



COURSE MANUAL

MUSIC AND COPYRIGHT L-EL-0066

Name of the responsible Faculty Instructor

Prof. Lakshmi Srinivasan

**Fall 2026
(AY2026-27)**

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intends and purposes as far the elective course, 'Music and Copyright', is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title:	MUSIC AND COPYRIGHT
Course Code:	L-EL-0066
Course Duration:	One Semester (14 Weeks)
No. of Credit Units:	4 Credits
Level:	B.A LL.B. (Hons.), B.B.A. LL.B. (Hons.), B.Com. LL.B. (Hons.), LL.B.
Medium of Instruction:	English
Pre-requisites:	Intellectual Property Law/Rights (as mandated by the University)
Equivalent Courses:	Nil

Part II

1. Acknowledgement of Course Ideators

This course was ideated and developed by Prof. (Dr.) Vishwas Devaiah and Prof. (Dr.) Indranath Gupta. It continues to be adapted and modified to incorporate recent developments, while maintaining the original framework of the ideator.

2. Course Description

This course seeks to provide a thorough understanding of copyright law as it applies to musical works. It introduces students to the economic analysis of the music industry and the justifications for copyright in musical works. It enables students to understand the different rights that an owner of musical works can exercise and the possible ways through which revenues can be maximized. It introduces students to various licensing agreements and also the complexities involved in drafting and negotiating such agreements. Owners of musical works also rely heavily on collecting societies to collect royalties on their behalf. This adds to the complexity in negotiating, licensing and enforcement of copyright in musical works. Further, varied digital platforms and technologies enable dissemination of musical works, but it also poses problems like unauthorized file-sharing and concerns about digital piracy which results in loss of revenue to copyright owners. This course will aim to understand the complexities involved in the dissemination of musical work through digital platforms as well as address issues like copyright infringement.

3. Course Aims

By the end of this course students should be able to:

1. Gain knowledge and understanding of copyright law;
2. Acquire knowledge about business and management of copyright in music;
3. Develop skills to negotiate and draft complex licensing agreements;
4. Understand the nuances involved in dealing with collecting societies; and
5. Comprehend cultural, legal and economic aspects related to music piracy.

4. Teaching Methodology

There will be four hours of lecture/seminar per week. Students are expected to read the course materials in advance of each class, whenever specified. If, however, one is unable to prepare for class on a particular day, please email before the start of class.

5. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
a. Demonstrate an ability to provide critical analysis of the legal issues, regulatory flaws and gaps in the literature. b. Demonstrate an ability to coherently present ideas	70%	Lectures and Tutorials	Research papers and a group assignment
Problem Solving Ability	30%	End-Semester Exam	

6. Grading of Student Achievement

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			materials. Will require repeating the course
Incomplete	I	0	Incomplete - “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an "I" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

7. Criteria for Student Assessments

Assessment of the participants will be based on the following criteria.

Assessment	Weightage	Remarks
Mid-term exam	30 Marks	To test the students on their critical analysis and legal reasoning
Collaborative Group assignment	30 Marks	A Group Assessment to enhance the knowledge of students on practical issues.
Quiz	10 Marks	A simplified assessment process to test the participation of students in-class.
End Semester Examination	30 Marks	There will be a compulsory end-semester examination/component for all participants of the course who have successfully met the requisite attendance as per the governing JGU policies.

Part IV

Course/Class Policies

Cell Phones, Laptops and Similar Gadgets

Cell Phones: Use of cell phones is strictly prohibited during the class. In case participants happen to have them at hand, they shall be kept switched off or in-flight mode.

Laptops and similar gadgets: Participants can use laptops in the classroom for accessing the reading materials and other learning-related purposes. However, such gadgets shall in no case be used for any other purpose. Indulging in social networking sites, emails, etc. or any such activity that may disrupt class-learning is strictly prohibited.

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Plagiarism (Course-specific policy)

Plagiarism, in any form, will not be tolerated. Participants of the course, if found guilty of plagiarism, will be subject to disciplinary action as per the relevant university policy. To avoid plagiarism, the instructor recommends the following:

1. Acknowledge whatever is borrowed by way of a citation

2. Put in quotation any sentence in which more than 12 words are in a sequence
3. In order to use an author's work, paraphrase others' ideas and then acknowledge them through citations
4. Make all borrowings, which are more than 50 words in a sequence, into a block quote

However,

5. Copying lines (more than 12 words in a sequence) or passages from other sources, not citing them, and writing the name of the source as reference in the end of the paper will be deemed plagiarism
6. After copying lines in which there are more than 12 words in a sequence and providing a citation at the end of a line or paragraph will also be deemed plagiarism
7. Copying others' assignment, though they are original, will be considered plagiarism.
8. Usage of AI tools (including but not limited to ChatGPT, CoPilot, Gemini, Grammarly, Perplexity) in any form is prohibited.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a

student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in.

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Part V

Keywords Syllabus

Key Words: Musical works, Mechanical rights, performance rights, derivative works, licensing, collecting societies, digital music, piracy, infringement

Course Design and Overview (Weekly Plan)

Week	Topic and Description	Reading/Course Materials
1.	Stakeholders of Music	<ol style="list-style-type: none">1. Allen Bargfrede and Cecily Mak (Pages 1-14)2. Siva Vaidyanathan (Chapter 4)3. The Dialogue's Study on Music (2025)4. Aditya Lal, David Hesmondhalgh & Charles Umney
2.	Copyright jacket of Music	<ol style="list-style-type: none">1. Andreas Rahmatian (2015) (Pages 78-122)2. John Butt (2015)3. David Moser and Cheryl Slay (Chapter 3)4. Nehaluddin Ahmad and Saurabh Chaturvedi5. Lionel Bently
3.	Authorship and Ownership of Musical Works	<ol style="list-style-type: none">1. Alison Firth (Pages 143-166)2. Nancy Spyke3. Neil Wilkof
4.	Reproduction/ Mechanical Rights and Distribution rights	<ol style="list-style-type: none">1. Nikhil Krishnamurthy2. Rosenlund, P.S3. Nawneet Vibhaw and Abhishek Venkatraman4. Allen Bargfrede and Cecily Mak (Chapter 6 and 7)
5.	Derivative Rights	1. Anthony Reese
6.		<ol style="list-style-type: none">2. Matthew Rimmer3. Emily Harper
7.	Author's Performance and the 'Performer'	<ol style="list-style-type: none">1. Zvi S. Rosen2. Shourin Sen3. Nikhil Krishnamurthy4. Mary LaFrance

8.	Collecting Societies	<ol style="list-style-type: none"> 1. Daniel Gervais (Pages 3-35) 2. Poorna Mysoor
9.	Music and Digital Technologies	<ol style="list-style-type: none"> 1. Allen N. Dixon (Pages 12-42) 2. Michael Schlesinger (Pages 43-70) 3. G.F. Frosio 4. Mark Lemley
10.		
11.	Moral Rights in Music	<ol style="list-style-type: none"> 1. Mira T. Sundara Rajan (Chapter 6) 2. Patrick G Zabatta 3. Brandon G. Williams 4. Jane Ginsburg
12.	Copyright Infringement and Remedies	<ol style="list-style-type: none"> 1. Margit Livingston and Joseph Urbinato 2. John S. Pelletier 3. Daksh Mitra and Aayush Modi 4. Harini Ganesh
13.		
14.		

Part VI Relevant Readings

1. Allen Bargfrede & Cecily Mak, *History of the Music Industry and Copyright Law in Music Law in the Digital Age* (Berkley Press, 2009).
2. Siva Vaidyanathan, *Copyrights and Copywrongs: The Rise of Intellectual Property and how it Threatens Creativity* (New York University Press 2003).
3. P.B. Tiwari & G. Saxena, (2025). *Tuning into Change: Empirical Insights into India's Evolving Music Industry*. *The Dialogue*
4. Aditya Lal, David Hesmondhalgh & Charles Umney (2023) *The changing shape of the Indian recorded music industry in the age of platformisation*, *Contemporary South Asia*, 31:2, 291-310, DOI: 10.1080/09584935.2023.2206998
5. David J Moser & Cheryl L Slay, *Music Copyright Law* (Course Technology 2012).
6. Nehaluddin Ahmad & Saurabh Chaturvedi (2013) *Originality requirement and copyright regime of music: a comparative overview of Indian perspective*, *Information & Communications Technology Law*.
7. Lionel Bently (2009) *Authorship Of Popular Music In Uk Copyright Law*, *Information, Communication & Society*.
8. Andreas Rahmatian (2015), 'The elements of music relevant for copyright protection', in: A. Rahmatian (ed.), *Concepts of Music and Copyright: How Music Perceives Itself and How Copyright Perceives Music* (Cheltenham: Edward Elgar, 2015), pp. 78-122.
9. John Butt (2015), 'What is a 'musical work'? Reflections on the origins of the 'work concept' in western art music', in: A. Rahmatian (ed.), *Concepts of Music and Copyright: How Music Perceives Itself and How Copyright Perceives Music* (Cheltenham: Edward Elgar, 2015)
10. Alison Firth, *Music and Co-authorship/ co-ownership* in A. Rahmatian (ed.), *Concepts of Music and Copyright: How Music Perceives Itself and How Copyright Perceives Music* (Cheltenham: Edward Elgar, 2015)
11. Neil J. Wilkof, *Continuity and discontinuity in the law of copyright: exceptions to the author as first owner*, *European Intellectual Property Review* (1991) 13(8), 288-295
12. Nancy Perkins Spyke, *The Joint Work Dilemma: The Separately Copyrightable Contribution Requirement and Co-Ownership Principles*, (1993) 11 U. Miami Ent. & Sports L. Rev. 31
13. Nikhil Krishnamurthy, "The Statutory Mechanical License in India: Whose Version [of the Law] is Correct ?", 1 MIPR A-115 (2007)
14. Rosenlund, P.S., 1978. *Compulsory Licensing of Musical Compositions for Phonorecords Under the Copyright Act of 1976*. *Hastings LJ*, 30, p.683
15. Nawneet Vibhaw and Abhishek Venkatraman, *Recording the different version-An Indian Raga*, 12 JIPR (2007)
16. Anthony Reese, "Transformativeness and the Derivative Work Right" 31(4) *Columbia Journal of Law and Arts* (2008).

17. Emily Harper, Music Mashups: Testing the Limits of Copyright Law as Remix Culture Takes Society by Storm, (2010) 39 Hofstra L. Rev. 405
18. Matthew Rimmer, The Grey Album: Copyright law and digital sampling. Media International Australia Incorporating Culture and Policy, (2005) 114(1).
19. Zvi S. Rosen, "The Twilight of the Opera Pirates: A Prehistory of the Right of Public Performance for Musical Compositions" 24 *Cardozo Arts & Entertainment Law Journal*, (2007).
20. Shourin Sen, "The Denial of a General Performance Right in Sound Recordings: A Policy that Facilitates Our Democratic Civil Society?" 21 *Harvard Journal of Law and Technology* (2007).
21. Mary LaFrance, "Are We Serious About Performers' Rights?" (2015) Scholarly Works 1180.
22. Nikhil Krishnamurthy, "IPRS v. EIMPA, Performing Right or Wrong?" 1 *Manuptra Intellectual Property Reports*, (2007).
23. Daniel Gervais, "Changing Role of Collecting Societies" in Phillip Louis Landolt (eds.), *Collective Management of Copyright and Related Rights* (Kluwer Law International 2006)
24. Poorna Mysoor, 'Of Bollywood Songs, Film Producers and Collecting Societies: Locating the Rights of the Composers', 10 *Indian Journal of Law and Technology* (2014)
25. Mark A. Lemley, 'How Generative AI turns Copyright Upside down' 25 *Science and Technology Law Review* (2024)
26. Allen N. Dixon, "Liability of users and third parties for copyright infringements on the internet: an overview of internet domains" in Alain Strowel (eds.), *Peer-to-peer File Sharing and Secondary Liability in Copyright Law* (Edward Elgar 2009).
27. Michael Schlesinger, "Legal issues in peer-to-peer file sharing, focussing on the making available right" in Alain Strowel (eds.), *Peer-to-peer File Sharing and Secondary Liability in Copyright Law* (Edward Elgar 2009).
28. Frosio, G.F., 2018. Why keep a dog and bark yourself? From intermediary liability to responsibility. *International Journal of Law and Information Technology*, 26(1).
29. Mira T. Sundara Rajan, "Moral Rights: Principles, Practice and New Technology", (OUP: 2011).
30. Patrick G Zabatta, *Moral Rights and Musical Works: Are Composers Getting Berned?* 43 *Syracuse Law Review* 1095 (1992).
31. Brandon G. Williams, "James Brown v. In-Frin-Jr: How Moral Rights Can Steal the Groove", 17 *Arizona Journal of International and Comparative Law* 651 (2000)
32. Jane C. Ginsburg & John M. Kernochan, 'One Hundred and Two Years Later: The U.S. Joins the Berne Convention', 13 *Columbia VLA Journal of Law and the Arts* 1 (1988)
33. Margit Livingston and Joseph Urbinato, "Copyright Infringement of Music Cases: Determining Whether What Sounds Alike is Alike" 15 *Vanderbilt Journal of Entertainment and Technology Law* (2013).

34. John S. Pelletier, "Sampling the Circuits: The Case for a New Comprehensive Scheme for Determining Copyright Infringement as a Result of Music Sampling" 89 *Washington University Law Review*, (2012).
35. Daksh Mitra and Aayush Modi, "Pay 'n' Play: Public Performance of Sound Recordings vis-vis Copyright Infringement" *Journal of Intellectual Property Rights* (2013).
36. Harini Ganesh, "The need for originality: Music Infringement in India" 11 *The John Marshall Law School Review of Intellectual Property Law* (2011).

CASES:

1. *Hyperion Records v Sawkins* [2005] EWCA Civ 565 (Week 2)
2. *Jean v. Bug Music, Inc.*, 2002 WL 287786, 2002 U.S. Dist. LEXIS 3176 (S.D.N.Y. Feb. 25, 2002). (Week 2)
3. *Newton v. Diamond*, 204 F. Supp. 2d 1244 (C.D. Cal. 2002), aff'd 349 F. 3d 591 (9th Cir. 2003). (Week 2)
4. *Repp v. Lloyd Weber*, 858 F. Supp. 1292 (S.D.N.Y. 1994), aff'd 132 F.3d 882 (2nd Cir. 1997). (Week 2)
5. *Julia Kogan v Nicholas Martin & others*, [2019] EWCA Civ 1645 (Week 3)
6. *Brown v Mcasso Production ltd* [2005] EWCC 1 (Week 3)
7. *Elizabeth Coffey v Warner/Chappell Music Ltd* [2006] EWHC 449 (Ch) (Week 3)
8. *Stuart v Barret* [1994] EMLR 449 (Week 3)
9. *Robin Ray v Classic FM* [1998] FSR 622 (Week 3)
10. *Beckingham v Hodgens* [2003] ECDR 6 (Week 3)
11. *Eastern India Motion Pictures v IPRS*, 1977 AIR 1443 (Week 3)
12. *Gramophone Co. of India Ltd. V. Mars Recording Pvt. Ltd. & Anor.* (Week 4)
13. *Super Cassettes Industries v. Bathla* (Week 4)
14. *Radio Today Broadcasting Ltd. v. Indian Performing Rights Society* (Week 4)
15. *Campbell v. Acuff-Rose Music. Inc.* 510 U.S. 569 (1994) (Week 5-6)
16. *Bourne v. 20th Century Fox*, 602 F. Supp. 2d 499 (S.D.N.Y. 2009) (read excerpts) (Week 5-6)
17. *Bridgeport Music, Inc. v. Dimension Films*, 383 F.3d 390 (6th Cir. 2004), (Week 5-6)
18. *Saregama v. Mosley*, 687 F. Supp. 2d 1325 (S.D. Fl. 2009) (read excerpts) (Week 5-6)
19. *VMG Salsoul v Ciccone* 824 F.3d 871 (9th Cir. 2016) (Week 5-6)
20. *ISRA v Bar and Restaurant* (<http://isracopyright.com/pdf/August-12-2016-Chapter-25.pdf>) (Week 7)
21. *Saregama India Limited vs The Indian Singers Rights Association*, Delhi High Court, Nov. 2017 (<http://lobis.nic.in/ddir/dhc/SAS/judgement/03-11-2017/SASo2112017RFAOSCOMM162017.pdf>) (Week 7)
22. *Tips Industries Limited v. Wynk Music Limited & Anr* (Week 7)
23. *IPRS v Aditya Pandey* (Week 7)

24. *Music Broadcast Pvt Ltd v The Indian Performing Right Society*, 2011 (47) PTC 587 (Bombay) (Week 8)
25. *Event and Entertainment Management Association v Union of India*, 2016, (Del) (Week 8)
26. *Chitra Jagjit Singh v. The Indian Performing Right Society Ltd.*, 2016 SCC OnLine Del 2314 (Week 8)
27. *A&M Records, Inc. v. Napster, Inc.*, 239 F.3d 1004 (Week 9-10)
28. *MGM Studios, Inc. v. Grokster, Ltd.*, 545 U.S. 913 (2005) (Week 9-10)
29. *Super Cassettes Industries Ltd. V. Myspace Inc. & Anr.*, 2011 (47) PTC 49 (Del.) (Week 9-10)
30. *Lenz v. Universal Music Corp.*, 801 F.3d 1126 (Week 9-10)
31. *Perez v Fernandez* (2012) 260 FLR 1; [2012] FMCA 2 (Australia) (Week 11)
32. *Jorgensen v Epic/Sony Records*, 351 F.3d 46 (2d Cir.2003) (Week 12-14)
33. *Saregama India v. Timothy Mosley, et al.* 635 F.3d 1284 (11th Cir. 2011) (Week 12-14)
34. *Skidmore v. Led Zeppelin*, 952 F.3d 1051 (9th Cir.2020). (Week 12-14)
35. *Francis Day Hunter v. Bron* [1963] 1A IPR 331 (Week 12-14)
36. *Bright Tunes Music Corp. v .Harrisons Music, Ltd.*, 420 F. Supp. 177 (Week 12-14)
37. *Williams v. Gaye*, 895 F.3d 1106 (9th Cir. 2018) (Week 12-14)
38. *Three Boys Music Corporation v. Michael Bolton* 212 F.3d 477 (9th Cir.2000) (Week 12-14)
39. *Jones v. Blige* 558 F.3d 485 (6th Cir. 2009) (Week 12-14)
40. *Bridgeport Music, Inc. v. UMG Recordings Inc.* 585 F.3d 267 (6th Cir. 2009) (Week 12-14)
41. *Grand Upright Music v Warner Brothers* 780 F. Supp. 182 (S.D.N.Y. 1991) (Week 12-14)
42. *Tufamerica, Inc. V. WB Music Corp* 67 F. Supp. 3d 590 (Week 12-14)