



Delhi Club Playing Unlicensed Music Ordered to Render Accounts

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In relatively quick succession, benches of the Delhi High Court have upheld the right of singers to receive royalties if their copyrighted work is used in a commercial setting. The Delhi High Court imposed costs of Rs. 20,000 and issued a permanent injunction restraining Night Fever Club and Lounge (defendant; Delhi-based establishment) from playing unlicensed music to its customers. In 2014, discovering unlicensed use of its repertoire, the Indian Singers' Rights Association (plaintiff) had served cease and desist letters and requested the defendant to obtain a "Performer's Rights Clearance Certificate" to continue playing the copyright-protected music. The plaintiff submitted that it manages the works of many notable singers, including Lata Mangeshkar, Alka Yagnik and Kumar Sanu. Its tariffs for commercial use add up to no more than a fraction of the total turnover of a business, and enable transparent access to the repository. Pronouncing its order, the court took cognisance of performers' exclusive right to communicate and distribute to the public and their inalienable right to receive royalty when their creations are exploited commercially. It noted that by playing songs without payment of royalty to plaintiff the defendant was violating these rights. *Indian Singers' Rights Association v Night Fever Club and Lounge* In an earlier order, on 12 August 2016, the Delhi High Court had passed the [first final decision](#) holding that singers are entitled to receive royalty when their work is exploited commercially.

