



## THE FUTURE OF TRADITIONAL MUSIC IN THE DIGITAL AGE: COPYRIGHT CHALLENGES

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### ABSTRACT

*India's cultural heritage is represented, widely, by its traditional music which reflects the diversity and history of its communities. This era of digital platforms shows both opportunities and challenges for its protection and circulation. Though platforms like YouTube, Spotify, Amazon Prime Music, and various social media platforms offer unparalleled global outreach, they also show various problems about copyright infringement, misallocation of funds, and loss of profits from the original publishers. This article evaluates the role of digital technologies in protecting traditional music through high-quality recordings, digital archives, and international conventions such as the Berne Convention and UNSECO protocols. It focuses on innovative solutions like blockchain and digital watermarking to regulate fair recognition and compensation for traditional musicians. The solution to these issues must be addressed using a multi-face strategy encompassing legal controls, technological advancements, and education policies. This article explores how traditional music can be safeguarded by the Copyright Act while using digital technology for broader dissemination and conservation.*

**Keywords:** Copyright Law, Traditional Music, Blockchain Technology, Folk Music, Digital, Platforms, Preservation, Ownership.

Traditional music is an essential heritage of India's cultural legacy, it showcases the richness and diversity of its varied communities. In the emerging digital age, this rich heritage is tackled with both challenging opportunities and great challenges. Technological platforms have developed so rapidly in a way that music can be accessed and shared very conveniently, offering unprecedented reach for traditional music. However, these same technologies also

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challenge the risks of protecting intellectual property. Platforms that upload music like YouTube, Spotify, Amazon Music, etc., and social media applications like Instagram, etc. have made access to traditional music universal, providing artists and communities with a platform to make their music accessible to international audiences. Such visibility can create new avenues for traditional musicians in the form of collaborations, performances, and patronage.

The Baul musicians of West Bengal, have had their spiritual and soulful music celebrated globally through the digital platform. What used to be restricted to local festivals and get-togethers is now accessible to the world. This not only serves to safeguard the music but also ensures economic rewards to the artists. Likewise, Coke Studio Music also collaborates with legendary singers and introduces the traditional folklore of various unexplored regions through its YouTube channel to give a platform to regional singers and music.

Digital technologies provide innovative ways to document and archive music traditions. A high-quality recording, digital library, and web archives can guarantee that the music tradition is preserved for generations to come. Different efforts made to preserve traditional music gave rise to many projects such as the "Digital Archive of North Indian Classical Music" and numerous regional projects provide examples of fruitful preservation. They can hold large data, such as audio recordings, notations, and historical accounts, which researchers, students, and enthusiasts globally can access. "Sangeeta Kedia" is a comprehensive digital encyclopedic repository of Indian classical music comprising audio clippings, video performances, and detailed insights into different ragas and talas. It is such an initiative that contributes enormously to preserving traditional music and making it known to more and more people.<sup>1</sup>

The convenient access to sharing and distributing music online raises the stakes of copyright violation and results in digital piracy. Unverified usage and copying of traditional music may result in loss of income and credit for the original artists and communities. Regulating and enforcing copyright in the digital realm is a complex and ongoing challenge. The musicians belonging to earlier generations often lack the money, resources, and knowledge to protect their intellectual property effectively. The unverified sampling of traditional music in commercial songs without proper attribution or compensation is a common issue. This not only takes the right from the original creators of their rightful income but also leads to the erosion

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<sup>1</sup> The Future of Music Copyright Law in the Digital Age, <https://www.legalserviceindia.com/legal/article-10279-the-future-of-music-copyright-law-in-the-digital-age.html>, accessed on February 25, 2025

of the cultural context of the music. Ethical Legal practices must be maintained to ensure that traditional musicians are recognized and given their due space for their contribution.

Web-based platforms can allow for the misdistribution of old music, under which cultural traditions are employed without consent or appropriate permission. Such practices raise moral and legal questions regarding the protection of the rights and dignity of the communities behind these musical forms and their ongoing preservation. Moral/legal use and just compensation matter in the modern digital era. A very important example is the use of tribal music by popular artists without crediting the actual creators. This not only violates the intellectual property rights of the communities but also erodes their cultural identity. Ethical Legal practices should be ensured to make sure that traditional musicians are credited and awarded their rightful place for their contribution.<sup>2</sup>

India can appeal to international treaties such as the Berne Convention and the UNESCO Convention for the safeguarding of Intangible Cultural Heritage in a bid to protect traditional music. These legal frameworks give directives to recognize and protect traditional cultural expressions, giving way to a foundation for legal protection in the virtual world. In aligning the national laws with the international norms, India may establish new systems for all-encompassing protection for folk music. The Berne Convention guarantees automatic copyright protection by member states to employees from other member states and thus protects them with international protection and recognition. The UNESCO Convention is also dedicated to the necessity of protecting intangible cultural heritage such as traditional music and prompts member states to apply suitable solutions.

With proper plans and joint initiatives, the destiny of traditional music can be preserved in a manner that is humble and respectful towards its rich heritage. Preservation of traditional music during this digital age needs a multi-faceted approach that merges legal, technical, and education-based strategies. By overcoming the challenges using the opportunities provided by digital technologies, India can ensure that its traditional music continues to be vibrant and is passed on to future generations. Besides, digital watermarking can also be applied to establish an open and unalterable history of ownership and use the rights of a track of music. This can be used to resolve conflicts and to ensure that royalties are properly disbursed to their owners.

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<sup>2</sup> Carugno, G. "How to Protect Traditional Folk Music? Some Reflections upon Traditional Knowledge and Copyright Law." *Int J Semiot Law* (2018) PL 31

Furthermore, digital watermarking can include a distinctive tag in audio files, which simplifies tracking and monitoring the utilization of traditional music on the Internet.

It is important to empower communities with knowledge and means to safeguard their musical heritage. Legal aid, awareness programs, and workshops can make communities knowledgeable and empowered with the right to use their rights and confront the complications of copyright law. Raising awareness among traditional musicians regarding their rights and assisting them with proper legal support/resources can help save their intellectual property in a great way.<sup>3</sup> "Indigenous Rights in Copyright" which has been further combined with the already existing copyright laws draws attention to educating various communities about copyright law and enabling them with the tools to safeguard their cultural expressions. Such programs can help protect traditional music and certify that the creators receive their due recognition and benefits.<sup>4</sup>

Collaboration among government bodies, NGOs, cultural organizations, and technology companies can promote the preservation of traditional music. These collaborative efforts can include creating digital archives, developing ethical guidelines for usage, and establishing platforms for fair revenue sharing. These joint initiatives can provide the required support and compensation to traditional musicians and secure their rights. Government bodies can play an important role by making and enforcing laws that safeguard traditional music and providing financial support for protecting projects. Cultural organizations can be formed to work at ground level to raise awareness and provide support to traditional musicians. Technology companies can develop and implement tools for tracking and protecting traditional music online.

The Online age presents both significant challenges and exciting opportunities for the protection of traditional music in India. By using digital technologies and securing legal frameworks, India can safeguard its musical culture while ensuring that traditional musicians, and communities get an advantage from the global community and recognition that digital platforms can furnish. Through proper planning and joint action, the future of folk music can be protected in a way that is dignified and honors its vast cultural heritage. The security of folk music in this digital era requires a way that addresses the legal, technological, and educational

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<sup>3</sup> Copyright & Traditional Music, <https://imro.ie/music-creators/about-copyright/copyright-traditional-music/>, accessed 15 February 2025

<sup>4</sup> Akshat Agrawal, <https://iprmentlaw.com/2019/01/07/copyright-in-traditional-songs/>, accessed 18 February 2025

domains. By reducing the challenges, and using the opportunities offered by digital technologies, India can keep its traditional music alive and flourish for future generations. The efforts to preserve traditional music must be combined instead of the cultural heritage and the rights of the communities that have safeguarded and developed these musical traditions for generations.

Moreover, blockchain technology can also be used as a promising solution for protecting digital content, as well as traditional music. It can also produce an unalterable record of use and ownership rights, such that, once a composition of music is registered, its origin and ownership can't be misused. This is an open and safe method of tracking how folk music is being used and ensuring that creators are given proper credit and compensation. When a song is put into a blockchain-based website, the creator's credits of the song, the terms of use, and all transactions about the song can be saved forever. This not only makes it easier to settle possession disputes but also makes a distinctive record of how the song is being used, which makes it easier to administer copyright and pay royalties. Likewise, Digital watermarking can also be triggered as yet another technology that can be leveraged to protect traditional music. By incorporating a unique identifier into the audio file, digital watermarking allows creators and rights owners to track where and how their music is used digitally. It can prove to be particularly beneficial in identifying illegal use and initiating the appropriate steps.

Traditional music often lands in a gray area of copyright law, which is generally biased toward protecting individual artists rather than communities. To address this, India can modify its copyright laws to align with the unique character of traditional music. This entails granting collective ownership and legislating communities to claim their rights. Legislation can also be revised to provide that traditional music is safeguarded against contemporary methods of misappropriation, including sampling and remixing without permission. By piling up provisions that are specifically tailored to the needs and rights of traditional musicians, the law can provide more secure protection. National laws are important, yet international collaboration is important in protecting traditional music. India can collaborate with other countries and world institutions in formulating and enforcing standards for the protection of traditional cultural expressions. This includes involvement in international programs and agreements towards the conservation of intangible cultural heritage. Through engagement in UNESCO programs, India can be a part of and benefit from international campaigns towards the protection of traditional music. These collaborative efforts can result in the sharing of best

practices, access to capital, and the creation of common projects with a focus on promoting and preserving traditional music throughout the world.

This entry of traditional music into academic curricula is crucial to conserving cultural heritage. Academic institutions and schools can contribute substantially to this regard through the inclusion of courses on traditional music, its history, and cultural relevance. Not only does this make youngsters familiar with their heritage but it also generates respect and appreciation for traditional music. Educational programs can be put in place with hands-on workshops where students are taught to play traditional instruments and learn the intricacies of various musical forms. Traditional musicians and cultural practitioners can collaborate to put these programs in place, giving students a starting point and exposure.<sup>5</sup> Fairtrade music schemes can make certain that traditional artists get justly remunerated for their activity. These initiatives can involve creating labels or platforms that award a fair share of profits to the musicians. By promoting fair trade music, consumers can be encouraged to support ethical/ legal practices and help in sustaining traditional music.<sup>6</sup> A music label that operates on fair-trade principles can partner with traditional artists to record and distribute their music, with most of the profit going directly to the artists. This not only benefits the musicians economically but also guarantees that the artists maintain ownership of their work.

The future of traditional music in this era of digital technologies hangs in balance. While digital technologies offer unprecedented opportunities for preservation and dissemination, they also raise unparalleled challenges concerning intellectual property protection and ethical usage. Through the enforcement of innovative technological solutions, enhancing legal legislation, strengthening education initiatives, generating public awareness, and economically authorizing traditional musicians, India can secure its rich musical heritage. All stakeholders, such as government agencies, cultural institutions, technology firms, and the local arenas themselves, must work together to smooth out a way of sustainable, respectful environment in which traditional music can prosper. Historically speaking, we can let traditional music endure not just survival but also continue to thrive in the digital environment, enriching and inspiring us for generations forward.<sup>7</sup>

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<sup>5</sup> Copyright A Song in India, <https://cleartax.in/s/copyright-song-india>, accessed on February 18 2025

<sup>6</sup> Copyright and Classical Music: Not the Best Fusion?, <https://spicyip.com/2022/11/copyright-and-classical-music-not-the-best-fusion.html>, accessed on February 19 2025

<sup>7</sup> Music Industry and Copyright Law in India, <https://blog.finology.in/intellectual-property-law/music-industry-copyright-law-in-india>, accessed on February 20 2025