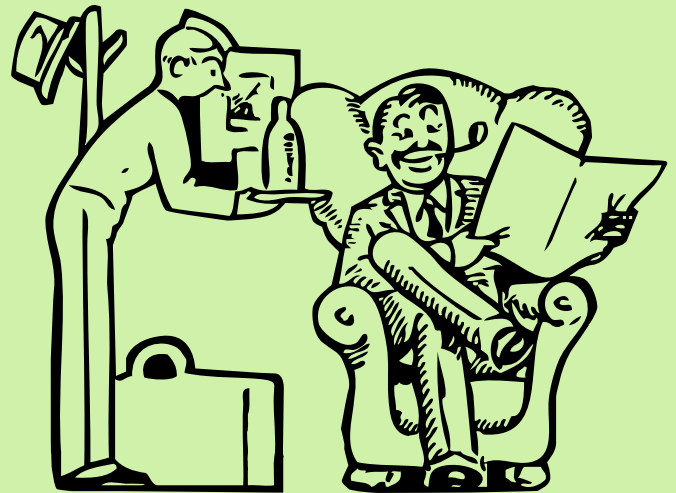


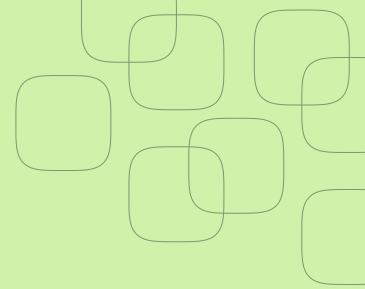
Understanding Music Copyright Licensing in India

Music copyright licences are legal permissions that allow the use of musical works in situations beyond private consumption. In terms of Section 14 of the Copyright Act, 1957, read with the definition of “communication to the public” in Section 2(ff), the exclusive right to perform or communicate a work



publicly rests with the copyright owner. Playing music in public or commercial spaces such as hotels, restaurants, bars, retail outlets, or events falls squarely within this definition. Importantly, CDs, DVDs, paid downloads, or personal streaming subscriptions such as Spotify or Apple Music only permit private listening. Using them in public without authorisation constitutes infringement under Section 51 of the Copyright Act, 1957. Copyright societies are collective rights management organizations, registered under the Indian Copyright Act, 1957. Their purpose is to manage licensing, collection, and distribution of royalties for various categories of copyright works, including music (sound recordings, lyrics, and compositions), books, and artistic works. In the music sector, the main societies are:

- **Phonographic Performance Limited (PPL)** – formerly the primary body for licensing sound recordings.
- **Recorded Music Performance Limited (RMPL)** – currently the registered society for sound recordings.
- **Indian Performing Right Society (IPRS)** – manages rights for lyricists, composers, and publishers relating to literary and musical works.
- **Indian Reprographic Rights Organisation (IRRO)** – covers rights relating to literary works and reprography.



Phonographic Performance Limited (PPL)

Phonographic Performance Limited (PPL) is one of India's earliest copyright societies for sound recordings. For decades, it functioned as the leading collective management organization, issuing licenses for the use of recorded music and distributing royalties to record labels. Its repertoire included works from hundreds of Indian and international music labels.

Key Functions:

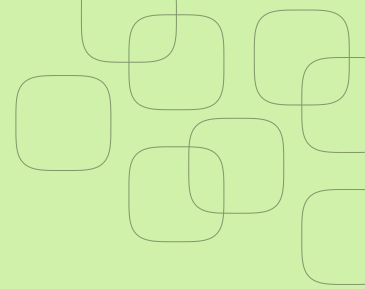
- Issued licenses for the public performance of sound recordings.
- Collected royalties when recorded music was played in businesses such as hotels, clubs, restaurants, gyms, retail outlets, and events.
- Distributed royalties to its member record labels.

Types of Licenses Issued by PPL:

- **Annual Background Music License** – For playing music regularly in commercial establishments such as restaurants, gyms, salons, and retail stores.
- **Event License** – For one-time events including weddings, concerts, fashion shows, and corporate functions.
- **Radio Broadcasting License** – For radio stations broadcasting sound recordings from PPL's catalog.
- **Digital/Streaming License** – For apps, websites, and platforms streaming recorded music.

Recorded Music Performance Limited (RMPL)

Recorded Music Performance Limited (RMPL) is a registered copyright society authorized under the Copyright Act to administer public performance rights in sound recordings. Following regulatory and legal developments, RMPL is now recognized as the sole copyright society for sound recordings in India, a role earlier performed by PPL.



Core Responsibilities:

- Issuing licenses for the use of sound recordings in public and commercial spaces.
- Collecting and distributing royalties among its member record labels.
- Serving as the only registered copyright society for sound recording rights under the current legal framework.

Types of Licenses Issued by RMPL:

- **Public Performance License (Background Music)** – For playing music in commercial/public environments such as malls, hotels, restaurants, gyms, and offices.
- **Public Performance License (Events)** – For use of music in events such as concerts, DJ nights, weddings, and fashion shows.
- **Radio Broadcasting License** – For radio stations broadcasting RMPL member recordings.
- **Telecasting License** – For television channels, OTT platforms, and satellite broadcasters using sound recordings.

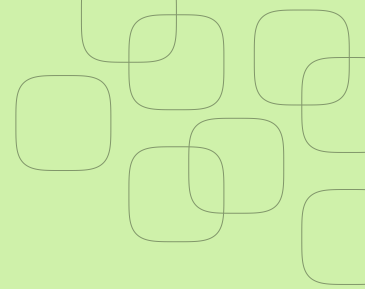
In effect, RMPL has taken over the role of issuing licenses and managing sound recording rights previously handled by PPL, making it the current legal licensing authority for sound recordings in India.

Other Copyright Societies

Indian Performing Right Society (IPRS)

The Indian Performing Right Society (IPRS) is a copyright society responsible for administering rights in musical and literary works (*lyrics*). It primarily:

- Issues licenses for the use of musical works (compositions) and lyrics.
- Collects royalties from users of music and distributes them to lyricists, composers, and publishers.



Types of Licenses Issued by IPRS:

- **Public Performance License** – Required for playing music in public spaces such as restaurants, events, malls, and hotels.
- **Broadcast License** – Required by radio and television stations for broadcasting music.
- **Digital License** – For online platforms such as music streaming services and other digital media using music.
- **Synchronization License** – For incorporating music into films, advertisements, television shows, or other audio-visual media.
- **Reproduction License** – For copying, duplicating, or reproducing musical works.

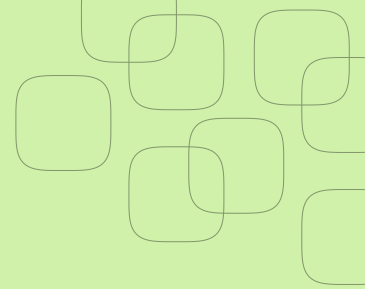
Indian Reprographic Rights Organisation (IRRO)

The Indian Reprographic Rights Organisation (IRRO) is a copyright society that manages rights related to the reproduction and distribution of literary works such as books, journals, magazines, and academic materials. It primarily:

- Issues licenses for reprography (photocopying, scanning, or digital reproduction) of literary works.
- Facilitates lawful use of copyrighted content by educational, research, and corporate institutions.

Types of Licenses Issued by IRRO:

- **Reprography License** – For photocopying, scanning, or digitally reproducing copyrighted material.
- **Institutional License** – For schools, colleges, and libraries to legally reproduce and distribute educational materials.
- **Corporate License** – For businesses to reproduce and use copyrighted content for internal purposes.

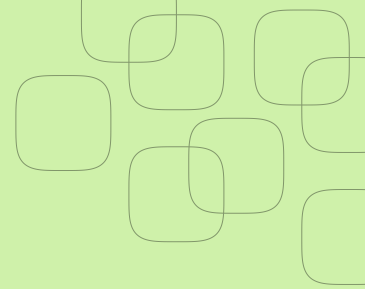


Governing Framework

The governing framework for such licensing is explicitly laid out in the Copyright Act. **Section 14** defines the exclusive rights of copyright owners, including the right to reproduce a work, issue copies, and crucially, the right to “communicate the work to the public.” This last right forms the legal foundation for performance licensing. Further, **Sections 18 and 30** allow for assignment and licensing of these rights, enabling copyright holders to authorize third parties to exploit their works commercially. Most importantly, **Section 33** mandates that no person or organization, other than a copyright owner or a registered copyright society, may issue or grant licenses in respect of literary, dramatic, musical, or artistic works and sound recordings. This ensures centralized licensing, accountability, and fair royalty distribution. To safeguard the rights of authors and owners, **Section 34** lays down the framework for the administration of rights by copyright societies, while **Section 35** places control of these societies in the hands of their general body, thus reinforcing transparency and governance. In addition, **Section 39A** extends several of these provisions to performers’ rights, recognizing the unique contributions of singers and artists whose live performances also attract copyright protection.

PPL and RMPL: Roles and Legal Standing

Phonographic Performance Limited, incorporated in 1941, long dominated public performance licensing of sound recordings in India. It represented hundreds of labels and, from 1996 to 2014, operated as a registered copyright society. After the 2012 Copyright Act amendments, PPL surrendered its registration and later failed to regain it. Nonetheless, it continued issuing licences based on assignment agreements with labels, maintaining a vast catalogue of over 400 labels including T-Series, Sony, Universal, and Saregama.

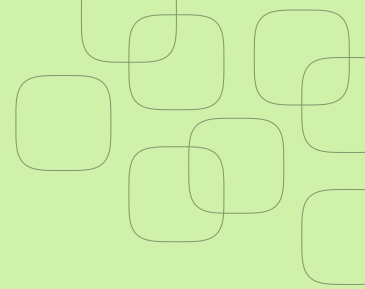


In contrast, Recorded Music Performance Limited (RMPL) was formed by labels that moved away from PPL and successfully obtained registration under Section 33(3) on 18 June 2021. RMPL is now the only registered copyright society authorised to license sound recordings. Though its repertoire is smaller than PPL's, its statutory recognition gives it unquestionable legal authority.

The conflict lies in licensing power. PPL claims that as an assignee of rights, it may license works under Section 30. However, the Copyright Act makes a clear distinction: registration under Section 33 grants societies the exclusive mandate to collectively license works, with statutory obligations of transparency, democratic functioning, and fair royalty distribution under Sections 34 and 35. Without such recognition, PPL functions only as a private aggregator, relying on contracts rather than statutory authority. This creates uncertainty for businesses—licences from PPL may later be challenged as invalid, since only registered societies can collectively administer rights. By contrast, RMPL operates within a regulated framework, offering legal certainty and centralised management for both rightsholders and users.

The Delhi High Court's Intervention: Azure Hospitality v. PPL

The issue of authority came to a head in Azure Hospitality Private Limited v. Phonographic Performance Ltd., FAO(OS)(COMM) 41/2025, decided on 15 April 2025 by the Delhi High Court. In March 2025, a Single Judge granted PPL an interim injunction against Azure, a restaurant operator, for using music without PPL licences. On appeal, a Division Bench comprising Justices C. Hari Shankar and Ajay Digpaal set aside the injunction. The Bench held that Section 33(1) requires any organisation engaged in the business of issuing licences for copyrighted works to be registered as a copyright society or to act through one. Because PPL was neither registered nor acting through RMPL, it lacked authority to license sound recordings even though it held a large catalogue by assignment.



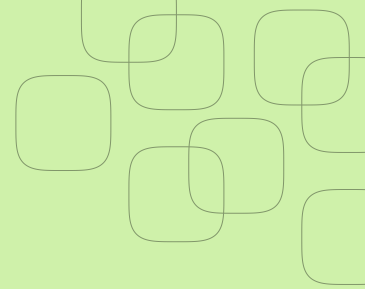
As an equitable measure, the Bench directed that Azure make payments aligned to RMPL's tariff structure. Subsequently, the Supreme Court granted interim relief to Azure by staying the payment direction, but it did not disturb the Division Bench's central finding that PPL cannot function as a licensing body without registration. This decision cements RMPL's position as the legally authorised licensing society for sound recordings and throws doubt on the adequacy of PPL-only licences for venues.

Licensing Responsibilities in Hotels, Bars, and Events

When music is played in commercial spaces such as hotels, bars, restaurants, or event venues, the primary responsibility for obtaining licences lies with the owner or operator of the premises, not the performers. This principle is well established under copyright law and repeatedly affirmed by copyright societies. The reasoning is straightforward: venues use music as part of their business model—whether to attract customers, enhance ambience, or entertain guests—and must therefore obtain the relevant licences before publicly performing or communicating music.

According to the **Indian Performing Right Society (IPRS)**, anyone who publicly performs or communicates music is legally required to obtain a licence. While performers and event organisers may share obligations, in practice the responsibility rests on the venue operator or organiser.

Different rights are triggered depending on how music is used. For instance, if a hotel hires a DJ, multiple licences may be required: sound recordings from RMPL, lyrics and compositions from IPRS, and vocal performances from ISRA. In cases of remixes or mashups, further authorisation may be needed from both societies and original copyright owners. Similarly, when a live band performs, an IPRS licence is mandatory for the underlying compositions, and if recorded tracks are also used, RMPL and ISRA clearances may apply.



Importantly, the purchase of a CD, DVD, or digital subscription does not entitle the buyer to publicly play music. Just as owning a book does not permit staging it as a play, recorded works can only be privately enjoyed unless licensed for public use. Failure to secure the necessary permissions amounts to copyright infringement under Section 51 of the Copyright Act, 1957, with Indian courts holding venues liable in several cases.

The broader framework has been reshaped by the 2012 Copyright Act amendments and the recognition of RMPL in 2021 as the exclusive copyright society for sound recordings. In *Azure Hospitality v. PPL* (2025), the Delhi High Court confirmed that only registered societies or copyright owners may license works, further limiting PPL's role.

For businesses, the implication is clear: compliance requires licences from **RMPL** (sound recordings), **IPRS** (compositions/lyrics), and **ISRA** (performers' rights). This regulated structure aligns India with international practice, reduces legal uncertainty, and ensures fair compensation for creators while safeguarding users against infringement risks.

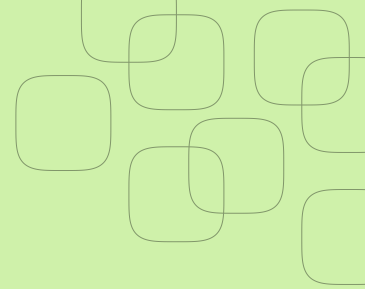
Conclusion

India's music licensing framework balances creator rights with the needs of businesses that use music in public spaces. Under the Copyright Act—particularly Sections 14, 18, 30, 33–35, and 39A—only copyright owners or registered societies can authorise public performance, ensuring fair royalty distribution to authors, composers, performers, and producers.

For hotels, bars, restaurants, and event venues, the responsibility is clear: licences must be obtained before playing music. This typically requires clearances from RMPL (sound recordings), IPRS (lyrics and compositions), and ISRA (vocal performances). Personal subscriptions or CDs never suffice, since they cover only private use.



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The Delhi High Court's 2025 ruling in *Azure Hospitality v. PPL* further clarified the law, holding that only registered societies or rightsholders can issue licences, effectively limiting PPL's former role. While the Supreme Court has stayed parts of the ruling, the direction is clear—businesses must engage directly with registered bodies to remain compliant.

The said Article has been written by Ms. Ashmita Singh, Associate Advocate, Lex Favios, Advocates & Solicitors. For any queries, contact admin@lexfavios.com.