



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

MUSIC COPYRIGHT IN THE STREAMING ERA

~ *Anushka Khandelwal*

INTRODUCTION

The way the world listens to music has changed over the years. Vinyl gave way to cassettes, cassettes to CDs, CDs to digital downloads. Millions of people consume music through streaming platforms like Spotify, Apple Music, Amazon Music and many more. This has generated significant legal concerns regarding copyright ownership and royalty distribution. The challenge before Indian copyright law is to balance technological innovation and rights of music copyright owners.

Musical works is not a one-man creation. Music copyright in the streaming era is a multi-layered legal ecosystem involving two distinct copyrights in every recorded song. The first is the copyright of the musical composition (publishing rights) which covers the underlying melody, lyrics and chords. This copyright is vested in the songwriters, composers, lyricists or music publishers. The second is the copyright of the production (the Master or Sound Recording Rights). This covers the actual recorded audio of the song. It is held by the performing artist, the record label company or the music producer.¹

LEGISLATIVE FRAMEWORK IN INDIA

In India, music copyright laws are governed by the Copyright Act, 1957. The Act provides legal recognition to various forms of creative works - literary, dramatic, musical and artistic works,

¹ Saineef Meshram, Music Copyright Protection in the Digital Era: Legal Challenges and Regulatory Responses in the Age of Streaming and Digital Distribution, VINTAGE LEGAL, <https://www.vintagelegalvl.com/post/music-copyright-protection-in-the-digital-era-legal-challenges-and-regulatory-responses-in-the-age> (last visited Jun. 10, 2026)

cinematographic films and sound recordings. It aims to ensure that creators receive both legal protection and economic benefits from their original creations.²

Section 2 (d)(ii) of the Act states that in relation to musical works, the composer is the author and hence the copyright holder.³ Section 2 (ffa) The composer holds the copyright even though he records it in the form of graphical notation.⁴ Section 2(p) describes musical work as a work consisting of music including any graphical notation of such work. But it does not include any words or any action intended to be sung, spoken or performed with the music. The composer is the person who adds music to the lyrics and therefore has the right to hold the copyright.⁵ Section 2 (q) defines performance in relation to the performer's rights. Performance means any visual or acoustic presentation made live by one or more performers.⁶ Section 2(qq) states that performer includes an actor, singer, musician, dancer, acrobat, juggler, conjurer, snake charmer, a person delivering a lecture or any other person who makes a performance.⁷ Section 2(uu)⁸ states that producer in relation to a sound recording is a person who takes the initiative and responsibility for making the work. As the music producer is the one who undertakes the recording and broadcasting responsibilities, he is the owner of the recording of the song.

Section 14 lays down the exclusive rights of copyright holders. In relation to musical works, these rights include the right to reproduction of the work, the right to issue copies of the work to the public, the right to perform the work in public, the right to communicate the work to the public and the right to make adaptations or translations of the work.⁹ Apart from monetary rights, the Act also provides for moral rights as well to protect the honour and reputation of the owner. Section 57 deals with such rights. These rights reside with the owner even if he has transferred the copyrighted work to others. They prevent the modification and alteration of the original work.¹⁰ Section 17 covers the exceptions to the rule of First Owner. One of the exceptions is that in absence of any contract to the contrary, any work made by the author in the course of his employment under a contract of service or apprenticeship, the employer will be the first owner of the copyright.¹¹

² The Copyright Act, 1957, § 13, No. 14, Acts of Parliament, 1957 (India)

³ The Copyright Act, 1957, § 2(d)(ii), No. 14, Acts of Parliament, 1957 (India)

⁴ The Copyright Act, 1957, § 2(ffa), No. 14, Acts of Parliament, 1957 (India)

⁵ The Copyright Act, 1957, § 2(p), No. 14, Acts of Parliament, 1957 (India)

⁶ The Copyright Act, 1957, § 2(q), No. 14, Acts of Parliament, 1957 (India)

⁷ The Copyright Act, 1957, § 2(qq), No. 14, Acts of Parliament, 1957 (India)

⁸ The Copyright Act, 1957, § 2(uu), No. 14, Acts of Parliament, 1957 (India)

⁹ The Copyright Act, 1957, § 14, No. 14, Acts of Parliament, 1957 (India)

¹⁰ The Copyright Act, 1957, § 57, No. 14, Acts of Parliament, 1957 (India)

¹¹ The Copyright Act, 1957, § 17, No. 14, Acts of Parliament, 1957 (India)

The landmark amendment of the Copyright Act in 2012 brought upon new provisions to protect the rights of owner in the digital world. Section 31D provides for statutory licensing for broadcasting organisations wishing to communicate literary and musical works or sound recordings to the public. According to this provision, the broadcasting organisations can obtain license from the copyright owners to use their work in exchange for paying royalties to the owner, the rate of which is determined by the relevant authorities. Section 19(10) states that if any author assigns their work for a sound recording (independent of cinematographic film) then they have the right to receive royalties from the user for the same. Any agreement made to restrict this right of the owner is void.

Section 38 and 38A recognizes the rights of the performers. The performers have an exclusive right to make sound or visual recordings of their performances and to receive royalties for certain commercial uses.¹²

CHALLENGES

Despite these provisions, there are issues pertaining to copyright in the streaming era. The availability of music on the internet to be copied, edited and exchanged has resulted in copyright owners having minimal control over their products. One of the issues faced is of digital piracy. The reproduction, distribution and downloading of copyrighted work without the permission of the owner is called piracy. In the digital space, pirated music is distributed through torrents, file-sharing websites and unauthorized streaming services. Another major issue is of allocation of royalties. Even with a comprehensive Act governing music copyright law, there are still disputes over ownership of the work. This also results in dispute over the revenue generated from the streaming of the work. The revenue earned from the streaming platforms are distributed among the owners – record labels, music publishers, composers, lyricists and singers. Many artists contend that the royalty structure favours record labels and intermediaries, leaving the creators with little amount. The rise of AI generated content complicated copyright enforcement. AI uses music while creating reels, short videos etc. The ownership of the AI generated content is still in dispute. Hence, in the current scenario, the owners of the musical work are not generating revenue from this type content.

LANDMARK CASE LAWS

1. Tips Industries Ltd. v. Wynk Music Ltd. & Anr.

¹² The Copyright (Amendment) Act, 2012, No. 27, Acts of Parliament, 2012 (India)

Tips Industries Ltd., a major music label company, filed a copyright infringement suit against Wynk Music Ltd., an Airtel subsidiary, after licence negotiations failed in 2017. Wynk invoked Section 31D, claiming that it was a broadcasting organisation entitled to a statutory licence and therefore did not need to individually negotiate terms with Tips.

Bombay High Court rejected this argument in 2019. It held that Section 31D covers only traditional broadcasting sources like radio and television and not internet streaming services. The court further held that Wynk's sale and commercial rental of sound recordings could not be characterised as "private or personal" use and therefore did not attract the fair dealing exception. Hence, online streaming platforms in India cannot plead Section 31D and must negotiate voluntary licences with the owners.¹³

2. Indian Performing Rights Society Ltd. v. Aditya Pandey

The issue before the Supreme Court was whether separate copyright licenses for underlying literary and musical works needed to be obtained by the broadcaster while communicating a sound recording to the public if the license has been secured from the producer for the derivative sound recording. The Court held that the producer of the sound recording is recognized as an author under the Copyright Act and has the right to communicate his work to the public. This right is independent of and cannot be diluted by the rights of the authors of the underlying works. Thus, a separate license would not be required in cases where the sound recording itself is being communicated to the public.¹⁴

3. IPRS v. Rajasthan Patrika Pvt. Ltd.

The Bombay High Court granted an interim injunction directing radio broadcasters to pay separate royalties to IPRS in addition to royalties paid to phonographic companies for sound recordings. The court reaffirmed that the 2012 Amendment recognised the independent right of authors of underlying works like composers and lyricists to receive royalties, even when those works form part of a sound recording. This ruling is also held true for digital streaming platforms.¹⁵

CONCLUSION

¹³ Tips Industries Ltd. v. Wynk Music Ltd. & Anr., AIR Online 2019 BOM 1452

¹⁴ Indian Performing Rights Society Ltd. v. Aditya Pandey, (2017) 11 SCC 437

¹⁵ IPRS v. Music Broadcast Ltd. & Rajasthan Patrika Pvt. Ltd., 2023 SCC OnLine Bom 944

Music copyright in India's streaming era stands at a critical juncture. The Copyright Act, 1957 provides a broad and evolving framework for the recognition and protection of music copyrights. Yet the law has not fully caught up with the pace of digital change. The unresolved question of statutory licensing for internet platforms, royalty distribution and the emerging challenge of AI-generated music will all demand legislative and judicial attention in the following years.

BIBLIOGRAPHY

Anshika Agarwal, *Music Copyright and Streaming Services: Analyzing Legal Challenges and Solutions*, LAW JURIST (Jan. 12, 2025), <https://lawjurist.com/index.php/2025/01/12/music-copyright-and-streaming-services-analyzing-legal-challenges-and-solutions/> (last visited Jun 10, 2026)

Gaurav Dahiya, *A STUDY OF DIGITAL STREAMING AND ITS INTERPLAY WITH COPYRIGHT LAW*, II(I) E-JAIRIPA 15, 26 (2021)

Indian Performing Rights Society Ltd. v. Aditya Pandey, (2017) 11 SCC 437

IPRS v. Rajasthan Patrika Pvt. Ltd., 2023 SCC OnLine Bom 944

Saineef Meshram, *Music Copyright Protection in the Digital Era: Legal Challenges and Regulatory Responses in the Age of Streaming and Digital Distribution*, VINTAGE LEGAL, <https://www.vintagelegalvl.com/post/music-copyright-protection-in-the-digital-era-legal-challenges-and-regulatory-responses-in-the-age> (last visited Jun 10, 2026)

The Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India)

Tips Industries Ltd. v. Wynk Music Ltd. & Anr., AIR Online 2019 BOM 1452