



**Intellectual Property Rights
For MUSIC Industry**

2020

A AND P LEGAL

Intangible Assets Management Company

Introduction

Music artists have always found it very difficult to find a legal grounds to secure their art and the most important question is “can a minor drop, cause major infringement”. For the last 2-3 years, the Hip-Hop music industry has been grown to next extent and underground music is now main stream. Indian audience is liking this genre and many underground artists are now main stream.

INTRODUCTION OF INTELLECTUAL PROPERTY (IP) IN MUSIC INDUSTRY:

Intellectual property (IP for short) describes the area of law that protects the things that humans invent. Copyright and Trademark are two main IP in music industry. The music itself, including the lyrics, the musical composition, the video and sound recording can be secured under IP law. An artist spends huge sums of money, creativity and time to create new and authentic music.

There are many steps that a music artist may take to secure the rights over an original music, but before that let us appreciate the importance of securing such rights. The following incidents which were well captured by the various news reports will clearly highlight the importance of securing such rights:

1. Badshah vs Ratan Kahar :

Bad Boy Shah recent hit ‘Genda Phool’, was accused of plagiarising a popular Bengali folk song “Boro loker Beti Lo” by Ratan Kahar. In an telephonic interview with Shri Ratan Kahar told **News 18** “I felt really bad. I wrote and sang the song in 1972. Shouldn't I get some recognition for it? When I was first showed the song, I couldn't believe this.” After the bash on social media Badshah apologize and settled the issue. But is this copyright infringement the answer is BIG YES.

2. KR\$NA vs Pranav Ajayrao Malpe (IPL THEME SONG) :

For the last 4 days, the music industry specially Hip-Hop music industry is in a battle against the IPL theme song titled “Aayenge hum wapas”. With the release of the IPL 2020 anthem, the song has landed into a controversy. . Rapper KR\$NA, also known as Krishna Kaul, has alleged that the anthem has been copied from his rap song in 2017 which was titled “Dekho Kaun Aaya Wapas”. Kaul took to Twitter and called out IPL for plagiarizing his song "Dekh Kaun Aaya Waapas" and recreating it with "Aayenge Hum Wapas". In reply Song Composer Pranav Ajayrao Malpe state that “I was shocked. My composition is original and is not inspired by any other artist's work. It has been created by me and my team with all our hard work and efforts”. Let us wait for the outcome of this copyright infringement case.

3. Anu Malik Vs Pritam Chakraborty :

In 2011, Anu Malik apparently accused Pritam back in the day for copying Character Dheela from his song Mohabbat Naam Hai Kiska (Ajnabee). Anu Malik claimed that “the full tempo, the full tune has been taken and ripped off” from his song. Listen to the words: “Mohabbat naam hai kiska, shuru kahan se hoti hai, kiya kisne ise paida, khatam kahan pe hoti hai” and “Kudiyon ka nasha pyare, nasha sab se nasheela hai, jise dekhon yahaan woh husn ki baarish me geela hai”. And you will find the similarities.

MUSIC

Artist must become aware of

Trademark :

Before securing your art, secure your name (Stage name/Band name). Trademark registration helps in providing an exclusive legal right that stops any third person from using a mark/name which is similar to the registered trademark. Securing the rights over a stage name by filing for the registration of trademark is very important part of any artist. Thus, trademark is an IP that music artist must become aware of and must look into.

Copyright :

Copyright is most crucial IP on the subject of music industry. Copyright guarantees protection for artistic work to artists. The most important criteria for securing a copyright are originality and uniqueness. Why should Copyright be the most important IP in music industry? Copyright gives the artist :

- the right to reproduce the work;*
- the right to transfer the work*
- the right to perform or display the work, whichever makes sense given the nature of it and*
- the right to make new creative works based on the original underlying work*

Contract/s :

Every artist must know the importance of the contract. If you are working independently or on label the contract which is a legal agreement between the two parties includes all the terms and conditions.

About the Author:

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