

THE INDIAN

IMI

MUSIC INDUSTRY
Formerly IPI Estd. 1936

THE INDIAN MUSIC INDUSTRY

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THE INDIAN MUSIC INDUSTRY

ANNUAL REPORT OF THE EXECUTIVE COMMITTEE (GOVERNING BODY) OF THE INDIAN MUSIC INDUSTRY OF THE ACTIVITIES OF THE ASSOCIATION DURING THE YEAR ENDED 31ST MARCH 2018

	Update	IMI's Work / Initiatives
1	Anti - Digital Piracy Campaign	<p>Representation made to the Department of Industrial Policy and Promotion (DIPP) and Telecom Regulatory Authority of India (TRAI) for blocking access to, and preventing the re-occurrence of www.songs.pk and websites with domain names using the words "Song" and "PK" as suffix or prefix, in various permutations and combinations.</p> <p>Representation made to The Advertising Standards Council of India (ASCI) in relation to the ad-revenues generated by infringing websites, seeking ASCI's support and cooperation in the crack-down on members advertising on websites hosting infringing content.</p> <p>Representation made to the Department of Telecommunications in light of the proposed National Digital Communications Policy, 2018, seeking provisions for fair digital market. This includes: putting in place an effective website blocking administration on a domain and IP address level, strengthening and expediting criminal procedures against infringers,</p>

		<p>improvement of safe harbour provisions under the IT Act to modify 'notice and take-down' mechanisms to 'notice and staydown'.</p>
		<p>Proposed joint initiative with Motion Pictures Association (MPA), Indian Broadcasting Foundation (IBF) to tackle digital piracy, website blocking through the services of MarkScan and a direct interaction with the Maharashtra Cyber Digital Crimes Unit.</p>
		<p>IMI attended a stakeholders consultation forum on music piracy, organised by DIPP and Cell for IPR Promotion and Management (CIPAM). A cooperative mechanism with platforms such as Google, Facebook and UC Web was discussed. IMI submitted lists of infringing links and complaints collated from its members to these platforms.</p>
		<p>IMI continues to monitor websites with infringing links and reports these to International Federation of the Phonographic Industry (IFPI) on a monthly basis. IMI submitted 1977 infringing links and 238 infringing websites in 2017. However, the takedown rate remained low owing to the lack of response from ISPs and changing domain names.</p>
		<p>IMI submitted infringing website [dot]IN links with incorrect and missing WHOIS information to National Internet Exchange of India. The takedown rate was 21%.</p>
2	<p>Intellectual Property Protection - International Treaties, Partnerships, Broadcasting Treaty</p>	<p>Representation made to the Ministry of External Affairs (MEA), the DIPP and the TRAI in favour of India's proposed ratification of the WIPO Copyright Treaty ("WCT") and WIPO Performances and Phonographic Treaty ("WPPT") - enabling a global level-playing field for Indian rights holders.</p> <p>Representation made to the Ministry of External Affairs (MEA) and the DIPP in favour of the proposed IP Chapter of the Regional Comprehensive Economic Partnership ("RCEP") which ensures the protection of Indian IPR in the South East Asian, especially the ASEAN markets.</p>

		Dialogue established with DIPP on the proposed Broadcasting Treaty. IMI suggested clarifications and provisions regarding protection of the underlying content owners and the strengthening of rights provided by the Indian law to the broadcasters and the content owners against the illegal broadcasting of signals over all means of transmission.
3	Conclaves and Workshops	IMI established an Eastern Working Group to specifically look into the challenges faced by the recorded music industry in India. The working group will comprise of Mr. D. Lahri (Director, Asha Audio), Mr. Prem Kumar Gupta (Director, Raga Music) and Mr. Biplab Updhaya (Sr. Manager, Times Music). Mr. Devraj Sanyal (MD & CEO, UMG), an IMI board member, will be the Sherpa of the eastern working group.
		Proposed round-table conclaves in the month of April 2018 for the Northern and Southern Chapters of IMI members with the objective of strengthening specific regional chapters of the music industry with updates from international and national trends and to allow an open forum for discussions specific challenges in regional markets. IMI seeks to engage with IFPI on the content for these conclaves.
		A workshop is proposed to be held in May 2018 for the Eastern Chapter of IMI members on music industry legal matters, music Industry digital trends, music piracy and content monetization.
		IMI has proposed an Indian Music Convention on a national level for all the key stakeholders in the Indian Music industry including: the major labels (international and domestic), regional labels, collection societies and the Govt. of India (representatives).
4	Section 31D, Copyright Act, 1957 - Statutory Licensing	Representation made to the DIPP and the TRAI seeking the withdrawal of the Office Memorandum (on the clarification of the scope of the term 'Broadcasters') dated 5/9/16.

		<p>Dialogue established with TRAI on the consultation paper issued by TRAI on issues related to digital radio broadcasting in India. IMI highlighted the need for broadcasters to ensure fair value remuneration for content licensed; explaining the disproportionate revenues generated for the recorded industry from broadcasts, as compared to the revenues generated by the broadcasters. IMI also highlighted the inability of record companies to freely negotiate terms with broadcasters, due to a combination of remuneration rights, statutory licensing, and rate setting by the Copyright Tribunal.</p> <p>Representation made to the DoT in relation to the proposed National Digital Communications Policy 2018, seeking provisions for fair remuneration for copyright holders in light of the Office Memorandum issued by the DIPP, the existing challenges with statutory licensing and the best practices advocated by the WIPO treaties.</p>
5	Guidelines for Examination of Sound Recording Works	IMI made recommendations to the Copyright Office, DIPP in relation to the draft guidelines for the proposed voluntary registration system.
6	GST	<p>Representation made to the Ministers of Finance - Tamil Nadu, Punjab and Telangana and Chief Minister - Karnataka regarding the issue of GST categorisation. IMI sought provisions for the Physical Music formats and Digital Music formats to be considered in the 5% GSTN Code HSN 8523 and 5% GSTN Code HSN 00 44 0613, respectively.</p> <p>Representation also made to FICCI (Federation of Indian Chambers of Commerce & Industry) regarding the aforementioned GST categorisation.</p> <p>IMI conducted a meeting with Central Board of Indirect Taxes and Customs (CBEC) to discuss the GST provisions for Physical Music formats and Digital Music formats.</p> <p>A proposal was submitted by the Minister of Finance Planning to the Minister of Finance, Govt. of India, on behalf of IMI seeking the lowering of the slabs of GST on products of music.</p>
7	Litigations	IMI continues to provide advisory support to its members, especially where the matter espouses common industry agenda, including fair valuation for


		rights holders and transparency in royalty compensation procedures.
8	Membership	The count of IMI members stands at 205 at the end of FY 2017/18.
9	ISRC Codes	IMI received 53 submissions for ISRC codes in FY 2017/18. This bring the total count to 857 since inception.
10	Executive Committee	The Executive Committee at the end of FY 2017/18 comprised of the following representatives/nominees from member music labels: Mr. Shridhar Subramaniam (Chairman); Mr. Ganesh Jain, Mr. G. B. Aayeer, Mr. Kumar Taurani, Mr. Devraj Sanyal, Mr Mandar Thakur, Mr. Umesh Gupta (Members), Mr. Blaise Fernandes(President & CEO)

Sd/-

(Blaise Fernandes)
President & CEO

Sd/-

(Siddhant Singh)
Interim Secretary General

Dated 04.08.2018