

*Dancing through
copyright*

Safeguarding Dance Influencers in Musical Minefield



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Second Research - Music Licensing under Copyright Laws

Copyright Licensing

Copyright Licensing is a voluntary arrangement where the copyright holder (licensor) grants permission to another party (licensee) to use their copyrighted work under specific terms and conditions and for specific purposes defined under the Agreement, to which the licensor holds exclusionary rights. It is an agreement directly between the creator and the user. This arrangement has been provided for under Section 30 of the Copyright Act, 1957 ("Copyright Act") which provides that the owner of the copyright in a work may grant any interest in his copyright to any person by license in writing, which is to be signed by him or by his duly authorised agent. Furthermore, the Section categorically provides that a license can be granted not only in an existing work but also in respect of any future work, and in such a situation, the license shall come into force when such future work comes into existence. For a license agreement to be valid, it must be in written form and should be signed by the copyright owner or any other agent authorized by the owner, and must also contain the following details:

- Identification of the work and rights licensed
- A license's duration and the geographical territories where it can be exercised
- Royalties or other monetary arrangements that the licensee must provide to the copyright owner if the license is granted.
- Specific conditions relating to revisions, extensions, and terminations of licenses.
- Not contravene any agreements of the Licensor with a Copyright Society, if any.

Additionally, according to the Copyright Act, music licenses are often granted by Copyright societies. Copyright Society is referred to as a legal body that protects or safeguards

the interest of owners of the work in which copyright subsists and is a regulated entity in the business of issuing licenses. The Copyright Society gives assurance to the creative authors for the commercial management of their works. These societies are collectively formed by a group of authors and other owners of such copyrighted works in order to manage and protect the authors or owners against copyright infringement, as well as provide access to such works through a single window to the users. Section 33(3) of the Copyright Act, 1957 provides that only a copyright society duly registered under the act can only conduct the business of issuing/granting licenses to the copyrighted work i.e., literary, dramatic, musical, or artistic works incorporated in cinematograph films or sound recordings, apart from the owner in their individual capacity.

Kinds of Musical License available in India

1. Synchronization License - A Synchronization License is a license that is granted when a music user wishes to embody a sound recording or an authored work in their video or sound recording. Synchronization Licenses are most typically provided for YouTube and cover song videos, as well as corporate videos. It is an agreement between the music user and the owner of copyrighted songs that allows the user to synchronize or incorporate the song in their videos.

2. Mechanical License - The Mechanical License is a permission given to the music user allowing them to publish the song in its audio format. This license is typically granted for usage with cover songs or copyrighted music. Similar to Synchronization Licenses, a Mechanical License is required even if just a small portion of the music is used.

3. Master License - An agreement between a music user and the owner of a copyrighted audio recording that grants permission to use the recording is known as a Master License. It is a specially negotiated license. Only the owner of the copyright in the sound recording may give a Master License.

4. Print License - Rearranging, printing, or displaying the song's lyrics or music is permitted with a Print License. Similar to a Master License, which can be directly given by the Copyright Holder, a Print License is custom negotiated. Because it is difficult to obtain the Print License, it is crucial to obtain one before estimating the distribution release date.

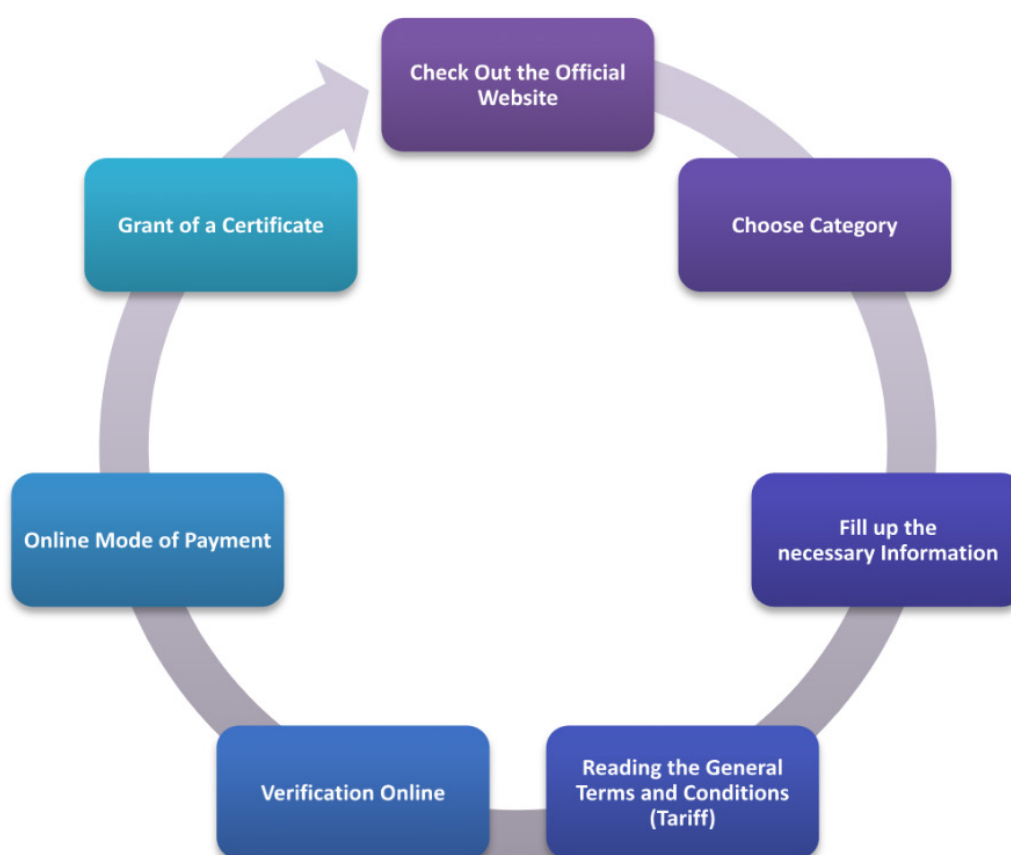
5. Public Performance License - Every time a user publicly performs a song that he did not write, he is required to get a public performance License. Additionally, public performance licenses are necessary if the recorded music is played in a public setting,

such as a concert or club. The question whether such licenses are required to be taken for playing music in weddings or similar functions, is a hotly contested one with various cases pending in Courts.

6. Theatrical License - Theatre Licenses are fairly frequent in the industry. An individual can use a copyrighted song in a play, theatrical production, or dramatic performance with the help of a theatrical license.

Process of obtaining Musical License from Copyright Society

In India, music licenses are issued either by a registered Copyright Society the individual owner themselves. The following is the process of obtaining a license:



References

¹<https://www.legalwindow.in/online-music-license-in-india/>



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