

THE INDIAN MUSIC INDUSTRY

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To,

Shri S. K. Gupta

Secretary

Telecom Regulatory Authority of India, GOI

Sub.: Post OHD Submission: Music Piracy on websites ending with "(dot)PK"

Dear Sir,

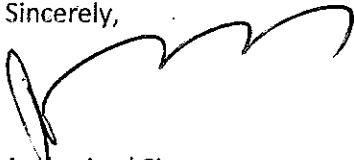
At the outset, on behalf of IMI and IFPI our heartfelt gratitude and kudos to TRAI for organising the OHD on the Consultation Paper on "Issues related to Digital Radio Broadcasting in India".

Sir, during the OHD on behalf of IMI and IFPI, I made a number of interventions, one of them being Music Piracy on websites ending with "(dot)PK". This malaise, as discussed in the case study below, is only peculiar to the Indian Music Industry. If this particular menace is not tackled on a war footing it will derail the Digital Broadcasting Radio plans at its very inception.

Sir, we seek support from TRAI via your Data Services Division to find a permeant solution to this malice which is a threat to our Indian Music industry and given the power of digital broadcasting, it has the potential to be a national security threat.

Thanking you,

Sincerely,



Authorized Signatory
The Indian Music Industry

AFFILIATED TO



representing the
recording industry
worldwide

Case Study: Songs.pk

Out of the approx. 150 sites that thrive on pirated Indian content, nearly half are from the US, followed by 11 from Canada, 9 from Panama and 6 from Pakistan.^[1] While hostile neighbors like Pakistan have benefitted from infringing Indian IP in the past though the physical format with well documented evidences ^[2] of fugitives like Dawood Ibrahim reported to have agents who produce and sell pirated Bollywood movies and music CDs worldwide, this practice to undermine the rights of Indian IP owners have carried forward to the digital domain as well. Before the Hon'ble Calcutta High Court order to block it, illegal downloading website from Pakistan, songs.pk was among the most popular source for pirated Indian music ^[3]. However, within a few days of the ruling, it appeared with a new domain songspk.name, then several other domains in the next few years and in October 2017, it reappeared under its old domain name, songs.pk, still operating in contempt of the Hon'ble HC ruling.

Songs.pk is only one of the many websites against which the music industry, the judiciary and the government has taken strict actions, but many more new links emerge at a regular interval and they continue to stack massive profits from ad-revenue. Through such placements, a single pirate site can bring in millions of dollars annually, and because they don't pay for the distribution rights to films and TV shows, they can generate profit margins in the range of 86% to 93% ^[4]. The top 100 such sites illegally exploiting Indian films and music make INR 3500 Cr. a year by exploiting Indian content ^[1], and to put it in perspective, the Indian film and music industries grossed little over 1300 Cr. and 375 Cr. in 2016, respectively. In other words, the pirates made 52% more than the producers of the media.

While most of such websites operate out of US and Canada ^[1], stringent anti-piracy laws give provisions for the rights owners to act against infringers in these countries. However, in the case of Pakistani websites like Songs.pk, it has become a 'whack-a-mole' situation where in the last 5 years, songs.pk has reemerged under 20 different domain names ^[5] after IMI took down the website several times with the help of IFPI under the directive of the Hon'ble Calcutta High Court. TRAI can play an important role via their Data Services Dept. in blocking Songs.pk.

^[1] Deloitte: *Indywood The Indian Film Industry*, 2016; p.19

^[2] *India today: Not just terror, film piracy trail too leads to Pakistan*

^[3] *Can Legitimate Digital Music Trump Piracy in India?*

^[4] *Marketers: Stop Advertising on Pirate Sites*

^[5] *List of other domains for songs.pk*



List of other domains for songs.pk

Sr No	Domain Name	Sr No	Domain Name
1	Songspk.io	11	4songs.pk
2	http://link.songs.pk/	12	http://songspk.so/
3	http://www.songspk.name/	13	http://www.songspkv.com/
4	http://www.songspk.info/	14	http://songspkmp3download.in/
5	http://songspk.cc/	15	http://songspk3.in/
6	songspk.net.in	16	http://songspk.at/
7	http://www.songspk.cab/	17	http://www.songspk.eu/
8	http://esongspk.in/	18	http://songspk.co
9	http://songpk.mobi/	19	songbox.pk
10	http://dsongspk.in	20	http://www.songspksong.com/

