

THE INDIAN MUSIC INDUSTRY

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To

17/12/2021

Dr. Shashi Tharoor,

Chairperson,

Department Related Standing Committee on Information Technology

Subject - Recommendations on the subject of "Indian Film Industry: Problems and Challenges" in reference to Notification No. 3210 dated 21st October 2021 under Bulletin No. II of Lok Sabha.

Respected sir,

With reference to Notification no. 3210 issued under Bulletin-Part-II of the Lok Sabha, we the Indian Music Industry (IMI) are writing this representation. The Indian Music Industry (IMI) is the apex body that represents the business and trade interests of the recorded music industry in India. IMI is registered under the West Bengal Societies Registration Act, 1961.

While examining the subject, "Indian film industry: problems and challenges", we would request you to please scrutinize the problems faced by the Indian recorded music industry which has a symbiotic relationship with the film industry.

70% of music in India is film based.¹ The recorded music industry at a pan-India level is always the first external investor in productions of the Indian film industry, where close to 1000 films are produced yearly in India.²

¹ <https://indianmi.org/wp-content/uploads/2021/04/A-Case-for-Free-Market-Economics-in-the-Indian-Recorded-Music-Industry.pdf>

² [Bollywood for beginners: our guide to India's billion-dollar film industry \(trafalgar.com\)](http://Bollywood for beginners: our guide to India's billion-dollar film industry (trafalgar.com))



The Indian film industry is estimated to lose around ₹22,000 crore and around 60,000 jobs every year because of piracy.³ Moreover, online film piracy showed a 62%⁴ month-on-month increase from February to March 2020.

This piracy in the film industry also has a devastating effect on the Indian recorded music industry, given that a song is easiest to download. If on average, an Indian film features 4 sound tracks, the 2446⁵ films produced within the country would mean 9,785⁶ film soundtracks would have been released in the same year. Therefore, the recorded music industry is affected by piracy on two-fronts- one is film piracy and the other is music piracy. If music piracy is not addressed on both fronts, it will eventually impact the Indian film industry since most Indian films have an average of 4 songs per film⁷, and 70%⁸ of music consumed in India is film music.

IMI welcomes the recently proposed Cinematograph (Amendment) Bill 2021 (hereinafter referred to as “The Bill”), which introduces an anti-camcording provision under Section 6 AA to control the menace of physical piracy. However, the Bill should also keep in mind measures to combat online piracy, which is a major issue plaguing the creative sector today.

The digital era has enabled anyone with an internet connection to illegally copy and distribute proprietary cinematographic content online. Just as recording devices such as camcorders enable physical piracy, stream ripping websites, and peer to peer networks amongst others facilitate digital piracy. In fact, it is estimated that digital piracy through such platforms that are host to music content, lead to revenue losses of INR 217 Cr. to INR 300 Cr. annually⁹ for the recorded music industry. These online pirate platforms infringe the copyright in films where music is imbedded in the movie.

³ <https://economictimes.indiatimes.com/industry/media/entertainment/view-why-combating-music-piracy-in-india-is-a-losing-battle/articleshow/76182858.cms?from=mdr>

⁴ <https://www.livemint.com/news/india/india-sees-big-spike-in-film-piracy-post-covid-19-11589183182123.html>

⁵ <https://indianmi.org/wp-content/uploads/2021/05/IMI-Economic-Report-Final.pdf>

⁶ <https://indianmi.org/wp-content/uploads/2021/05/IMI-Economic-Report-Final.pdf>

⁷ <https://soundcharts.com/blog/india-music-market-overview#:~:text=thing%3A%20movie%20soundtracks,-,Bollywood%20and%20Film%20Music,and%20recorded%20specifically%20for%20that.>


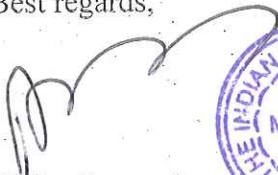
⁸ <https://indianmi.org/wp-content/uploads/2021/04/A-Case-for-Free-Market-Economics-in-the-Indian-Recorded-Music-Industry.pdf>

⁹ <https://indianmi.org/wp-content/uploads/2021/04/A-Case-for-Free-Market-Economics-in-the-Indian-Recorded-Music-Industry.pdf>

Keeping all the above factors mind, in order for the Bill to be more effective in the digital era, and for it to truly meet its stated objective of curbing piracy, it must take a more holistic approach and introduce measures to tackle digital piracy. Thus, IMI humbly recommends extending sanctions similar to those proposed for camcording under Section 7 (1A) of the Bill against those who engage in uploading of infringing content on online platforms. This will act as a deterrent for those who upload copyrighted content onto such pirate platforms, and will provide copyright owners with ammunition to protect their content in the digital sphere.

Otherwise, allowing the current Bill to stand as is would be akin to criminalising pick-pocketing on the streets but allowing pick-pocketing from e-wallets.

Best regards,



Blaise Fernandes

President & CEO

Indian Music Industry