

MORAL RIGHTS IN MUSICAL WORKS

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INTRODUCTION

When it comes to the notion of copyright, music is one of the most protected works. Lyrics, music, and other parts of a song are all important. These elements can be safeguarded individually or jointly. For example, the words of a song can be protected as a literary work under the Copyright Act, but the copying of music can be limited by considering it as a musical composition. It can also be safeguarded as a group. The lyricist owns the copyright in the first situation, whereas the composer owns it in the second. When these are protected as a single recording, however, the producer retains the copyright. A music work is one that is made of music and contains visual symbols, as defined under section 2 (P) of the copyright statute of 1957. The Act was amended in 1994 to make it more inclusive and advantageous to the Indian music industry. In the case of original literary, dramatic, musical, and artistic works, the creator of the copyrightable work is considered as the initial owner of the copyright arising from the work, according to the endorsement. The Indian Copyright Laws have increasingly evolved to provide unique rights to their rightful owners, such as lyricists or bands of musicians. Independent Music Artists have grown more well-known than ever before, and they are hardly waiting for opportunities from Music Labels and Production Houses to jumpstart their careers. However, there is a parallel world in which the music and film industries would not exist without each other's assistance. Music is important in movies, and occasionally the music album is more popular than the film itself. Even in this case, the music composer does not gain; instead, the producer or the music label does, depending on who the rights have been granted to. The original song is formalised, edited, and assigned to the original work category. By mixing, adding, and eliminating key components of the original song, you may make new music. We grew up watching Hindi films made in Bollywood. From Rahul Roy's "Dhire Dhire Se Meri Jindagi Mein ana" to Anu Agarwal's "Dhire Dhire Se Meri Jindagi Mein ana" to Honey Singh's "Dhire Dhire Se Meri Jindagi Mein ana," The question then becomes whether it is legal to profit from an artist's original work in this manner. To qualify as an original work, the original song is embellished, edited, and transferred. Audio mixing and adding and deleting some components of the original song are used to create the new music.

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MORAL RIGHTS IN MUSIC INDUSTRY

Moral rights extend to works of literature, theatre, music, and art, as well as cinema. Song, lyrics, original album artwork, and music videos are all included. They do not extend to sound recordings, implying that while an artist may have moral rights to a song's music and lyrics, those same moral rights cannot be exercised in any recording of the same melody. Moral rights do not apply in every situation. When you create a work as an employee, for example, your employer will usually hold the copyright to that work. You will only have limited moral rights in this circumstance. This may be applicable to an artist who, for example, has signed a band agreement and works as an employee for the band's corporation or partnership. Regardless matter how they are implemented, moral rights are a strong instrument that allows artists to safeguard their work, enhance their reputation, and advance their careers in all nations where they exist. Sec 57 of the Copyright Act says about moral rights. *AmarNath Sehgal v. UOI*, it has been resolved that the creator's moral rights are the soul of his plant. You reserve the option to moderate, monitor and foster your works, whether they have a place completely or somewhat safeguarded by copyright. In spite of the fact that the music copyright regulation is very confounded, it is not difficult to protect a piece of music and gather augustness for it, basically not precisely. You should simply enlist your copyright, join the essential obligation assortment organization and choose a distributor. Recall enrolling your copyright won't just safeguard your copyright yet additionally forestall burglary. When it comes to Moral Rights in the music industry, the advantages are as follows:

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- The artist or composer has the moral right to be credited for their work at all times (or to distance themselves from work if they desire).
- They have the right to object to objectionable usage under their moral rights.

The significance of the first right is self-evident. Many musicians, particularly session musicians, are underpaid for their efforts. Moral rights guarantee that such musicians and composers have the right to be recognised and will be given the recognition they deserve. This aids in the development of their professions by allowing artists to create a thoroughly documented résumé of their work. The second is as significant since it permits artists to protest to the offensive use of their work. The artist finds distasteful the use of their music in political campaigns, which has been a frequent subject this election cycle, or the usage of their music in films. The latter was an issue for artist Connie Francis, who sued in 2002, claiming that her music was being used inappropriately in "sexually oriented" films. Francis' lawsuit was

dropped in 2003, which was unfortunate for her. If European-style moral rights had been enshrined into legislation for other countries, it would have had a lot greater chance.

REVISIONS AFTER 2012

Many people believe that moral rights might be readily addressed through contracts, and that musicians frequently negotiate attribution and credit conditions as part of their confabulations. However, these confabulations are sometimes unequal in nature, especially with young artists, and artists are frequently pushed to relinquish rights that may come back to harm them later due to a lack of bargaining strength. Even if they were capable of great brilliance in their work, most of the famous and prominent cinema artists and musicians in India at the time were unable to gain rights and financial position. Producers were offered a royalty for performance rights in previous court battles. In recent years, Javed Akhtar has spoken up and done everything he can to protect the rights of individuals who work in the entertainment sector. On the 7th of June 2012, when it obtained the President's general assent, a modification was made. "The change did align the Copyrights Act with the WIPO Copyrights Treaty and the WIPO Performances and Phonograms Treaty, and it went well beyond that." There has been remarkable improvement in the musical/entertainment world to defend their rights since the year 2012 revisions and broad knowledge among musicians with respect to their statutory rights (as creators of such original work). The 2012 amendment primarily achieves this goal by ensuring that artists are paid royalties for their original work and that their moral rights are protected under the statute. For example, if Z sings the song "Koi mil Gaya" and assigns the rights to K, despite the fact that Z and K have reached an agreement, Z would have the right to be recognised as the performer and to prevent others from distorting it. Similarly, the singer of the song has some rights, such as performer's rights and moral rights. In the case of *Neha Bhasin v. Anand Raaj Anand*, (2006) 132 DLT 196, a learned Single Judge of the Delhi High Court examined the moral rights of an author and acknowledged the right of the vocalist to be credited as the principal female singer rather than just a singer. Section 52 (1) (j) specifies that particular purposes and adjustments of works, for example, music and sound accounts require the copyright proprietor's assent. It establishes a legitimate permit to involve a protected work with a specific goal in mind, given that the client pays the fundamental expenses and consents to the law. On account of *Gramophone Co v. Super Cassettes*, the court held that getting the consent of the first proprietor of a piece of music is necessary. The court gave the contrary view on account of *Gramophone Co v. Mars* was that insofar as the circumstances of sec 52 (1) (j) of the copyright act are followed, there may be no encroachment, there isn't any need of gaining

a consent. Super Cassette Industries restricted v. Bathla Cassette Industries PVT. "Restricted, the court has chosen not to change the artist's vocal concert since it is a integral piece of the song and can't be changed, excluding earlier assent of the proprietor of a musical work as indicated by section 52 (1) (J)".

