



Intellectual Property Appellate Board

Delhi Registry –Cum-Bench

G-62 to 67 & 196 to 204, August Kranti Bhawan, Bhikaji Cama Place,
New Delhi – 110 066

Tele No: 011-26180613/14 Email: delhiregistryiab@gmail.com Website: <http://www.ipab.gov.in>

Original Application No.

OP (SEC-31D)/1/2020/CR/NZ

- 1) RAJASTHAN PATRIKA PRIVATE LIMITED APPLICANT/APELLANT
- Versus
- 1) PHONOGRAPHIC PERFORMANCE LIMITED RESPONDENT
INDIA
- 2) SAREGAMA INDIA LIMITED
- 3) SONY MUSIC ENTERTAINMENT INDIA PVT.
LTD.
- 4) ZEE ENTERTAINMENT ENTERPRISES
LIMITED
- 5) SUPER CASSETTES INDUSTRIES PRIVATE
LIMITED
- 6) YESH RAJ FILMS PRIVATE LIMITED
- 7) TIPS INDUSTRIES LIMITED
- 8) EROS INTERNATIONAL FILMS PRIVATE
LIMITED
- 9) TIMES MUSIC/JUNGLEE MUSIC
A DIVISION OF BENNETT COLEMAN &
COMPANY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Sapna Chaurasia,
Mr. Kaizad Irani, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy,
Ms. Sneha Herwade, Mr. Gurmukh Choudhri,
Ms. Sanya Dua, Mr. Siddhant Gupta, Advs.

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas,
Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat
– Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Virag Tulzarpulkar Sr. Advocate Mr. Amit Jamsandekar,
Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley,
Ms. Niyati Kohli & Megha Bengani – Advocates

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

SUPER CASSETTES INDUSTRIES PRIVATE LIMITED

Mr Neel Mason, Ms Ridhima Pabbi, Mr Vihan Dang, Mr Uday S Chopra, Ms Sanyukta Banerjie, Ms Ekta Sharma, Mr Shivang Sharma, Ms Ramya Ramkumar and Ms Megha Sharma – Advocates

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

EROS INTERNATIONAL MEDIA LTD

Mr Neel Mason, Ms Ridhima Pabbi, Mr Vihan Dang, Mr Uday S Chopra, Ms Sanyukta Banerjie, Ms Ekta Sharma, Mr Shivang Sharma, Ms Ramya Ramkumar and Ms Megha Sharma – Advocates

Original Application No.

OP (SEC-31D)/2/2020/CR/NZ

- | | | |
|----|--|---------------------|
| 1) | HT MUSIC AND ENTERTAINMENT CO. LTD. | APPLICANT/APPELLANT |
| | Versus | |
| 1) | PHONOGRAPHIC PERFORMANCE LIMITED INDIA | RESPONDENT |
| 2) | SAREGAMA INDIA LIMITED | |
| 3) | TIPS INDUSTRIES LTD | |
| 4) | LAHARI MUSIC PRIVATE LIMITED | |
| 5) | ZEE ENTERTAINMENT ENTERPRISES LTD. | |
| 6) | SONY MUSIC ENTERTAINMENT PVT. LTD. | |

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Sapna Chaurasia, Mr. Kaizad Irani, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri, Ms. Sanya Dua, Mr. Siddhant Gupta, Advs.

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

LAHARI MUSIC PRIVATE LIMITED.

Ms. Geetanjali Visvanathan, Mr. Aditya Gupta & Aiswarya Kane – Advocate

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Virag Tulzarpulkar Sr. Advocate Mr. Amit Jamsandekar,
Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley,
Ms. Niyati Kohli & Megha Bengani – Advocates

Original Application No.

OP (SEC-31D)/3/2020/CR/NZ

- | | | |
|----|--|---------------------|
| 1) | MUSIC BROADCAST LIMITED | APPLICANT/APPELLANT |
| | Versus | |
| 1) | TIPS INDUSTRIES LTD | RESPONDENT |
| 2) | EROS INTERNATIONAL FILMS PRIVATE LIMITED | |
| 3) | PHONOGRAPHIC PERFORMANCE LIMITED INDIA | |
| 4) | SAREGAMA INDIA LIMITED | |
| 5) | SONY MUSIC ENTERTAINMENT PVT. LTD. | |
| 6) | SUPER CASSETTES INDUSTRIES PRIVATE LIMITED | |
| 7) | THE INDIAN PERFORMING RIGHTS SOCIETY LIMITED | |

Counsel for the Applicant/Appellant : Dr. Abhishek Manu Singhvi Sr. Advocate, Mr. Sagar Chandra, Mr. Avishkar Singhvi, Ms. Surabhi Iyer, Mr. Madhvi Khanna, Ms. Shubhie Wah, Mr. Raghu Vinayak Sinha & Ms. Garima Raonta – Advocates

Counsel for the Respondent : **TIPS INDUSTRIES LIMITED**
Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

EROS INTERNATIONAL MEDIA LTD

Mr Neel Mason, Ms Ridhima Pabbi, Mr Vihan Dang, Mr Uday S Chopra, Ms Sanyukta Banerjee, Ms Ekta Sharma, Mr Shivang Sharma, Ms Ramya Ramkumar and Ms Megha Sharma – Advocates

PHONOGRAPHIC PERFORMANCE LIMITED

Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Virag Tulzarpulkar Sr. Advocate Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani – Advocates

SUPER CASSETTES INDUSTRIES PRIVATE LIMITED

Mr Neel Mason, Ms Ridhima Pabbi, Mr Vihan Dang,
Mr Uday S Chopra, Ms Sanyukta Banerjee, Ms Ekta Sharma,
Mr Shivang Sharma, Ms Ramya Ramkumar and Ms Megha
Sharma – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Amit Dutta, Mr. Himanshu Bagai, Ms Deepshikha Sarka,
Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey –
Advocates

Original Application No.

OP (SEC-31D)/4/2020/CR/NZ

- 1) ENTERTAINMENT NETWORK (INDIA) APPLICANT/APPELLANT
LIMITED
- Versus
- 1) PHONOGRAPHIC PERFORMANCE LIMITED RESPONDENT
INDIA
- 2) TIPS INDUSTRIES LTD
- 3) SAREGAMA INDIA LIMITED
- 4) SONY MUSIC ENTERTAINMENT PVT. LTD.
- 5) THE INDIAN PERFORMING RIGHTS
SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Sapna Chaurasia,
Mr. Kaizad Irani, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy,
Ms. Sneha Herwade, Mr Gurmukh Choudhri,
Ms. Sanya Dua, Mr. Siddhant Gupta, Advs.

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas,
Mr. Eeshan Pandey & Gurnoor Kaur.

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay,
Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur
Pathak and Ms. Pranita Saboo & Ms. Astha Pandey –
Advocates

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat
– Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Virag Tulzarpulkar Sr. Advocate Mr. Amit Jamsandekar,
Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley,
Ms. Niyati Kohli & Megha Bengani – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Amit Dutta, Mr. Himanshu Bagai, Ms Deepshikha Sarka,
Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey –
Advocates

Original Application No.

OP (SEC-31D)/5/2020/CR/NZ

1) D B CORP LTD. APPLICANT/APPELLANT

Versus

1) PHONOGRAPHIC PERFORMANCE LIMITED INDIA RESPONDENT

2) TIPS INDUSTRIES LTD

3) SAREGAMA INDIA LIMITED

4) SONY MUSIC ENTERTAINMENT PVT. LTD.

5) THE INDIAN PERFORMING RIGHTS SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Sapna Chaurasia, Mr. Kaizad Irani, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri, Ms. Sanya Dua, Mr. Siddhant Gupta, Advs.

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Virag Tulzarpulkar Sr. Advocate Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Amit Dutta, Mr. Himanshu Bagai, Ms Deepshikha Sarka, Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey – Advocates

Original Application No.

OP (SEC-31D)/6/2020/CR/NZ

1) NEXT RADIO LIMITED APPLICANT/APPELLANT

Versus

1) PHONOGRAPHIC PERFORMANCE LIMITED INDIA RESPONDENT

2) SAREGAMA INDIA LIMITED

3) TIPS INDUSTRIES LTD

- 4) LAHARI MUSIC PRIVATE LIMITED
- 5) ZEE ENTERTAINMENT ENTERPRISES LTD.
- 6) SONY MUSIC ENTERTAINMENT PVT. LTD.
- 7) THE INDIAN PERFORMING RIGHTS SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Sapna Chaurasia, Mr. Kaizad Irani, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr Gurmukh Choudhri, Ms. Sanya Dua, Mr. Siddhant Gupta, Advs.

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas, Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat – Advocates

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur Pathak and Ms. Pranita Saboo & Ms. Astha Pandey – Advocates

LAHARI MUSIC PRIVATE LIMITED.

Ms. Geetanjali Visvanathan, Mr. Aditya Gupta & Aiswarya Kane – Advocate

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Virag Tulzarpulkar Sr. Advocate Mr. Amit Jamsandekar, Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley, Ms. Niyati Kohli & Megha Bengani – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Amit Dutta, Mr. Himanshu Bagai, Ms Deepshikha Sarka, Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey – Advocates

Original Application No.

OP (SEC-31D)/7/2020/CR/NZ

- | | | |
|----|---|---------------------|
| 1) | DIGITAL RADIO (MUMBAI) BROADCASTING LIMITED | APPLICANT/APPELLANT |
| | Versus | |
| 1) | PHONOGRAPHIC PERFORMANCE LIMITED INDIA | RESPONDENT |
| 2) | SAREGAMA INDIA LIMITED | |
| 3) | ZEE ENTERTAINMENT ENTERPRISES LIMITED | |

4) THE INDIAN PERFORMING RIGHTS
SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Sapna Chaurasia,
Mr. Kaizad Irani, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy,
Ms. Sneha Herwade, Mr Gurmukh Choudhri,
Ms. Sanya Dua, Mr. Siddhant Gupta, Advs.

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas,
Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat
– Advocates

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Amit Dutta, Mr. Himanshu Bagai, Ms Deepshikha Sarka,
Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey –
Advocates

Original Application No.

OP (SEC-31D)/8/2020/CR/NZ

1) SOUTH ASIA FM LIMITED

APPLICANT/APPELLANT

Versus

1) PHONOGRAPHIC PERFORMANCE LIMITED
INDIA

RESPONDENT

2) SAREGAMA INDIA LIMITED

3) THE INDIAN PERFORMING RIGHTS
SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Sapna Chaurasia,
Mr. Kaizad Irani, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy,
Ms. Sneha Herwade, Mr Gurmukh Choudhri,
Ms. Sanya Dua, Mr. Siddhant Gupta, Advs.

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas,
Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat
– Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Amit Dutta, Mr. Himanshu Bagai, Ms Deepshikha Sarka,
Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey –
Advocates

Original Application No.

OP (SEC-31D)/9/2020/CR/NZ

1) RELIANCE BROADCAST NETWORK APPLICANT/APPELLANT
LIMITED

Versus

1) SUPER CASSETTES INDUSTRIES PRIVATE RESPONDENT
LIMITED

2) THE INDIAN PERFORMING RIGHTS
SOCIETY LIMITED

Counsel for the Applicant/Appellant : Mr. Abhishek Malhotra, Ms. Sapna Chaurasia,
Mr. Kaizad Irani, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy,
Ms. Sneha Herwade, Mr Gurmukh Choudhri,
Ms. Sanya Dua, Mr. Siddhant Gupta, Advs.

Counsel for the Respondent : **SUPER CASSETTES INDUSTRIES PRIVATE LIMITED**
Mr Neel Mason, Ms Ridhima Pabbi, Mr Vihan Dang,
Mr Uday S Chopra, Ms Sanyukta Banerjie, Ms Ekta Sharma,
Mr Shivang Sharma, Ms Ramya Ramkumar and Ms Megha
Sharma – Advocates

INDIAN PERFORMING RIGHTS SOCIETY LTD.

Mr. Amit Dutta, Mr. Himanshu Bagai, Ms Deepshikha Sarka,
Ms Pallavi Sondhi, Mr. Vivek Prasad & Ms. Namrata Dubey –
Advocates

Original Application No.

OP (SEC-31D)/1/2020/CR/WZ

1) HT MEDIA LIMITED APPLICANT/APPELLANT

Versus

1) PHONOGRAPHIC PERFORMANCE LIMITED RESPONDENT
INDIA

2) SAREGAMA INDIA LIMITED

3) TIPS INDUSTRIES LIMITED

4) ZEE ENTERTAINMENT ENTERPRISES
LIMITED

5) SONY MUSIC ENTERTAINMENT PVT. LTD.

6) THE REGISTRAR OF COPYRIGHTS, NEW
DELHI

Counsel for the Applicant/Appellant : Mr. Krishnendu Datta, Mr. Ashish Verma, Mr. Hardik
vashisht & Mr. Rahul Gupta – Advocates

Counsel for the Respondent : **PHONOGRAPHIC PERFORMANCE LIMITED**
Mr. Pragyan Sharma, Mr. Neeraj K Gupta Mr. Liliaan Daas,
Mr. Eeshan Pandey & Gurnoor Kaur.

SAREGAMA INDIA LIMITED

Mr Ankur Sangal, Ms. Sucheta Roy and Mr. Shantanu Rawat
– Advocates

TIPS INDUSTRIES LIMITED

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay,
Ms. Anushree Rauta, Ms. Parul Sharma, Mr. Navankur
Pathak and Ms. Pranita Saboo & Ms. Astha Pandey –
Advocates

ZEE ENTERTAINMENT ENTERPRISES LTD.

Mr. Vipul Tiwari & Mr. Sambhav Jain – Advocates

SONY MUSIC ENTERTAINMENT PVT. LTD.

Mr. Virag Tulzarpulkar Sr. Advocate Mr. Amit Jamsandekar,
Mr. Rishi Agarwal, Mr. Vaibhav Shukla, Ms. Vinita Muley,
Ms. Niyati Kohli & Megha Bengani – Advocates

CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH	CHAIRMAN
HON'BLE SHRI. N. SURYA SENTHIL	TECHNICAL MEMBER (COPYRIGHTS)
HON'BLE S.P. CHOCKALINGAM	TECHNICAL MEMBER (COPYRIGHTS)

ORDER SHEET

01/12/2020

The learned counsel on behalf of M/s Saregama India Limited, M/s Tips Industries Ltd and M/s Super Cassettes Industries Limited have addressed for the purpose of clarification to the rejoinder argument before lunch hour. The remaining learned counsel on behalf of the respondents have concluded the arguments in the Petition filed by the broadcasters. Written synopsis be filed within one week from today in word format.

(2) While allowing the application of IPRS, public notice has been issued for 27th December, 2020,. The suggestions and submissions are to be made on 28th December, 2020 at 10 AM as agreed. Under these circumstances on behalf of the parties as well as the interested parties. It is the admitted position that the applicants have opposed the prayer laid in the application filed by the IPRS. The said objection of the applicants has been recorded in the order. However, the learned counsel for the applicants submitted that they will oppose the prayer mainly on 2 issues namely (1) No separate license is required from them in relation to literary and musical work. (2) No royalty to be fixed in relation to musical and literary work as the prayer made in the petition are only for sound recordings.

Let the matter be listed on 28th December, 2020.

-Sd/-

-Sd/-

-Sd/-

Hon'ble Shri. N. Surya Senthil
Technical Member (Copyright)

Hon'ble S.P. Chockalingam
Technical Member (Copyright)

Hon'ble Shri Justice Manmohan Singh
Chairman

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