice. Closing the gap between rights and realities will depend on more enforcement of rights, more awareness of rights, and more transparency on the receipt of royalty payments, and fairly paying the performers.