



THE RECAP

A ROUND-UP OF MEDIA, ENTERTAINMENT & GAMING INDUSTRIES' LEGAL UPDATES

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INTRODUCTION

"Great things are not done by impulse, but by a series of small things brought together."

- Vincent Van Gogh

This renowned painter is believed to have written this in a letter exchanged between himself and his younger brother Theodorus Van Gogh and has found meaning in every facet of life. In the Indian regulatory context, the Central Government is seeking to achieve greatness by overhauling Indian laws to unlock the immense potential of a digital India.

In furtherance of this ambition and with the intention of mitigating user harm and safeguarding consumer interests, the government is highlighting issues such as mandating

anti-tobacco disclaimers on streaming platforms, requiring game developers to implement responsible gaming measures for their users, but at the same time protecting our freedom of speech and expression by preventing states from arbitrarily banning 'The Kerala Story'. Such small steps are leading India to a greater future by demonstrating a discernible balance between a forward-looking perspective and a measured outlook.

In this edition of The Recap, we take note of the developments that took place during this time and acknowledge the impact it has exhibited. Echoing the sentiment, we explore the captivating stories, intriguing controversies, and visionary initiatives that have unfolded throughout May 2023, shaping the future of the gaming, media and entertainment sector and bring to you the thirteenth edition of The Recap.



OTT platforms to carry anti-tobacco disclaimers

Now it is mandatory for Over-the-top (“OTT”) streaming platforms to display anti-tobacco warnings as seen in movies screened in theatres and TV, as per a Union Health Ministry (“Ministry”) notification dated on May 31, 2023 (“Notification”), which has amended the rules under the Cigarettes and Other Tobacco Products Act, 2004 (“COTPA”). As per the Notification, it is now required for streaming services to display health warnings during scenes depicting smoking by actors. Notably, web series and films featuring smoking scenes are required to show disclaimers and health warnings not only at the beginning but also during relevant scenes.

The decision was followed by extensive discussions within the Ministry, involving the Ministry of Information and Broadcasting, industry representatives, and other stakeholders. Previously, COTPA mandated that all films and programs shown in theatres and on television channels must display anti-tobacco health spots of at least 30 seconds in duration at the beginning and middle of the content. Films are also required to include audio-visual disclaimers regarding the adverse effects of tobacco use. Furthermore, an anti-tobacco health warning must be prominently displayed as a static message at the bottom of the screen when tobacco products are shown or used in films and television programs.

While similar rules were strictly followed in films screened in theatres and by cable or network television broadcasters, concerns were raised about the lack of regulation for OTT platforms. Complaints suggested that the absence of such regulations might undermine the objectives of COTPA.

You can access the Notification [here](#).

You can read more about this development as reported in *The Hindu* [here](#).

Delhi High Court stands firm: Rejects omnibus declaration in copyright infringement battle

In the case of Ten Events & Entertainment vs Novex Communications and others, the Delhi High Court rejected the plaintiff's request for an omnibus declaration stating that it is not necessary to obtain licenses or no objection certificates (“NOC”) from copyright holders for playing their recordings in wedding ceremonies. The plaintiff, Ten Events & Entertainment providing event management services instituted the suit under Section 60¹ of the Copyright Act, 1957 (“Copyright Act”) read with Section 34² of the Specific Relief Act, 1963.

As an event management enterprise, the plaintiff organises, among other things, wedding ceremonies in luxury hotels. In the course of such ceremonies, songs are played by disc jockeys (DJs), to accompany the festivities. The hotels had written to the plaintiff, requiring the plaintiff to obtain a license from the defendants, who claim to hold copyright in these songs. These communications, from the hotels to the plaintiff were alleged to have been issued on the basis of communications from the defendants to the hotels, whereby the defendants had called upon the hotels to ensure that any person, playing songs in which, they hold copyright, obtains a license or a NOC from them before doing so.

In this regard, the Delhi High Court agreed with the submission of the defendants that an event management company such as the plaintiff, would not fall either within sub clause (i) or (ii) of Section 51(a) of the Copyright Act.³ In this regard, the Delhi High Court further held that the plaintiff does not undertake any act in relation to the recordings in which the defendants hold copyright, nor is the plaintiff the owner or person in control of the venue where these activities take place. The plaintiff could not, therefore, in any event, be a “copyright infringer” within the meaning of Section 51 of the Copyright Act. Not being the alleged copyright infringer, and not being the person to whom Novex addressed the notices, Ten Events cannot be regarded as a person aggrieved within the meaning of Section 60 of the Copyright Act, so as to be entitled to institute the present suit against Novex.

What, in essence, Ten Events was seeking to obtain is an advance ruling to the effect that it can, at all venues and in perpetuity, during wedding ceremonies organised by them—irrespective of its nature—play recordings of songs in which Novex holds copyright and communicate the same to the public, without obtaining any NOC or license. The law does not permit such an advance ruling to be sought.

Thus, noting that section 52(1)(za)⁴ cannot justify the omnibus nature of the prayers sought in the suit and interim relief as sought can't be granted, the Delhi High Court dismissed the plaintiff's application for seeking such an omnibus declaration against Novex.

You can access a copy of the Delhi High Court order [here](#).

Gujarat Titans' Melody Mayhem: Copyright Infringement Controversy in IPL 2023

In a recent development, a controversy has erupted involving the Gujarat Titans (“GT”), an Indian Premier League (“IPL”) team, which revolves copyright infringement of two famous Gujarati songs which were played during their

matches. 'Helo Maro Sambhalo Ranuja Na Raja' and 'Mara Palav No Chedlo Na Aao Chogala Re' were the songs in dispute and at the core of the controversy.

Recorded Music Performance Limited ("**RMPL**"), a registered copyright society, had filed a copyright infringement suit on May 20, 2023 after the two songs were played at GTs' matches held at the Narendra Modi cricket stadium in Motera. The petition focused on worries that the defendants are in a continuous cause of action to as they are abusing the plaintiff's copyrights for financial advantage and avoiding their need to seek licences from the plaintiff society.

The GT franchise gave an undertaking before a Commercial Court in Gandhinagar and swore under oath in front of the judge that they would not play the music during the Qualifier 2 and championship match of the IPL.

You can read more about this development as reported in Times of India [here](#).

The story of 'The Kerala Story'

The Kerala High Court refused to stay the release of the controversial film 'The Kerala Story' ("**Movie**"), which hit theatres on May 05, 2023. Refusing to stay the release of the film while considering a batch of petitions, the Kerala High Court observed that the Movie only says it is 'inspired by true events'. It was also noted that the Central Board of Film Certification ("**CBFC**") has certified the Movie for public viewing. During the hearing the trailer was reviewed, and it was opined that there was nothing offensive to any particular community and that the producers have added a disclaimer that the Movie is a fictionalised version of events. Subsequently, the Madras High Court also rejected a public interest litigation ("**PIL**") petition seeking a ban on the Movie. Later, the Supreme Court also refused to interfere with the release of Movie or pass any orders for urgent listing of the case before the Kerala High Court.

Post release of the Movie, Supreme Court on May 12, 2023 issued notice to stay the ban in the State of West Bengal and State of Tamil Nadu on a writ petition filed by the makers of the Movie challenging the decision of the State of West Bengal to ban the Movie. The makers also alleged that the Movie was facing a shadow ban in State of Tamil Nadu and sought protection for screening the Movie in the southern state.

In this regard, senior advocate Harish Salve, appearing for the producer of the Movie, said that on the date of the release of the Movie, the Chief Minister of West Bengal made a statement against it, stating that it is against a community and the exhibition can cause law and order problems. The State of West Bengal banned the Movie after it ran for three days without any problems. Further, in State of Tamil Nadu, the film faced a "de facto ban", as the exhibitors have withdrawn the movie after threats.

The counsel for the State of West Bengal mentioned that the state government under Section 6 of the West Bengal Cinemas (Regulation) Act 1954 has the power to restrict the exhibition of the film and in furtherance of this had opposed the grant of stay. However, the CJI made a remark that since the Movie was released without any challenges in the rest of the country which have similar demographic profile as State of West Bengal, there appears to be no reason for the ban. Consequently, the Supreme Court stayed the decision of the State of West Bengal to ban screening of the Movie in the state.

The Additional Advocate General of State of Tamil Nadu was asked by the CJI about the steps taken by the State of Tamil Nadu to ensure the security and smooth running of the Movie in theatres. The Supreme Court directed the Tamil Nadu government to ensure that adequate security is provided to every cinema hall displaying the Movie and requisite arrangements are made to ensure the safety of movie goers who wish to watch the Movie in any theatre where the Movie is being exhibited. Further, the counsel of the producer has submitted that the existing disclaimer of the Movie will be extended to include the following: (a) that there is no authentic data to back up the figure of 32,000 conversions; and (b) the Movie represents a fictionalised version of events forming the subject matter of the Movie. The petition is up for hearing and final disposal on July 18, 2023.

You can read more about this development as reported in The Wire [here](#) and Organiser [here](#).

You can access copies of the orders [here](#), [here](#), [here](#).

Who owns 'Nayak': Satyajit Ray being the first owner of copyright, right to novelize screenplay vests in him

The Delhi High Court, on May 23, 2023, ruled that the late director Satyajit Ray is the original copyright owner of the 1966 Bengali film 'Nayak', and he also holds the right to novelize its screenplay. Justice C Hari Shankar presided over a case brought by RDB and Co. (HUF), represented by R.D. Bansal, who had commissioned Satyajit Ray to write and direct the film. The case sought to prevent publishing house 'Harper Collins' from creating a novel based on the screenplay written by Bhaskar Chattopadhyay. The book was published in May 2018. The plaintiff argued that the novelization and publication of the screenplay constituted copyright infringement under Section 51 of the Copyright Act.

On the other hand, 'Harper Collins' claimed that the copyright in the screenplay belonged to Satyajit Ray, and after his death in 1992, it passed on to his son Sandip Ray and the Society for Preservation of Satyajit Ray Archives ("**SPSRA**"), of which Sandip Ray is a member. 'Harper Collins' also asserted that they obtained a license from

Sandip Ray and SPSRA to create a novel based on the screenplay.

The Delhi High Court declined to issue an injunction against 'Harper Collins', allowing them to create a novel based on the movie's screenplay. It held that the right to do so could be assigned by Satyajit Ray during his lifetime and, after his death, by his son and other rightful successors under Section 18(1) of the Copyright Act. Therefore, the assignment of the right to 'Harper Collins' was valid and in accordance with the law. Justice Shankar noted that the plaintiff HUF did not challenge the grant of the right to novelize the screenplay on any grounds other than their claim of ownership of the copyright, which they believed belonged to them and not to Sandip Ray and SPSRA.

You can access the copy of the Delhi High Court order [here](#).

'Sirf Ek Bandaa Kaafi Hai': Rajasthan High Court declines to halt release

The Rajasthan High Court has rejected an interim request to halt the release of the movie 'Sirf Ek Bandaa Kaafi Hai', which is claimed to be based on the life of Asaram Bapu. The Rajasthan High Court stated that no direct evidence linking the film to Asaram Bapu was found to justify granting the relief sought by the petitioners. According to the petition, the film violates Asaram's reputation and privacy rights by depicting him as a villainous character named "Ravana" who has committed heinous crimes.

The Rajasthan High Court has also clarified that the dismissal of the stay application does not prevent either party from raising their legal concerns during the final disposal of the writ petition, based on its merits. The plea was filed by Asaram Bapu, who is presently in jail in a rape case, and Om Prakash Lakhani, a trustee of Sant Shri Asaram Ji Ashram Charitable Trust. The plea alleges that the movie was developed without Asaram Bapu's permission and portrays him in a negative light. That said, Justice Pushpendra added that the petitioners can later seek compensation for damages and defamation if there is any violation of their reputation and dignity.

You can access the copy of the Rajasthan High Court order [here](#).

Bombay High Court puts the brakes on unauthorized clips of online series Scam 1992: The Harshad Mehta Story from circulating on Instagram

The Bombay High Court has issued a restraining order against 32 Instagram accounts and an unidentified individual referred to as John Doe. This comes in response to a lawsuit filed by the creators of the online series 'Scam 1992: The

Harshad Mehta Story', alleging copyright infringement.

The plaintiff, Applause Entertainment Private Limited, holds the copyright for the book 'Scam 1992', upon which the web series is based. They have the rights to use the characters and publicize the web series and its cast members. The plaintiff claimed that 33 Instagram accounts were using significant portions of the web series, such as clips, to promote their own business activities. Despite the plaintiff's complaints to Instagram about these accounts, no action was taken.

In this regard, the Bombay High Court order instructed Meta (the parent company of Instagram) to remove the impugned and infringing posts and remove or suspend the accounts of the rogue handlers.

The dynamic injunction will remain in effect until the next hearing on June 19, 2023.

You can access the copy of the Bombay High Court order [here](#).

Advertising Boundaries Set: Delhi High Court permits Wipro's broadcast and defines limits on comparative advertising

In a recent ruling, the Delhi High Court has declined to grant an injunction against the broadcast of an advertisement by Wipro Enterprises Private Limited for its product Santoor handwash. The Delhi High Court's decision came in response to a complaint by Reckitt Benckiser Private Limited, alleging that the advertisement denigrated its own product, Dettol handwash.

The Delhi High Court emphasized that comparative advertising, which involves showcasing a competitor's product, is permissible within certain boundaries. However, it clarified that such advertising should not involve denigration or insults towards the rival product. The distinction lies in claiming the superiority of one's own goods without attributing it to any shortcomings or faults in the competitor's product.

The Delhi High Court's observation highlights that while it is acceptable to assert that the advertised product is superior to the competitor's, it is not permissible to attribute this superiority to any failures or deficiencies in the competitor's offering. An advertisement must not make claims that a competitor's goods are bad, undesirable, or inferior.

This ruling serves as a reminder to advertisers about the delicate balance between asserting the merits of their own products and avoiding disparaging competitors. The Delhi High Court's decision underscores the importance of maintaining fairness and integrity in comparative advertising, ensuring that competition remains healthy and respectful.

You can access a copy of the Delhi High Court order [here](#).

OTHER UPDATES

Leaking videos of 'Jawan': The Delhi High Court has ordered Twitter to provide necessary information regarding user accounts responsible for leaking clips from the yet-to-be-released movie 'Jawan'. Justice C Hari Shankar resolved the application filed by Red Chillies Entertainment Private Limited, who sought to restrain various pirate websites and social media platforms from infringing upon the film's copyright. The court directed Twitter to disclose the basic subscriber details and account information related to the unauthorized leakage.

You can access the copy of the Delhi High Court order [here](#).

No piracy for 'Ponniyin Selvan: II': On a petition filed by Lyca Productions, makers of 'Ponniyin Selvan: II', Justice S Sounthar of the Madras High Court ordered an injunction on the release of Ponniyin Selvan II on pirated websites. In all, 3,888 websites have been prohibited from releasing the film.

You can access the copy of the Madras High Court order [here](#).

Relief to the 'Spider-verse': The Delhi High Court has taken action against more than 100 unauthorized websites, prohibiting them from streaming the highly-anticipated animation films 'Spiderman: Across the Spider-Verse' and 'Spiderman: Into the Spider-Verse'. The decision came in response to a lawsuit filed by Sony Pictures Animation Inc., asserting its copyright ownership over the upcoming release 'Spiderman: Across the Spider-Verse' and clarifying that it has not granted any website the right to broadcast the film. The Delhi High Court was informed that the animated sequel was unlawfully available for viewing on various platforms, in clear violation of copyright laws. As a result, the Delhi High Court has issued directives to prevent the unauthorized streaming.

You can read more about this development as reported in LiveMint [here](#).



Karnataka High Court quashes INR 210 billion GST notice against Gameskraft

The Karnataka High Court on May 11, 2023 ordered the quashing of INR 210 billion (Indian Rupees Twenty-One Thousand Crores) show-cause notice issued by the Directorate General of Goods and Services Tax Intelligence (“**DGGI**”) against online rummy operator Gameskraft Technologies Pvt. Ltd. (“**Gameskraft**”) as being illegal, arbitrary and without jurisdiction or authority of law. This matter pertains to the biggest ever (in value) show-cause notice in indirect taxation which was issued to Gameskraft in September 2022. The DGGI alleged that the online gaming operator was involved in ‘betting and gambling’ and liable to pay GST on the full value of the amount staked by the user at the rate of 28%. It was also alleged that Gameskraft is guilty of evasion of GST by misclassifying their supply as services and mis-declaring their taxable value. Aggrieved with the order, Gameskraft approached the Karnataka High Court praying for the show-cause notice to be quashed and set-aside.

In its 325-page quashing order, the Karnataka High Court observed that:

- There is a distinction between games of skill and chance and rummy is a game of skill. A game of skill played online and/or with stakes continues to remain as a game of skill.
- The terms “betting” and “gambling” under Schedule III Entry 6 of the Central Goods and Service Tax Act 2017 (“**CGST Act**”) must be interpreted according to various Supreme Court of India (“**Supreme Court**”) precedents on this subject, which construe and hold them as games of chance.
- Therefore, the terms “betting” and “gambling” appearing in Entry 6 of Schedule III of the CGST Act do not and cannot include games of skill within their ambit.
- Thus, Entry 6 of Schedule III to the CGST Act is not applicable to online rummy, whether played with or without stakes as well as to other online games which are also substantially and preponderantly games of skill.
- Online rummy and other games played on Gameskraft’s platform are not taxable as betting and gambling under the CGST Act and rules.
- Consequently, the show-cause notice issued to Gameskraft is illegal, arbitrary and without jurisdiction or authority of law and deserves to be quashed.

The judgment has for the first time cleared the air around levy of GST on online game qualifying as games of skill. The said judicial precedent is likely to provide a much-needed breather to the sector as several gaming operators were in receipt of similar notices by the revenue department. It is also pertinent to note that the rate of tax and value on which such tax should be imposed, for online gaming, is also pending before the GST Council which is due to meet on July 11, 2023. Despite the judgment by Karnataka High Court, the battle is not completely won by the sector yet. Even at this stage, the GST Council may propose any tweaks in the provisions relating to rate or value, for the purpose of taxing online skill-based gaming operators at par with betting or gambling.

You can access a copy of the Karnataka High Court order [here](#).

You can read a more detailed analysis of the Karnataka High Court order as published by our firm [here](#).

CBDT issues guidelines on TDS on online gaming

The Central Board for Direct Taxes (“**CBDT**”) on May 22, 2023 issued rules and guidelines regarding the computation of ‘net winnings’ for deducting Tax Deducted at Source (“**TDS**”) on online gaming under the Income Tax Act 1961. New TDS provisions for online gaming have been made effective from April 01, 2023. The introduction of Rule 133 of the Income Tax Rules 1962 and guidelines from the CBDT have provided clarity to online gaming operators subject to the new TDS regime.

The scope of ‘net winnings’ has now been clarified to mean the aggregate amount of deposits, withdrawals and balances across multiple user accounts. Given that tax must be deducted at source on the ‘net winnings’, at each stage of withdrawal and at the end of each financial year, the rules provide for a computation formula in respect of ‘net winnings’ comprised in the first withdrawal, each subsequent withdrawal and at the end of financial year. Bonuses and incentives issued by online gaming platforms which get recharacterized after their application on games are to be treated as taxable deposits. An exemption from TDS has been granted for cases where net winnings in withdrawals do not exceed INR 100 (Indian Rupees One Hundred) in a calendar month. There is also guidance provided regarding the valuation of ‘winnings in kind’.

Gaming operators have been given time till June 07, 2023 to effectively comply with the new TDS provisions, failing which they will be subject to penal consequences.

You can access the amendments to Income Tax Rules 1962 and guidelines from the CBDT [here](#) and [here](#).

You can read a more detailed analysis of the CBDT guidelines as published by our firm [here](#).

Bombay High Court dismisses FIR against online game, calls it a game of skill

A Division Bench of Justices Sunil Shukre and MM Sathaye of the Bombay High Court quashed⁵ the FIR filed against the developers of online game 'Wingame'. The FIR was filed under the [Maharashtra Prevention of Gambling Act, 1887](#) ("**Maharashtra Gaming Act**") alleging that the online game involved gambling. The FIR alleged that on a raid conducted by the police, they found several numbers appearing on a computer screen which in their view amounted to gambling.

The game developers informed the Bombay High Court that the game requires users to answer various math-based multiple-choice questions. The user has to calculate and choose the right answer in a set time frame. According to the developers, each quiz has 2 questions which must be answered in 30 seconds. The Bombay High Court reviewed the game manual and a model answer sheet in which points are calculated based on the answers submitted by the user. On doing so, it observed that the game is not a game of chance but involves a mathematical skill which must be exercised in a time-bound manner. In view of this, the Bombay High Court held that no offence has been made out as alleged in the facts and circumstances of the case, and the FIR was accordingly quashed and set aside.

You can access an official copy of the Bombay High Court order [here](#).

MIB writes letter to states on outdoor advertisements of online betting platforms

The Secretary of Ministry of Information and Broadcasting ("**MIB**") Apurva Chandra has written a letter to the Chief Secretaries of all states and union territories asking them to curb advertisements of online betting platforms on outdoor media. This letter comes in the backdrop of multiple advisories issued by the MIB in the recent past restraining print, electronic media and television channels from publishing advertisements of online betting platforms. These platforms were also advised against displaying advertisements in India or targeting such advertisements towards the Indian audience.

In its letter, the MIB has stated that while such advertisements have been largely curbed in mainstream print, electronic, and digital media, it has now come to their notice that some betting and gambling platforms have started using outdoor media such as hoardings, posters, banners, auto-rickshaw branding, etc. to promote their websites/apps in India. The

letter has requested the states to ensure that appropriate action is taken to curb outdoor advertisements for betting and gambling platforms.

You can read more about this development as reported in the Economic Times [here](#).

You can access the earlier advisories issued by MIB [here](#), [here](#) and [here](#).

MeitY allows Battlegrounds Mobile India to return on a 'trial' basis

The Union Ministry of Electronics and Information Technology ("**MeitY**") has allowed Battlegrounds Mobile India ("**BGMI**") to be re-launched in India on a 'trial' basis for 3 months making it the first app to be re-launched since the recent removal of over 300 apps from app stores in India since 2020. A modified version of BGMI was launched on the Google and Apple app stores on May 29, 2023 with the following changes:

- Players will be warned that they are entering a virtual world before logging in to BGMI.
- Minor players will require an OTP authentication from their parent/guardian for allowing the minor to play. In addition to this, minors can only play for a maximum of 3 hours per day.
- Players will be reminded to take breaks at regular intervals.
- A maximum daily spending limit of INR 7,000 has now been implemented.
- Reduction in violence, bloodshed and moderated language parameters to maintain a healthy gaming culture.

BGMI was removed from app stores in India in July 2022 due to alleged data security concerns and was the second game owned by Krafton, the first being Playerunknown Battlegrounds ("**PUBG**"), that was blocked by the central government. PUBG's ban led to Krafton cutting ties with Chinese partner Tencent, and thereafter setting up an Indian entity for re-launching BGMI, a game specifically created for their Indian user base. Minister of State for MeitY Rajeev Chandrashekhkar tweeted that BGMI's return is for a 3 months' trial as the game has complied with issues of server locations and data security. He also mentioned that MeitY will monitor issues of user harm and addiction during BGMI's trial period before taking a final decision on the fate of the app.

You can read more about this development as reported by MoneyControl [here](#).

You can access Rajeev Chandrashekhkar's tweet and Krafton's statement [here](#) and [here](#).

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1. Section 60 - **Remedy in the case of groundless threat of legal proceedings**:- Where any person claiming to be the owner of copyright in any work, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of an alleged infringement of the copyright, any person aggrieved thereby may, notwithstanding anything contained in Section 34 of the Specific Relief Act, 1963 (47 of 1963), institute a declaratory suit that the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats and may in any such suit –
 - (a) obtain an injunction against the continuance of such threats; and
 - (b) recover such damages, if any, as he has sustained by reason of such threats:Provided that this section shall not apply if the person making such threats, with due diligence, commences and prosecutes an action for infringement of the copyright claimed by him.
 2. Section 34 - **Discretion of court as to declaration of status or right**: – Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief:
Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.
 3. Section 51 – **When copyright infringed**: Copyright in a work shall be deemed to be infringed – (a) when any person, without a licence granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act— (i) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or (ii) permits for profit any place to be used for the communication of the work to the public where such communication constitutes an infringement of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be an infringement of copyright;
 4. Section 52- **Certain acts not to be infringement of copyright**:— (1) The following acts shall not constitute an infringement of copyright, namely... (za) the performance of a literary, dramatic or musical work or the communication to the public of such work or of a sound recording in the course of any bona fide religious ceremony or an official ceremony held by the Central Government or the State Government or any local authority.
Explanation.— For the purpose of this clause, religious ceremony including a marriage procession and other social festivities associated with a marriage.
 5. Akshay Anant Matkar & Anr. V State of Maharashtra & Anr (WP/1175/2023)

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