



Intellectual Property Appellate Board

Delhi Registry –Cum-Bench

G-62 to 67 & 196 to 204, August Kranti Bhawan, Bhikaji Cama Place,
New Delhi – 110 066

Tele No: 011-26180613/14 Email: delhiregistryiab@gmail.com Website: <http://www.ipab.gov.in>

Original Application No.

OP (SEC-31D)/1/2020/CR/NZ

- | | | |
|----|---|---------------------|
| 1) | RAJASTHAN PATRIKA PRIVATE LIMITED | APPLICANT/APPELLANT |
| | Versus | |
| 1) | PHONOGRAPHIC PERFORMANCE LIMITED
INDIA | RESPONDENT |
| 2) | SAREGAMA INDIA LIMITED | |
| 3) | SONY MUSIC ENTERTAINMENT INDIA PVT.
LTD. | |
| 4) | ZEE ENTERTAINMENT ENTERPRISES
LIMITED | |
| 5) | SUPER CASSETTES INDUSTRIES PRIVATE
LIMITED | |
| 6) | YESH RAJ FILMS PRIVATE LIMITED | |
| 7) | TIPS INDUSTRIES LIMITED | |
| 8) | EROS INTERNATIONAL FILMS PRIVATE
LIMITED | |
| 9) | TIMES MUSIC/JUNGLEE MUSIC
A DIVISION OF BENNETT COLEMAN &
COMPANY LIMITED | |

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri & Ms. Sanya Dua – Adv

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat –
Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani –
Advocates

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

SUPER CASSETTES INDUSTRIES PRIVATE LIMITED

Mr. Akshay Patil, Mr Neel Mason, Ms Ridhima Pabbi, Mr Vihan Dang, Mr Uday S Chopra, Ms Sanyukta Banerjee, Ms Ekta Sharma, Mr Shivang Sharma, Ms Ramya Ramkumar and Ms Megha Sharma – Advocates

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

EROS INTERNATIONAL MEDIA LTD

Mr. Akshay Patil, Mr Neel Mason, Ms Ridhima Pabbi, Mr Vihan Dang, Mr Uday S Chopra, Ms Sanyukta Banerjee, Ms Ekta Sharma, Mr Shivang Sharma, Ms Ramya Ramkumar and Ms Megha Sharma – Advocates

Original Application No.

OP (SEC-31D)/2/2020/CR/NZ

- | | | |
|----|---|---------------------|
| 1) | HT MUSIC AND ENTERTAINMENT CO. LTD. | APPLICANT/APPELLANT |
| | Versus | |
| 1) | PHONOGRAPHIC PERFORMANCE LIMITED
INDIA | RESPONDENT |
| 2) | SAREGAMA INDIA LIMITED | |
| 3) | TIPS INDUSTRIES LTD | |
| 4) | LAHARI MUSIC PRIVATE LIMITED | |
| 5) | ZEE ENTERTAINMENT ENTERPRISES LTD. | |
| 6) | SONY MUSIC ENTERTAINMENT PVT. LTD. | |

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri & Ms. Sanya Dua – Adv

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

LAHARI MUSIC PRIVATE LIMITED.

Ms. Geetanjali Visvanathan, Mr. Aditya Gupta & Aiswarya Kane – Advocate

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani – Advocates

Original Application No.

OP (SEC-31D)/3/2020/CR/NZ

- | | | |
|----|--|---------------------|
| 1) | MUSIC BROADCAST LIMITED | APPLICANT/APPELLANT |
| | Versus | |
| 1) | TIPS INDUSTRIES LTD | RESPONDENT |
| 2) | EROS INTERNATIONAL FILMS PRIVATE LIMITED | |
| 3) | PHONOGRAPHIC PERFORMANCE LIMITED INDIA | |
| 4) | SAREGAMA INDIA LIMITED | |
| 5) | SONY MUSIC ENTERTAINMENT PVT. LTD. | |
| 6) | SUPER CASSETTES INDUSTRIES PRIVATE LIMITED | |
| 7) | THE INDIAN PERFORMING RIGHTS SOCIETY LIMITED | |

Counsel for the Applicant/Appellant : Mr. Sagar Chandra, Ms. Surabhi Iyer, Ms. Shubhie Wahi, Mr. Raghu Vinayak Sinha & Ms. Garima Raonta – Advocates

Counsel for the Respondent : **TIPS INDUSTRIES LIMITED**
Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

EROS INTERNATIONAL MEDIA LTD

Mr. Akshay Patil, Mr Neel Mason, Ms Ridhima Pabbi, Mr Vihan Dang, Mr Uday S Chopra, Ms Sanyukta Banerjee, Ms Ekta Sharma, Mr Shivang Sharma, Ms Ramya Ramkumar and Ms Megha Sharma – Advocates

PHONOGRAPHIC PERFORMANCE LIMITED

Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani – Advocates

SUPER CASSETTES INDUSTRIES PRIVATE LIMITED

Mr. Akshay Patil, Mr Neel Mason, Ms Ridhima Pabbi,
Mr Vihan Dang, Mr Uday S Chopra, Ms Sanyukta Banerjee,
Ms Ekta Sharma, Mr Shivang Sharma, Ms Ramya Ramkumar
and Ms Megha Sharma – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Saikrishna Rajagopal Sr. Advocate, Mr. Amit Dutta
Mr. Himanshu Bagai, Ms Deepshikha Sarka, Ms Pallavi Sondhi,
Mr. Vivek Prasad & Ms. Namrata Dubey – Advocates

Original Application No.

OP (SEC-31D)/4/2020/CR/NZ

1) ENTERTAINMENT NETWORK (INDIA) APPLICANT/APPELLANT
LIMITED

Versus

1) PHONOGRAPHIC PERFORMANCE LIMITED RESPONDENT
INDIA

2) TIPS INDUSTRIES LTD

3) SAREGAMA INDIA LIMITED

4) SONY MUSIC ENTERTAINMENT PVT. LTD.

5) THE INDIAN PERFORMING RIGHTS SOCIETY
LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Shilpa Gamnani, Ms. Atmaja
Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri & Ms.
Sanya Dua – Adv

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr.
Eeshan Pandey & Gurnoor Kaur.

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree
Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita
Saboo & Ms. Astha Pandey – Advocates

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat –
Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav
Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani –
Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Saikrishna Rajagopal Sr. Advocate, Mr. Amit Dutta
Mr. Himanshu Bagai, Ms Deepshikha Sarka, Ms Pallavi Sondhi,
Mr. Vivek Prasad & Ms. Namrata Dubey – Advocates

Original Application No.

OP (SEC-31D)/5/2020/CR/NZ

1) D B CORP LTD. APPLICANT/APPELLANT

Versus

1) PHONOGRAPHIC PERFORMANCE LIMITED INDIA RESPONDENT

2) TIPS INDUSTRIES LTD

3) SAREGAMA INDIA LIMITED

4) SONY MUSIC ENTERTAINMENT PVT. LTD.

5) THE INDIAN PERFORMING RIGHTS SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri & Ms. Sanya Dua – Adv

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas,
Mr. Eeshan Pandey & Gurnoor Kaur.

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Saikrishna Rajagopal Sr. Advocate, Mr. Amit Dutta Mr. Himanshu Bagai, Ms Deepshikha Sarka, Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey – Advocates

Original Application No.

OP (SEC-31D)/6/2020/CR/NZ

1) NEXT RADIO LIMITED APPLICANT/APPELLANT

Versus

1) PHONOGRAPHIC PERFORMANCE LIMITED INDIA RESPONDENT

2) SAREGAMA INDIA LIMITED

3) TIPS INDUSTRIES LTD

- 4) LAHARI MUSIC PRIVATE LIMITED
- 5) ZEE ENTERTAINMENT ENTERPRISES LTD.
- 6) SONY MUSIC ENTERTAINMENT PVT. LTD.
- 7) THE INDIAN PERFORMING RIGHTS SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Shilpa Gannani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri & Ms. Sanya Dua – Adv

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

LAHARI MUSIC PRIVATE LIMITED.

Ms. Geetanjali Visvanathan, Mr. Aditya Gupta & Aiswarya Kane – Advocate

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Saikrishna Rajagopal Sr. Advocate, Mr. Amit Dutta Mr. Himanshu Bagai, Ms Deepshikha Sarka, Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey – Advocates

Original Application No.

OP (SEC-31D)/7/2020/CR/NZ

- | | | |
|----|---|---------------------|
| 1) | DIGITAL RADIO (MUMBAI) BROADCASTING LIMITED | APPLICANT/APPELLANT |
| | Versus | |
| 1) | PHONOGRAPHIC PERFORMANCE LIMITED INDIA | RESPONDENT |
| 2) | SAREGAMA INDIA LIMITED | |
| 3) | ZEE ENTERTAINMENT ENTERPRISES LIMITED | |

4) THE INDIAN PERFORMING RIGHTS
SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri & Ms. Sanya Dua – Adv

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Saikrishna Rajagopal Sr. Advocate, Mr. Amit Dutta Mr. Himanshu Bagai, Ms Deepshikha Sarka, Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey – Advocates

Original Application No.

OP (SEC-31D)/8/2020/CR/NZ

1) SOUTH ASIA FM LIMITED

APPLICANT/APPELLANT

Versus

1) PHONOGRAPHIC PERFORMANCE LIMITED
INDIA

RESPONDENT

2) SAREGAMA INDIA LIMITED

3) THE INDIAN PERFORMING RIGHTS
SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri & Ms. Sanya Dua – Adv

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Saikrishna Rajagopal Sr. Advocate, Mr. Amit Dutta Mr. Himanshu Bagai, Ms Deepshikha Sarka, Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey – Advocates

1) RELIANCE BROADCAST NETWORK LIMITED APPLICANT/APELLANT

Versus

1) SUPER CASSETTES INDUSTRIES PRIVATE LIMITED RESPONDENT

2) THE INDIAN PERFORMING RIGHTS SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri & Ms. Sanya Dua – Adv

Counsel for the Respondent : **SUPER CASSETTES INDUSTRIES PRIVATE LIMITED**
Mr. Akshay Patil, Mr Neel Mason, Ms Ridhima Pabbi, Mr Vihan Dang, Mr Uday S Chopra, Ms Sanyukta Banerjee, Ms Ekta Sharma, Mr Shivang Sharma, Ms Ramya Ramkumar and Ms Megha Sharma – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Saikrishna Rajagopal Sr. Advocate, Mr. Amit Dutta
Mr. Himanshu Bagai, Ms Deepshikha Sarka, Ms Pallavi Sondhi,
Mr. Vivek Prasad & Ms. Namrata Dubey – Advocates

1) HT MEDIA LIMITED APPLICANT/APELLANT

Versus

1) PHONOGRAPHIC PERFORMANCE LIMITED INDIA RESPONDENT

2) SAREGAMA INDIA LIMITED

3) TIPS INDUSTRIES LIMITED

4) ZEE ENTERTAINMENT ENTERPRISES LIMITED

5) SONY MUSIC ENTERTAINMENT PVT. LTD.

6) THE REGISTRAR OF COPYRIGHTS, NEW DELHI

Counsel for the Applicant/Appellant : Mr. Krishnendu Datta, Mr. Ashish Verma, Mr. Hardik vashisht & Mr. Rahul Gupta – Advocates

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani – Advocates

CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH	CHAIRMAN
HON'BLE SHRI. N. SURYA SENTHIL	TECHNICAL MEMBER (COPYRIGHTS)
HON'BLE SP. CHOCKALINGAM	TECHNICAL MEMBER (COPYRIGHTS)

ORDER SHEET

23/11/2020

Mr. Saikrishna, Advocate and Mr. Amit Dutta appearing on behalf of IPRS while arguing the application of intervention has suggested that royalty in the underlying works (lyrics and musical composition) of sound recording with respect to FM Radio Stations which are the subject matter of the cases should also be fixed independently at the time of fixing the royalties of sound recording. It is stated by them that actually the applicants ought to have sought this direction through a separate prayer, but for reasons known to them, no specific relief thereof is sought.

IPRS Counsels referred large number of documents and decisions in this regard. It is also stated by them that under Rule 31 of Copyrights Rules, 2013, the IPAB has suo-moto power to fix the royalties. In the intervention application IPRS has raised all the relevant pleas and also the suggestions. We have also heard the authors and experts in this regard who have filed suggestions. The liberty for filing a fresh application to IPRS is already granted.

Prima facie we are of the view that IPRS is an interested party as given in Rule 31 of Copyright Rules 2013 and therefore, necessary party to be heard. Subject to hearing of all the parties, final orders will be passed, and prayer for fixing royalties will be considered after hearing the case on merit. The application of the IPRS is decided accordingly.

Accordingly, the public notice to be published in the above reference is attached with this order. The registry of the IPAB is directed to inform Department of Publication, Ministry of Urban Development, Civil Lines, Behind Vidhan Sabha Metro Railway Station, New Delhi, Delhi 110054. [Phone: 011 2381 7823] to publish the enclosed notice in the Official Gazette within one week.

The public notice be published in Times of India (English) and Dainik Bharat (Hindi) for the purpose of hearing/suggestion on 27.12.2020 Copy of the public notice as published in the Official Gazette shall also be uploaded in the websites of IPAB and Copyright office.

-Sd/-

-Sd/-

-Sd/-

(Hon'ble Sh. N. Surya Senthil) (Hon'ble Sh. SP. Chockalingam) (Hon'ble Sh. Justice Manmohan Singh)
Technical Member (CR) Technical Member (CR) Chairman

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