



The Indian Performing Right Society Limited

Regd. Office : 208, Golden Chambers, 2nd Floor, New Andheri Link Road, Andheri (W), Mumbai - 400 053.
Tel : (022) 2673 3748 / 49 / 50 / 6616 Fax : (022) 2673 6658 Fax. No. (022) 2673 6658.
E-mail - admin@iprsdtd.com Visit us at : www.iprs.org

328

Ref:IPRS:SHE:RK:872: 2009

16th January, 2009

Mr. G R Raghvendra
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
B2/W3, Curzon Road Barracks,
K.G. Marg,
New Delhi 110001

Subject: Complaint by some lyricists and composers regarding non-payment of royalties

Dear Sir,

This is in reference to your letter dated 14th January, 2009 received by us regarding the above subject matter the same was discussed with the Executive Committee Directors.

In this regards I would like to keep you posted that the society (IPRS) had provided you on your letter dated 12th June, 2008 asking for the details of royalty distributed to the members vide our letters dated 25th June and 4th July 2008 were in we had provided the royalty distribution details for 2007-08, 2006-07 and 2005-06.

2/2009/CRB
23/1/09

The Society has distributed royalties to all its eligible members, we would like you to provide us with the list of the more than 17 lyricist and composers who have complained on non-payment of royalty, so that we could provide you with our reply on the same.

Thanking you with Warm and Musical Regards.

Yours sincerely,
For **The Indian Performing Right Society Limited**


Rakesh Nigam
Chief Executive Officer

6002
23/12

L.O
SO (WIPO)

Administrative Office - North
B 317, Som Datt Chamber, 1-5,
Bhikaiji Cama Place, New Delhi - 110 066.
Tel. : (011) 2610 1556 • Telefax : 2610 1572
E-mail : delhioffice@iprsdtd.com

Administrative Office - East
Room No 2, Asian Hotel
P-38, Princep Street,
Kolkatta - 400 072 Telefax : (033)4005 4450/4453
E-mail : kolkattaoffice@iprsdtd.com

Administrative Office - South
Parsn Paradise, Resi. Apts., D-1 Block, IInd Floor,
109, G.N.Road, T. Nagar,
Chennai - 600 017 • Telefax : (044) 2834 1056.
E-mail : chennaioffice@iprsdtd.com

Member : International Confederation of Societies of Authors & Composers (CISAC)
: Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India.



The Indian Performing Right Society Limited

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Ministry of Human Resources Development
Department of Secondary & Higher Education
B2/W3, Curzon Road Barracks
K.G. Marg,
New Delhi 110001

Subject: Complaint by some lyricists and composers regarding non-payment of royalties

Dear Sir,

This is in reference to your letter dated 14th January, 2009 received by us regarding the above subject matter the same was discussed with the Executive Committee Directors.

*3/2009/CRB
29/1/09*

In this regards I would like to keep you posted that the society (IPRS) had provided you on your letter dated 12th June, 2008 asking for the details of royalty distributed to the members vide our letters dated 25th June and 4th July 2008 were in we had provided the royalty distribution details for 2007-08, 2006-07 and 2005-06.

*Urgent
on file*

The Society has distributed royalties to all its eligible members, we would like you to provide us with the list of the more than 17 lyricist and composers who have complained on non payment of royalty, so that we could provide you with our reply on the same.

Thanking you with Warm and Musical Regards.

Yours sincerely,
For The Indian Performing Right Society Limited

*L/O
S.O. (H/O)
m.d.c.
2011
2011*

Rakesh Nigam
Rakesh Nigam
Chief Executive Officer

Administrative Office - North
B-317, Som Datt Chamber, 1-5,
Bhikaji Cama Place, New Delhi - 110 066.
Tel. : (011) 2610 1556 • Telefax : 2610 1572
E-mail : delhioffice@iprs Ltd.com

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Room No 8, Asian Hotel
P-38, Princep Street,
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E-mail : kolkataoffice@iprs Ltd.com

Administrative Office - South
Parsh Paradise, Resi. Apts., D-1 Block, 11nd Floor
109, G N Road, T. Nagar,
Chennai - 600 017 • Teletax : (044) 2834 1055
E-mail : chennaioffice@iprs Ltd.com

Member of International Confederation of Societies of Authors & Composers (CISAC)
Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India

TWO PAGES



MUSIC DIRECTOR



VACHAN, 14-MEERABAGH COLONY, SANTACRUZ (WEST), MUMBAI - 400 054.

TEL : 2660-2846
FAX : +91 (22) 2660-5012
e-mail : ravimusicdir@hotmail.com

Shri Amit Khare,
Incharge Copy Right,
Ministry of H.R.D,
New Delhi.

January 24, 2009

Re: The harassment of Publishers to the Composers and Authors.

Dear Khare Saheb,

I was very happy to meet you and am very thankful to you for giving me time to be with you to make a complaint against IPRS and the Publishers personally. Though you were very busy still you very kindly accommodated me, called me to your office and very peacefully heard the matter of my complaint against IPRS and its Publisher Members regarding their torture and harassment to me, a Music Composer and my cooligues the Composers and Authors by not paying us our due amount of Music Royalty and harassing us in so many other ways.

Pl. meet him during your visit to Mumbai to resolve the problem.

30/1/09

DG (BR&U)

L-8
3/2

Shri

04/02/09
15/2/2009

Khare Saheb you are really a very decent and co-operative officer in the Ministry of H.R.D, who is taking keen interest to get justice to the real and genuine owners of Music, who are being harassed and tortured by their own Society IPRS and its cunning Publisher Members .

You were very kind to assure me for immediate action by the Ministry of H.R.D against IPRS and the Publishers who are harassing the Composers and Authors and creating problems for them at every step .

Sir, during the last so many years nobody could dare to say that the Composers and Authors do not have any right on the Music-Songs they make which is the creation of Composers and Authors only and they are the real owners of total rights of music, the publishers are only Record , Cassette and CD makers, they have no right to call themselves the owners of any kind of right on the Music created by Composers and Authors as they are not creators of Music or Lyrics they are just makers of Records , Cassettes or Cds and the Records, Cassettes and Cd makers can never be called the owners of any kind of rights on music and songs .

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Sir, on 14th of January I met Shri Raghavender , director and registrar of copyrights also, in his office. and explained to him the facts of the behaviour of IPRS and the Publishers with the Composers and Authors. Shri. Raghavender has also written a very strong letter to IPRS with a warning, to pay the due money of the royalty to Composers and Authors with in 15 days and this letter is already received by IPRS the copy of which Shri Raghavender was very kind to send to me also and the copy of the same letter I am sending to you for your information.

Sir, when I was in your office, you called your steno and dictated a letter, I think that letter was to be sent to IPRS , I hope IPRS has received that letter also. After dictating that letter, you gave me some indication of a team of Copyright Section of H.R.D Ministry to quietly visit Mumbai to check the working and other activities of IPRS and the Publishers.

Sir, if you feel it OK, a member of the team can call me, I and some important Composers and Authors can meet them before they go to IPRS or meet the Publishers.

Sir, why don't you also visit Mumbai for this matter, it will be a matter of great pleasure and honor for the Composers and Authors to be with you here. We all will be very much pleased to meet you and the members of the team here.

Sir, I thank you for your kind co-operation in this above said matter , we all Composers and Authors shall pray to to God, for your long happy- healthy life and prosperity.

Thanking you,
Yours sincerely,

RAVI,
music director.

PAGE - 2

THE COPY OF THE LETTER
I HAVE WRITTEN TO IPRS

AWARDED
PADMASHRI

BY PRESIDENT
OF INDIA

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Ravi

MUSIC DIRECTOR

VACHAN, 14-MEERABAGH COLONY, SANTACRUZ (WEST), MUMBAI - 400 054

January, 24, 2009.

TEL : 2660-2846
FAX : +91 (22) 2660-5012
e-mail : ravimusicdir@hotmail.com

The C.E.O,
Indian Performing Right Society,
Mumbai

Re: My due Royalty amount you are illegally
holding.

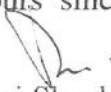
Dear Sir,

You must have received the letter dated 14th January 2009, the Registrar of copyrights , NewDelhi has written to you and the copy of which he has sent to me also.

As The Registrar has clearly written to you that no conditions for distribution of collected royalties to the members of a copyright Society are acceptable as the same are neither in the act nor in the Rules and not distributing the royalties collected to the members is illegal. You are illegally holding the money of my due royalty for the last four years .

I , therefore request you to kindly send the cheque of my due royalty amount , by post, with interest of four years as early as possible.

Thanking you ,
Yours sincerely,


Ravi Shanker Sharma,
Ravi, music director..


Copy to:- The Director and Registrar of Copyrights, New Delhi..

No.12-3/2008-CRB-Legal Unit
Government of India
Ministry of Human Resource Development
Department of Higher Education
Copyright Division

New Delhi, Dated 14th January 2009

Subject: Complaint by some lyricists and composers regarding non-payment of royalties.

This has reference to your letter dated 25th June 2008 and 4th July 2009 forwarding details of distribution of royalties to lyricists and composers who are members of Indian Performing Rights Society Ltd (IPRS). It has come to the notice of this office that music royalties collected have not been distributed to more than 17 members because they have not signed the letter as approved by the Governing Council. In case of others it has been mentioned that "in process of reaching members". The complainants have informed this office that IPRS forcing authors and composers into signing a declaration that only record companies are owners of lyrics and music compositions and that authors and composers do not own any rights. The basic objective of Copyright Society is collective administration of rights of authors and owners of the Copyright. As per Section 34 (3) of the Copyright Act, 1957 a copyright society has to collect fees in pursuance of licences issued to the users of their works and distribute such fees among owners after making deductions for its own expenses. No conditions for distribution of collected royalties to the members of a copyright society are acceptable, as the same are neither provided in the Act nor in the Rules. As per the letter dated 25.4.2008 addressed to the Hon'ble HRM by a group of authors and composers states that a Memorandum of Understanding (MOU) was signed in 1993 between Music companies and the Members of IPRS with understanding that such companies will share 50% (30% to the Composer and 20% with Author) of the performing royalty with the authors and composers. Therefore not distributing the royalties collected to the members is illegal. If pending royalties are not distributed to all the members of IPRS within 15 days of receipt of this letter, action suitable will be taken by the Copyright office with the approval of the competent authority as per the law.


G.R. Raghavender
Registrar of Copyrights
Tel. No. 2338 1894
14/1/09

To,
The Chief Executive Officer,
Indian Performing Rights Society Ltd (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road, Andheri (West)
Mumbai - 400053

Copy to: Shri Ravi Shankar Sharma (w.r.t. letter dated 11.1.2009)

Message Confirmation Report

04-FEB-2009 02:48 PM WED

Fax Number :
Name :

Name/Number : 02226605012
Page : 1
Start Time : 04-FEB-2009 02:47PM WED
Elapsed Time : 00'26"
Mode : STD ECM
Results : [O.K]


Most Immediate

F.No: 12/1/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Office of Registrar of Copyrights

New Delhi, Dated 4th February 2009

Subject: The harassment of Publishers to the Composers and Authors

This has reference to your letter dated 24th January 2009 regarding the non- distribution of royalties to author and composers who are member of Indian Performing Right Society Limited (IPRS) and your subsequent meeting with me in my office. I will be visiting IPRS, Mumbai to inquire into these complaints on 5th and 6th February 2009. It is requested that you may meet me along with other members who have grievances either between 5.00PM to 7.00 PM on 5.2.2009 or between 2.00PM to 4.00PM on 6.2.2009 to discuss the matter. The contact number is 09811415790.


(G.R. Raghavender)
Registrar of Copyrights
Tel./Fax: 2338 1894

To,
Shri. Ravi Shankar Sharma,
Music Director and Member of
Indian Performing Right Society Limited (IPRS),
Vachan, 14-Meerabagh Colony,
Santacruz (West),
Mumbai - 400 054

Fax - 022 26605012

346

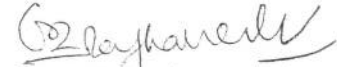
Most Immediate

F.No: 12/1/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Office of Registrar of Copyrights

New Delhi, Dated 4th February 2009

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(G.R. Raghavender)
Registrar of Copyrights
Tel./Fax: 2338 1894

To,
Shri. Ravi Shankar Sharma,
Music Director and Member of
Indian Performing Right Society Limited (IPRS),
Vachan, 14-Meerabagh Colony,
Santacruz (West),
Mumbai - 400 054

o/c

Fax no. 022 26605012

Message Confirmation Report

04-FEB-2009 01:11 PM WED

397

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Most Immediate

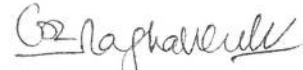
F.No: 12/1/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Office of Registrar of Copyrights

New Delhi, Dated 4th February 2009

ORDER

Subject: Complaint by some lyricists and composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS)

This has reference to your letter dated 16th January 2009 regarding the names of 17 authors and composers whose royalties are pending to be distributed. A list is enclosed for information. It is requested that reasons for non-distribution of royalties to them should be sent to us within 7 days of receipt of this letter. If royalties have not been distributed to those 17 authors and composers the same should be done within 7 days of receipt of this letter.



(G.R. Raghavender)
Registrar of Copyrights
Tel./Fax: 2338 1894

To,
The Chief Executive Officer,
(Shri. Rakesh Nigam)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West),
Mumbai - 400 053

Fax No. 022-26736658

Most Immediate

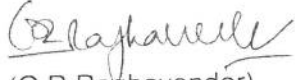
F.No: 12/1/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Office of Registrar of Copyrights

New Delhi, Dated 4th February 2009

ORDER

Subject: Complaint by some lyricists and composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS)

This has reference to your letter dated 16th January 2009 regarding the names of 17 authors and composers whose royalties are pending to be distributed. A list is enclosed for information. It is requested that reasons for non-distribution of royalties to them should be sent to us within 7 days of receipt of this letter. If royalties have not been distributed to those 17 authors and composers the same should be done within 7 days of receipt of this letter.


(G.R. Raghavender)
Registrar of Copyrights
Tel./Fax: 2338 1894

To,
The Chief Executive Officer,
(Shri. Rakesh Nigam)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West),
Mumbai - 400 053

Fax no. 022-26736658

9/c

Most Immediate

BY SPEED POST

F.No: 12/1/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Office of Registrar of Copyrights

New Delhi, Dated 29th July 2009

ORDER

Subject: Complaint by some lyricists and composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS)

This has reference to your letter dated 16th January 2009 and 4th February 2009 regarding non payment of royalties to 16 authors and composers (list enclosed). It is directed that royalties to all the members of the IPRS may be distributed within 7 days of receipt of this letter. Further, the names of members of IPRS other than the above 16 who have not been received royalties from IPRS may also be sent to the undersigned immediately.

PLJ
29/7/09

G.R. Raghavender
29/7/09

(G.R. Raghavender)
Registrar of Copyrights
Tel./Fax: 2338 1894

G/R

To,
The Chief Executive Officer,
(Shri. Rakesh Nigam)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West),
Mumbai – 400 053

**DETAILS OF ROYALTY PAYMENTS MADE BY IPRS TO COMPLAINANTS
DURING LAST 3 YEARS**

(* - Pending not signing the letter as approved by Governing Council

- in Process of reaching the member)

S.No.	Name of the Author/Composer	Year	Amount of royalty paid (Rs.)	Date of payment	Cheque Number	Remarks			
1.	Javed Aktar	2005-06	38,045.05	28.1.2006	904785				
			28,623.84	24.6.2005	876351				
			129,514.28	27.6.2005	875586				
			101,350.27	28.6.2005	904018				
			3,526.05	27.9.2005	904304				
			5,196.76	27.9.2005	904415				
			8,761.29	27.9.2005	904455				
			24,773.15	27.9.2005	904557				
			414,809.87	28.9.2005	904692				
			893.77	24.3.2006	455329				
			273,027.65	28.3.2006	618504				
					2006-07	16,140.27	31.5.2006	620023	
						390,178.28	10.7.2006	912121	
267.95	26.12.2006	152174							
164,188.28	11.10.2006	912483							
65,500.78	12.10.2006	912192							
7,103.46	13.10.2006	912555							
20,596.46	14.10.2006	912878							
		2007-08	1,281,830.67*	1.2.2008	308930				
			799,996.77*	3.3.2008	309352				
2.	Sameer	2005-06	2,268.78	27.9.2005	904301				
			31,784.58	27.9.2005	904348				
			7,597.98	27.9.2005	904420				
			29,441.11	27.9.2005	904479				
			91,769.43	27.9.2005	904586				
			1,025,573.30	28.9.2005	903914				
		2006-07	-	-	-				
		2007-08	-	-	-				
3.	Vijay Akelaa	2005-06	881.07	24.6.2005	876423				
			2,473.86	27.6.2005	903816				
			1,387.95	28.6.2005	904225				
			2,489.40	27.9.2005	904594				
			3,386.96	27.9.2005	618960				
					2006-07	992.25	11.10.2006	912135	
584.07	12.10.2006	912287							
160.82	13.10.2006	912819							
450.42	14.10.2006	912992							
500.00	31.5.2006	619771							

			7,001.77	10.7.2006	912318
		2007-08	8,788.23*	1.2.2008	308680
			18,473.28*	3.3.2008	309784
4.	Monty Sharma (Manoj Anand Sharma)	2005-06	500.00	28.3.2006	618834
			1,465.65	24.6.2005	876362
			500.00	27.6.2005	903676
		2006-07	500.00	31.5.2006	619619
		2007-08	8,977.70#	1.2.2008	307838
			6,533.62#	3.3.2008	309437
5.	Aadesh Srivastava	2005-06	1,803.00	24.6.2005	
			27,758.36	27.6.2005	
			18,823.32	28.6.2005	
			14,197.42	27.9.2005	
			874.33	27.9.2005	
			8,500.48	27.9.2005	
			4,567.94	27.9.2005	
			306,941.22	28.9.2005	
			4,851.65	28.2.2006	
			1,133.94	1.3.2006	
			32,469.43	28.3.2006	
		2006-07	11,351.37	31.5.2006	619856
			44,410.97	11.10.2006	912401
			17,920.65	10.12.2006	912148
			3,738.07	13.10.2006	912507
			9,242.19	14.10.2006	912830
			27,358.72	7.10.2006	912145
		2007-08	-	-	-
6.	Jalees Sherwani	2005-06	2,143.00	24.6.2005	
			4,047.68	27.6.2005	
			1,133.06	28.6.2005	
			10,679.71	28.9.2005	
			8,086.09	28.2.2006	
			4,117.89	28.3.2006	
		2006-07	1,955.27	31.5.2006	620135
			6,469.49	10.7.2006	912195
			11,257.38	11.10.2006	912478
			2,710.19	12.10.2006	912190
			270.86	14.12.2006	912876
		2007-08	35,605.53*	1.2.2008	308796
			15,505.13*	3.3.2008	309342
7.	Anwar Sagar	2005-06	7,804.01	28.3.2006	618562
			972.04	24.6.2005	876319
			6,816.95	27.6.2005	876560
			667.76	28.6.2005	904036
			23,139.04	27.9.2005	904430
			296.56	27.9.2005	904478

			7,202.13	27.9.2005	904537	
			2,428.99	28.9.2005	904674	
		2006-07	2,844.54	31.5.2006	619933	
			2,096.15	10.7.2006	912154	
			2,675.37	11.10.2006	912418	
		2007-08	8,654.31	1.2.2008	308676	
			17,560.67#	3.3.2008	309175	
8.	Nawab Arzoo	2005-06	5,560.48	28.3.2006	618521	
			372.98	24.6.2005	876370	
			2,927.43	27.6.2005	903303	
			1,214.03	28.6.2005	904125	
			3,190.30	27.9.2005	904567	
			10,014.27	28.9.2005	904700	
		2006-07	1,740.99	31.5.2006	619978	
			1,340.77	11.10.2006	912032	
			5,813.04	10.7.2006	912231	
		2007-08	9,566.14	1.2.2008	308690	
			14,522.16	3.3.2008	309497	
9.	Anand Srivastava/Chitragupta (Anand Milind)	2005-06	1,399.12	24.6.2005		
			35,385.40	27.6.2005		
			9,295.99	28.6.2005		
			2,760.73	27.9.2005		
			1,548.98	27.9.2005		
			9,063.35	27.9.2005		
			114,592.75	28.9.2005		
			1,982.34	1.3.2006		
			47,376.63	1.3.2006		
				28.3.2006		
		2006-07	28,255.87	31.5.2006	619816	
			23,046.41	10.7.2006	912152	
			120.93	26.12.2006	152128	
			18,485.98	11.10.2006	912413	
			2,211.80	12.10.2006	912153	
			269.85	13.12.2006	912514	
			2,444.67	14.10.2006	912839	
		2007-08	51,248.48*	1.2.2008		
			91,511.74*	3.3.2008		
10.	Milind Srivastava/Chitragupta (Anand Milind)	2005-06	1,982.34	1.3.2006	911914	
			1,399.12	24.6.2005	876364	
			35,385.41	27.6.2005	903352	
			9,295.99	28.6.2005	904115	
			2,733.99	27.9.2005	904314	
			1,548.98	27.9.2005	904497	
			9,063.36	27.9.2005	904601	

			114,592.80	28.9.2005	860032	
		2006-07	18,485.98	11.10.2006	912018	
			2,211.80	12.10.2006	912212	
			269.85	13.10.2006	912580	
			2,444.67	14.10.2006	912904	
			23,046.41	10.7.2006	91221	
			120.93	26.12.2006	152207	
		2007-08	51,248.22*	1.2.2008	308816	
			91,511.74*	3.3.2008	309453	
11.	Deep Emotions Publications (Achel Foler)	2005-06	1,147.13	24.3.2006	824080	
			17,236.85	24.3.2006	455195	
			1,000.00	27.6.2005	876505	
			19,597.02	24.3.2006	-----	
			23,795.17	24.3.2006	455224	
			64,862.26	24.3.2006	455225	
			517.98	28.3.2006	618380	
			500.00	28.3.2006	618767	- (For Bhargav V Mistry)
			28,315.31	28.3.2006	618381	
			5,658.62	27.9.2005	860093	- (For INRCO)
			3,746.18	28.9.2005	904665	- (For Plus Music)
						- (For Plus Music)
		2006-07	171.64	12.10.2006	912273	
			6,202.69	31.5.2006	619283	
			46,092.44	6.12.2006	912352	
			639.31	14.12.2006	912986	
			193.18	31.5.2006	-62013	
			14,743.15	31.10.2006	913027	
			44,976.69	31.10.2006	913026	
			3,553.14	11.10.2006	912045	
			2,204.04	12.10.2006	912227	
			608.60	13.10.2006	912812	
		2007-08	74.38#	1.2.2008	307845	
			5000.00#	1.2.2008	308227	
			500.00#	1.2.2008	308271	
			1000.00#	1.2.2008	308403	
			-	1.2.2008	308648	
			8,148.00#	1.2.2008	308659	
			32,482.02#	1.2.2008	308788	
			-	3.3.2008	307965	
			-	3.3.2008	307981	
			6,983.62#	3.3.2008	309154	
			500.00#	3.3.2008	309220	
			6,448.95#	3.3.2008	309416	
			6,533.62#	3.3.2008	309451	
			7,832.38#	3.3.2008	309700	

			987.85#	1.2.2008	308401	
			-	1.2.2008	308914	
			-	3.3.2008	307886	
			-	3.3.2008	307964	
			-	2.3.2008	307051	
12.	Lalit Pandit	2005-06	7,368.45	28.2.2006	904791	
			36,726.85	1.3.2006	911911	
			5,463.43	24.6.2005	876356	
			70,925.00	27.6.2005	903360	
			51,617.64	28.6.2005	904019	
			255.15	27.9.2005	904291	
			9,145.10	27.9.2005	904721	
			4,051.86	27.9.2005	904413	
			7,083.18	27.9.2005	904502	
			18,797.40	27.9.2005	904604	
			257,154.66	28.9.2005	860037	
			128,145.88	28.3.2006	618579	
		2006-07	4,420.27	31.5.2006	619826	
			57,402.61	11.10.2006	912297	
			31,868.12	12.10.2006	912204	
			3,799.31	13.10.2006	912568	
			17,291.85	14.10.2006	912894	
			239,937.22	10.7.2006	912123	
		2007-08	552,370.49*	1.2.2008	308922	
			348,085.37*	3.3.2008	309409	
13.	Wajid Khan (Sajid Wajid)	2005-06	6,221.54	24.6.2005	876428	
			8,135.10	27.6.2005	903374	
			7,264.40	28.6.2005	904232	
			1,196.37	29.7.2005	904613	
			8,490.40	28.2.2006	911855	
			310.54	3.1.2006	911929	
			7,788.30	28.2.2006	618593	
		2006-07	18,651.53	11.10.2006	912140	
			3,421.42	12.10.2006	912293	
			5,390.12	14.10.2006	912998	
			1,996.49	31.5.2006	619836	
			9,930.86	10.7.2006	912324	
		2007-08	58,188.44*	1.2.2008	308821	
			25,854.89*	3.3.2008	307375	
14.	Sajid Khan (Sajid Wajid)	2005-06	310.54	1.3.2006		
			6,221.54	24.6.2005		
			8,135.10	27.6.2005		
			7,264.40	28.6.2005		

			1,196.37	27.9.2005		
			8,490.39	28.3.2006		
			7,788.30	31.3.2006		
		2006-07	18,651.53	11.10.2006	912075	
			3,421.42	12.10.2006	912248	
			1,996.49	31.5.2006	619837	
			9,930.86	10.7.2006	912270	
			5,390.12	14.10.2006	913013	
		2007-08	58,188.44*	1.2.2008	308820	
			25,854.89*	3.3.2008	309619	
15.	Salim Merchant	2005-06	-	-	-	
		2006-07	518.27	31.5.2006	619838	
			18,400.99	10.7.2006	612348	
			6,479.40	11.10.2006	912077	
			341.52	14.10.2006	912956	
		2007-08	91,518.37#	1.2.2008	308850	
			72,149.69#	3.3.2008	309622	
16.	Sulaiman Merchant	2005-06	-	-	-	
		2006-07	518.27	31.5.2006	619839	
			18,400.99	10.7.2006	912347	
			6,479.40	11.10.2006	912116	
			341.74	14.10.2006	912975	
		2007-08	91,518.37*	1.2.2008	308849	
			72,149.69*	3.3.2008	309727	

Message Confirmation Report

15-AUG-2069 11:29 AM THU

Fax Number :
Name :

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Page : 3
Start Time : 15-AUG-2069 11:27AM THU
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Mode : STD G3
Results : [O.K]



The Indian Performing Right Society Limited

Regd. Office : 208, Golden Chambers, 2nd Floor, New Andheri Link Road, Andheri (W), Mumbai - 400 053.
Tel : (022) 2673 3748 / 49 / 50 / 6616. Fax. : (022) 2673 6658. E-mail : admin@iprsd.com • Visit us at : www.iprs.org

Ref:IPRS:SHE:RK:499:2009

12th August 2009

Mr. G R Raghavender
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
B2/W3, Curzon Road Barracks,
K.G. Marg,
New Delhi 110001

854 D. C. R. & B. P. I
Date: 11/8/09

Subject: Complaint by some lyricists & composers regarding illegalities with regards to administration of The Indian Performing Right Society Limited

Dear Sir,

This is in reference to your "Order" letter dated 29th July, 2009 vide no. F No. 12/1/2008/CRB, received by us on 10th August, 2009 addressed to our CEO Mr. Rakesh Nigam on the subject matter was discussed within the Executive Committee and our response is as follows (the society through its CEO had responded on a similar letter of 4th February, 2009 vide letters dated 10th February, 2009 & 24th February, 2009).

We would like to also state at the onset that this Order has been passed against us without giving a proper hearing and seeking an explanation from the Society and without providing any reasons or correct legal findings.

Also we would like to inform you that out of the 16 names enclosed, on completion of required formalities as laid down by the society Mr. Anwar Sagar and Mr. Nawab Arzoo have been paid royalties from the share of the owners as per the MOU of 1993. Also Deep Emotions Publishing (Mr. Achille Forler) has informed us that he has communicated to the HRD Ministry that he has no issues with The Indian Performing Right Society Limited and he has been paid his royalties.

We would like to be informed as to the Works Owned by these balance 13 Authors / Composer, as currently the society does not have the details of the Works Owned by them and accordingly these author composers are Non-Owner members. The Sharing of the royalty with Authors / Composers i.e. Non-Owners is as per the MOU of 1993 and any other terms laid down by the Governing Council and the Owner Members.

The Indian Performing Right Society Limited (IPRS) is a company registered under the Company's Act and had been recognized by the Registrar as a Copyright Society u/s 33(3) of the Copyright Act 1957, to conduct business for Musical Works and words performed along with the musical works.

The society has members as Owner Members and Members, who are Authors, Composers, Publishers (Music Companies) and Audio Visual Publishers. A copyright society is registered as a collective administration society under Section 33 of the Copyright Act, 1957 and **such a society is formed by copyright owners**. The Society being a Copyright Society has to function under the provisions of the Copyright Act, 1957 and Copyright Rules, 1958 more detailed as under:

Administrative Office - North

B 317, Som Datt Chamber 1,
5, Bhikaji Cama Place, New Delhi - 110 066.
Tel. : (011) 2610 1556 • Telefax : 2610 1572
E-mail : delhioffice@iprsd.com

Administrative Office - East

Room No 2, Asian Hotel
P-38, Princep Street,
Kolkatta - 700 072 • Telefax : (033)4005 4450/4453
E-mail : kolkattaoffice@iprsd.com

Administrative Office - South

Parsn Paradise, Resi. Apts., D-1 Block B, IInd Floor,
109, G.N.Road, T. Nagar,
Chennai - 600 017 • Telefax : (044) 2834 1056.
E-mail : chennaioffice@iprsd.com

Member : International Confederation of Societies of Authors & Composers (CISAC)
: Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India.

- **Registration of Copyright Societies**

As per Section 33(3) the intention of setting up a copyright society was to have regard to the interests of the owners / authors as also to the interest and convenience of the public and particularly the groups of persons who are most likely to seek licenses in respect of the relevant rights.

As per section 33(4) & (5) of the Copyright Act, the society cannot run detrimental to the interests of the owners of rights and if it does the registration of the society can be cancelled.

- **Administration of rights of owner by copyright society** (Section 34 of Copyright Act, 1957)

- (1) (a) a **copyright society may accept from an owner of rights** exclusive authorisation to administer any right in any work by issue of licences or collection of licence fees or both; and
(b) an owner of rights shall have the right to withdraw such authorisation without prejudice to the rights of the copyright society under any contract.

- **Control over the copyright society by the owner of rights.**- (Section 35 of Copyright Act, 1957)

- (1) Every copyright society shall be subject to the collective control of the owners of rights under this Act whose rights it administers (not being owners of rights under this Act administered by a foreign society or organisation referred to in sub-section (2) of section (34) and shall, in such manner as may be prescribed -
(a) Obtain the approval of such owners of rights for its procedures of collection and distribution of fees;
(b) obtain their approval for the utilisation of any amounts collected as fees for any purpose other than distribution to the owner of rights; and
(c) Provide to such owners regular, full and detailed information concerning all its activities, in relation to the administration of their rights.
- (2) All fees distributed among the owners of rights shall, as far as may be distributed in proportion to the actual use of their works.

It is clear from the above provisions of the copyright act that the society has to be of the owners and administration has to be with the owners of the right. **Thus the role of society like IPRS is to govern the rights on behalf of the owners, it cannot decide with whom the ownership of the works rest.**

IPRS was formed in 1969 and then the members of the Society were authors and composers. IPRS had tried to license and collect royalty / license fees from the cinema theaters which resulted in the judgment of 1977 in Supreme Court [EIMPAA Vs IPRS 1977 (2) SCC 820]. As stated in Para 18 of the judgment by Justice Jaswant Singh were-in it is stated that were the Producer of a Cinematograph film commissions a composer or a lyricist for reward or valuation consideration is the first owner of the rights in the literary and musical works unless there is a contract to the contrary between the composer / author of lyric or

[Handwritten signature]
O.P.

music and the Producer of the Cinematograph Film. The observations of Justice Krishna Iyer are Obita-addicta and have no binding on the main judgment.

Distribution of Royalty


The society viz. IPRS is mandated under law per section 34 and 35 of the copyright act 1957 and rule 14H, 14-I and 14-K. The society started to distribute the royalty after the meeting of the owners i.e. the names in the register of owners which was filed with the courts and as per the scheme approved by the owners, and the AGM was conducted by the court appointed receiver on 5th January 2008.

The Owners viz. Music Company / Publishers have agreed that royalty be shared from their works and be distributed to those authors and composer and legal heirs who accept the MOU signed by IPRS with the Music Companies association in 1993.

The Society has obtained legal opinion on Distribution of Royalty from Retired Supreme Court Justice S. N. Phukan, where-in he has opined that keeping in mind the sections 33, 34 and 35 of the Copyright Act 1957 along with various proviso's of Rule 14 of Copyright rules 1958, the Copyright Society in this case The Indian Performing Right Society Limited has to distribute royalty to the owners (or to persons who may be authorized by the owner).

The Owners have expressed in their decisions at the Governing Council meeting / Annual General Meeting that they would like to continue with the terms of the 1993 MOU by sharing 50% of the performing royalty with the authors & composers who are exclusive members of The Indian Performing Right Society Limited only and for encouraging creativity. But keeping in mind the unnecessary disputes raised by certain authors and composers and to avoid such unnecessary disputes to arise in future the Owners would like the Non-Owner Author Composer to sign the letter confirming the subject of ownership resting with the music company publishers and in lieu of the signing such letter, the said author or composer or their legal heirs would continue to receive such performing rights royalty as stated in the MOU.

We would like to state that we as a responsible copyright society are trying to adhere to the provisions of the Copyright Act and Rules and are not carrying out any illegalities in its administration activities. Also we would like to inform you that the said balance 13 authors & or composers (non-owners) will be paid the royalty on signing of the letter as laid down by the Governing Council and the Owner Members. Till then the society will be unable to pay the royalty share to the said non-owners i.e. author composer members without signing the letter as laid down by the owners approved distribution, any exception to this will be illegal.

 We are attaching herewith the papers on the Ownership Issues along with the copies of the Suits, Applications, Appeals and the orders passed by the various courts in the above matter.

We are hereby enclosing the Copies of all the papers served and filed by both the above parties in the following matters –

The Indian Performing Right Society Ltd.

3. Suit in Barasat District Court by Saregama India Ltd against The Indian Performing Right Society Limited in 2006. (Its suit papers i.e. applications/rejoinders/replies and Orders including appointment of court appointed receiver for conducting the AGM).

Please consider all the above cases and the orders under which the society is operating and following to conduct its business. In view of the above cases & orders and any disbursal to the 16 members (now 13 as 3 have complied with the procedure laid down by the Society) shall be illegal.

I sincerely hope that you will find our statements to your satisfaction and in case you have any doubts or need more clarification will be happy to provide the same.

Thanking you with Musical regards

Your sincerely,

For **The Indian Performing Right Society Limited**


Hasan Kamaal
Executive Committee Directors


Kumar Taurani


O P Sonik

Encl. – As above

Most Immediate

F.No:12/3/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Copyright Division

New Delhi, Dated October 5, 2009

Subject: Complaint by some lyricists and composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS)

In continuation of the office order dated 29th July 2009 the undersigned hereby states that the Indian Performing Rights Society (IPRS) has not distributed the royalties due to all the members of IPRS. However, reply dated 12th August 2009, which is not satisfactory, it was informed that the above order was issued without a proper hearing and seeking an explanation and without providing any reasons or correct legal findings. In view of the above the explanation of the IPRS has been sought on the following issues.

- i. The Indian Performing Rights Society (IPRS) registered under section 33 (3) of the Copyright Act, 1957 is a copyright society of authors and music composers for performing rights. However, it had amended the Memorandum and Articles of Association (MAA) without informing the Government till it was asked to file the annual returns. IPRS went ahead and held its Annual General Meeting (AGM) on January 5, 2008 on the basis of the new MAA which was attended only by owner members. This AGM was held even before it got the society re-registered again as per the amended MAA.
- ii. Did IPRS sign any deed of assignment with all authors / music composers when they became members of IPRS? If yes, as to how IPRS signed such assignments with authors/music composers if they do not have rights.


AC

② nand
6/10/09

- iii. It was informed in your letter dated 25th April 2008 that the IPRS on a Memorandum of Understanding (MOU) was signed on 21.11.1993 (which was approved by the Governing Council of IPRS and members in the AGM and this was reconfirmed in the AGM of 2003) with Indian Music Industry (IMI) i.e. the then Indian Phonographic Industry (IPI) with understanding that such companies will share 50% (30% to the Composer and 20% with Author) of the performing royalty with the authors and composer for encouragement of the creative community. However, there is no mention of undertaking to be given by them for receiving royalties indicating that they do not have rights.
- iv. Therefore, as per the MOU 50% of royalties have to be distributed to authors and composers and insisting to sign such undertaking has no legal basis and it is against the very functions of a copyright society.
- v. Does IPRS insist similar undertakings from the music companies before distributing their royalties? Give the total number of members along with their names who have not signed the undertaking that they have no rights?
- vi. Does the amended Memorandum and Articles of Association (MAA) stipulate that authors and composers have to give an undertaking that they have no rights in any work for which they receive royalties.
- vii. It was also mentioned in MOU dated 12.11.1993 (Para 1) that 'IPRS understands' that record producers have two copyrights. However, it was not confirmed in MOU that they are the owners.

- viii. MOU is not a legal document and the individual members of IPRS are not party to it. Therefore, it is not binding on the authors and composers.
- ix. Who has determined that only 'owner members' are the real owners of copyright? Have any court orders determined the issue of ownership?
- x. Is IPRS collecting royalties from the users on ringtones? Please give year wise details?
- xi. Has IPRS discontinued the collection of royalties for ringtones? If so, what are the reasons?
- xii. Is IPRS also collecting royalties for the mechanical rights? If so, give details.
- xiii. On what basis IPRS authorized Select Media Holdings Private Limited and Label Music India Private Limited and others to collect royalties on its behalf. If yes, give details.

Further, the Chief Executive Officer and the Executive members of IPRS may personally appear for hearing before the undersigned at 3.00PM on 20th October 2009, if they would like to inform or explain their views on this issue.


(G.R. Raghavender) 5/10/2009
Registrar of Copyrights
Tel./Fax: 2338 1894

To,
The Chief Executive Officer,
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road, Andheri (West),
Mumbai – 400 053

Most Immediate

F.No:12/3/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Copyright Division

New Delhi, Dated October 5, 2009

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(G.R.Raghavender)
Registrar of Copyrights
Tel./Fax: 2338 1894

To,
The Chief Executive Officer,
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road, Andheri (West),
Mumbai – 400 053

Message Confirmation Report

18-JUN-2009 07:40 AM THU

Fax Number :
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Page : 7
Start Time : 18-JUN-2009 07:36AM THU
Elapsed Time : 04'10"
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Results : [O.K]



The Indian Performing Right Society Limited

Regd. Office : 208, Golden Chambers, 2nd Floor, New Andheri Link Road, Andheri (W), Mumbai - 400 053.
Tel : (022) 2673 3748 / 49 / 50 / 6616 Fax : (022) 2673 6658 Fax. No. (022) 2673 6658.
E-mail - admin@iprsd.com Visit us at : www.iprs.org

Ref:IPRS:SHE:RK:637:2009

14th October 2009

Mr. G R Raghavender
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
B2/W3, Curzon Road Barracks,
K.G. Marg,
New Delhi 110001

Re : Complaint by some lyricists and composers regarding illegalities with respect to administration of The Indian Performing Right Society Limited (IPRS) vide letter No: F. No :12/13/2008/CRB Dt. 5th Oct, 2009

Dear Sir,

On the above captioned subject & reference, the letter in question dated 5th October 2009 received on 9th October 2009 has been informed to the Executive Committee & other Directors and am writing to you on their behalf as advised.

They have advised that the same will be discussed in length at the earliest, and as desired vide your letter dated 5th October 2009; the required information will also be culled out to your satisfaction.

As it is festive occasion of Diwali, the Executive Directors and Board Members are not in town and in this connection they have asked that we request you to give us a fresh Date as convenient to you in the second week of November 2009 to appear before you.

Thanking you with Warm and Musical Regards

Yours sincerely,

For **The Indian Performing Right Society Limited**


Rakesh Nigam
CEO

CC: Executive Directors

Administrative Office - North
B 317, Som Datt Chamber, 1-5,
Bhikaji Cama Place, New Delhi - 110 066.
Tel. : (011) 2610 1556 • Telefax : 2610 1572
E-mail : delhioffice@iprsd.com

Administrative Office - East
Room No 2, Asian Hotel
P-38, Princep Street,
Kolkatta - 400 072 Telefax : (033)2564 1279
E-mail : kolkattaoffice@iprsd.com

Administrative Office - South
Parsn Paradise, Resi. Apts., D-1 Block, 11nd Floor,
109, G.N.Road, T. Nagar,
Chennai - 600 017 • Telefax : (044) 2834 1056.
E-mail : chennaioffice@iprsd.com

Member : International Confederation of Societies of Authors & Composers (CISAC)
: Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India.



The Indian Performing Right Society Limited

Repd. Office : 208, Golden Chambers, 2nd Floor, New Ambher Link Road, Andher (W), Mumbai - 400 053
Tel : (022) 2673 3748 / 49 / 50 / 6616 Fax : (022) 2673 6658 Fax. No. (022) 2673 6658.
E-mail - admin@iprsld.com Visit us at www.iprs.org

Ref:IPRS:SHIE:RK:637:2009

14th October 2009

Mr. G R Raghavender
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
B2/W3, Curzon Road Barracks,
K.G. Marg,
New Delhi 110001

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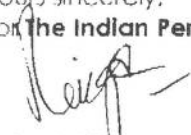
They have advised that the same will be discussed in length at the earliest, and as desired vide your letter dated 5th October 2009; the required information will also be culled out to your satisfaction.

As it is festive occasion of Diwali, the Executive Directors and Board Members are not in town and in this connection they have asked that we request you to give us a fresh Date as convenient to you in the second week of November 2009 to appear before you.

Thanking you with Warm and Musical Regards

Yours sincerely,

For **The Indian Performing Right Society Limited**


Rakesh Nigam
CEO

CC: Executive Directors

Administrative Office - North

B 317, Som Datt Chamber, 1-5,
Bhikaji Cama Place, New Delhi - 110 068.
Tel : (011) 2610 1556 - Telefax : 2610 1572
E-mail : delhioffice@iprsld.com

Administrative Office - East

Room No 2, Asian Hotel
P-38, Princep Street,
Kolkatta-700 072 Telefax : (033) 2564 1279
E-mail : kolkataoffice@iprsld.com

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109, G.N.Road, T. Nagar,
Chennai - 600 017 • Telefax : (044) 2834 1056.
E-mail : chennaioffice@iprsld.com

Member : International Confederation of Societies of Authors & Composers (CISAC)
: Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India.

Most Immediate

F.No: 12/13/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Office of Registrar of Copyrights

New Delhi, Dated 20th October 2009

Subject: Complaint by some lyricists and composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS): Postponement of hearing - regarding

This has reference to your letter dated 14th October 2009 informing the inability to attend the hearing by the representative of IPRS on the above subject fixed at 3.00pm on 20th October 2009 due to festive occasion of Diwali and requesting to give a fresh date in the second week of November 2009. Therefore, the hearing on the above subject including issues raised in the earlier letter of even number dated 5th October 2009 is fixed at 3.00 on 9th November 2009. If any representative of IPRS fails to attend the hearing in this matter will be presumed that IPRS has no further comments to offer.

G.R.R.
(G.R.R.)
Registrar
Tel./F:

Sumit
20/10/09

To,
The Chief Executive Officer,
(Shri. Rakesh Nigam)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West),
Mumbai - 400 053

Most Immediate

F.No: 12/13/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Office of Registrar of Copyrights

New Delhi, Dated 20th October 2009

Subject: Complaint by some lyricists and composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS): Postponement of hearing - regarding

This has reference to your letter dated 14th October 2009 informing the inability to attend the hearing by the representative of IPRS on the above subject fixed at 3.00pm on 20th October 2009 due to festive occasion of Diwali and requesting to give a fresh date in the second week of November 2009. Therefore, the hearing on the above subject including the issues raised in the earlier letter of even number dated 5th October 2009 is fixed at 3.00 p.m. on 9th November 2009. If any representative of IPRS fails to attend the hearing in this matter it will be presumed that IPRS has no further comments to offer.



(G.R. Raghavender)
Registrar of Copyrights
Tel./Fax: 2338 1894

o/c

To,
The Chief Executive Officer,
(Shri. Rakesh Nigam)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West),
Mumbai – 400 053



The Indian Performing Right Society Limited

Regd. Office : 208, Golden Chambers, 2nd Floor, New Andheri Link Road, Andheri (W), Mumbai - 400 053.
Tel : (022) 2673 3748 / 49 / 50 / 6616. Fax : (022) 2673 6658. E-mail : admin@iprsitd.com • Visit us at : www.iprs.org

Ref:IPRS:SHE:HK:0686:2009

4th November 2009

Mr. G R Raghavender
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
B2/W3, Curzon Road Barracks,
K.G. Marg,
New Delhi 110001

12/13/2008/CRB
6/11/09

Re : Complaint by some lyricists and composers regarding illegalities with respect to administration of The Indian Performing Right Society Limited (IPRS) vide letter No: F. No :12/13/2008/CRB Dt. 5th Oct, 2009

Dear Sir,

On the above captioned subject & reference, the letter in question dated 5th October, 2009 received on 9th October, 2009 and we were to be present and provide information on 20th October, 2009. We had written and sought a fresh date and you had kindly agreed vide letter F No. 12/13/2008/CRB dated 20th October, 2009 to provide a date of 9th November, 2009.

We would also like to keep you informed that all ownership issues and other issues connected with owner including but not limited to governance and royalty distribution is handled exclusively by the Executive Committee or Governing Council Members/ Directors, and Majority of the Governing Council Directors have spoken and expressed that as it is a sensitive legal subject they would like to discuss the said matter in the next Governing Council meeting at length before sending a formal comprehensive reply.

The next Governing Council meeting is tentatively scheduled around the 18th December 2009. We humbly request that you provide us with a date in early January, 2010 keeping in mind the likely Governing Council meeting date and the Christmas/Year end.

Thanking you with Warm and Musical Regards

Yours sincerely,
For The Indian Performing Right Society Limited

GR
9/11

Hasan Kamaal
Chairman

CC: Governing Council Directors

Administrative Office - North
B 317, Som Datt Chamber 1,
5, Bhikaiji Cama Place, New Delhi - 110 066
Tel. : (011) 2610 1556 • Telefax : 2610 1572
E-mail : delhioffice@iprsitd.com

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Chennai - 600 017 • Telefax : (044) 2834 1056.
E-mail : chennaioffice@iprsitd.com

Member : International Confederation of Societies of Authors & Composers (CISAC)
: Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India.



The Indian Performing Right Society Limited

Regd. Office : 208, Golden Chambers, 2nd Floor, New Southern Link Road, Andheri (W), Mumbai - 400 053.
Tel. : (022) 2673 3748 / 49 / 50 / 6616. Fax. : (022) 2673 3658. E-mail : admin@iprs Ltd.com • Visit us at : www.iprs.org

Ref IPRS/SHE/HK/0708:2009

9th November, 2009

Mr G R Raghavender
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
B2/W3, Curzon Road Barracks,
K.G. Marg,
New Delhi 110001

Re : Complaint by some lyricists and composers regarding illegalities with respect to administration of The Indian Performing Right Society Limited (IPRS) vide letter No: F. No :12/13/2008/C.R.B. Dt. 5th Oct. 2009

Dear Sir,

Please refer to our Letter Ref IPRS/SHE/HK/0708:2009 dated 4th November, 2009 requesting you for extending the date for appearance before your goodself on the 9th of November, 2009 in connection with your letter dated 5th October, 2009. We are sure your good self has been gracious enough to extend the date of the hearing.

We also wish to bring to your attention that we have just received a communication from an Advocate claiming to be representing Saregama India Ltd (one of our Members) stating that the Hon'ble Civil Judge (Senior Division) in Barasat, West Bengal has passed a "status quo" order in respect of the above mentioned matter. A copy of the Letter is enclosed hereto for your perusal.

We are trying to ascertain the details of the same from our Advocate and shall inform you as soon as the same is made available to us.

In any case, without prejudice we beg to state that no order should be passed without giving us a personal hearing.

Thanking you with Warm and Musical Regards

Yours sincerely,
For **The Indian Performing Right Society Limited**

Hasan Kamaal
Chairman

Encl : Letter from Saregama India Ltd's Advocate

Administrative Office - North
B-317, Sam Datt Chamber 1,
5, Bhikaiji Cama Place, New Delhi - 110 066.
Tel. : (011) 2610 1556 • Telefax : 2610 1572
E-mail : delhioffice@iprs Ltd.com

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Kolkata - 700 072 • Telefax : (033) 1007 1150, 1153
E-mail : kolkataoffice@iprs Ltd.com

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Member : International Confederation of Societies of Authors & Composers (CISAC)



The Indian Performing Right Society Limited

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Ref:IPRS:SHE:HK:0708:2009

9th November, 2009

Mr G R Raghavender
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
B2/W3, Curzon Road Barracks,
K.G. Marg,
New Delhi 110001

1291 (C.R. & B.P.)
Dated 11/11/09

Re : Complaint by some lyricists and composers regarding illegalities with respect to administration of The Indian Performing Right Society Limited (IPRS) vide letter No: F. No :12/13/2008/CRB Dt. 5th Oct. 2009

Dear Sir,

Please refer to our Letter Ref IPRS:SHE:HK:0686:2009 dated 4th November, 2009 requesting you for extending the date for appearance before your goodself on the 9th of November, 2009 in connection with your Letter dated 5th October, 2009. We are sure your good self has been gracious enough to extend the date of the hearing.

We also wish to bring to your attention that we have just received a communication from an Advocate claiming to be representing Saregama India Ltd (one of our Members) stating that the Hon'ble Civil Judge (Senior Division) in Barasat, West Bengal has passed a "status quo" order in respect of the above mentioned matter. A copy of the Letter is enclosed hereto for your perusal.

We are trying to ascertain the details of the same from our Advocate and shall inform you as soon as the same is made available to us.

In any case, without prejudice we beg to state that no order should be passed without giving us a personal hearing.

Thanking you with Warm and Musical Regards

Yours sincerely,
For The Indian Performing Right Society Limited

Hasan Kamaal
Chairman

Encl : Letter from Saregama India Ltd's Advocate.

Administrative Office - North

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E-mail : chennaioffice@iprsd.com

Member : International Confederation of Societies of Authors & Composers (CISAC)
: Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India.

Most Immediate

F.No: 12/3/2008/CRB
Government of India
Ministry of Human Resource Development
Department of Higher Education
Office of Registrar of Copyrights

New Delhi, Dated 20th November 2009

Subject: Complaint by some lyricists and composers regarding illegalities with respect to administration of Indian Performing Rights Society (IPRS): Postponement of hearing - regarding

This has reference to your informed this office your inability to for the representative of IPRS on the due to preparation for next Government December 2009 and you also request keeping in mind the likely Government end. Further, in letter dated 9th Nov. Civil Judge (Senior Division) in Barasa respect of above case.

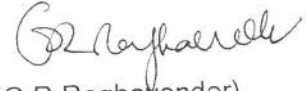
022-2673658

is you have
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ember 2009
around 18th
uary 2010
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order in

2. This is to inform you that I have forwarded a set of questions vide letter of even number dated 5th October 2009 and sought your explanation. So far, hearing has been postponed twice at the request of IPRS. The reasons given by IPRS for further postponement to January 2010 are not agreed to as there is no logic behind the reasons put forward for postponement of hearing. Therefore, a final opportunity for the hearing on the above subject including the issues mentioned in the earlier letter of even number dated 5th October 2009 is fixed at 3.00 p.m. on 4th December 2009. The written comments/explanation will be considered in case coming to this office in New Delhi is

...not convenient on appointed date on 4th December 2009 but the same should reach this office before the appointed date. If any representative of IPRS fails to attend the hearing in this matter it will be presumed that IPRS has no further comments to offer and an *ex-parte* order will be passed in this regard.



(G.R.Raghavender)
Registrar of Copyrights
Tel./Fax: 2338 1894

To,

1. Chairman
(Shri Hasan Kamal)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West),
Mumbai – 400 053

2. The Chief Executive Officer,
(Shri. Rakesh Nigam)
Indian Performing Right Society Limited (IPRS),
208, Golden Chambers, 2nd Floor,
New Andheri Link Road,
Andheri (West),
Mumbai – 400 053



(G.R.Raghavender)
Registrar of Copyrights
Tel./Fax: 2338 1894

Message Confirmation Report

29-SEP-2069 08:49 PM SUN

Fax Number :
Name :

Name/Number : 02226736658
Page : 2
Start Time : 29-SEP-2069 08:48PM SUN
Elapsed Time : 01'22"
Mode : STD G3
Results : [O.K]



The Indian Performing Right Society Limited

Regd. Office : 208, Golden Chambers, 2nd Floor, New Andheri Link Road, Andheri (W), Mumbai - 400 053.
Tel : (022) 2673 3748 / 49 / 50 / 6616. Fax : (022) 2673 6658. E-mail : admin@iprsld.com • Visit us at : www.iprs.org

Ref.IPRS:RK:HK:0745:2009

25th November 2009

Mr. G R Raghavender
Registrar of Copyrights
Ministry of Human Resources Development
Department of Secondary & Higher Education
B2/W3, Curzon Road Barracks,
K.G. Marg,
New Delhi 110001

Re : Complaint by some lyricists and composers regarding illegalities with respect to administration of The Indian Performing Right Society Limited (IPRS) vide letter No: F. No :12/13/2008/CRB Dt. 5th Oct. 2009

Dear Sir,

Please refer to our Letters dated 4th November 2009 and 9th November 2009 requesting you for extending the date for appearance before your good self on the 9th of November, 2009 and the letter from Advocate of Saregama India Ltd informing us of "status quo" order to be maintained in connection with your Letter dated 5th October, 2009, and your subsequent letter dated 20th November 2009.

We are attaching herewith two orders of 2nd Civil Judge (Sr. Div) at Barasat in the case TS-124/2006 the details of the said are as

Order dated 6.11.09 – Relevant portion of the order stating as
"..... Considering all these aspects I am passing order of injunction in form of status quo.
Both parties are directed to maintain status quo in respect of prayer of application dt. 6.11.09 till 19.11.09."

ii. Order dated 19.11.09 – Extending the injunction till next date of hearing (which is fixed as 5-1-10).
Also making the Registrar of Copyrights a party to the suit, the relevant portion of the order is "..... Let the Registrar of copyright be impleaded as defendant in the present suit."

We have been advised by our advocate / lawyers that considering above orders it will not possible for The Indian Performing Right Society Limited (IPRS) or its representatives to attend the hearing on 4th December 2009 and

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Chennai - 600 017 • Telefax : (044) 2834 1056.
E-mail : chennaioffice@iprsld.com

Member : International Confederation of Societies of Authors & Composers (CISAC)
: Copyright Enforcement Advisory Council, Ministry of Human Resource Development, Government of India.

Received ~~Friday~~
at 5-15 pm.
May kindly see
in Dak.
TS(BKCK)
602
29/11/09 i.

provide any written comments / explanation on issues as asked by you in the letter dated 5th October 2009.

According to the advise with us any steps contrary to this by providing any written comment / explanation on questions / issues in your letter dated 5th October 2009 will tantamount to "**Contempt of Court**" and we seek your advise on the same.

Considering the above injunction & orders we beg to state that kindly keep the hearing fixed by you on 4th December 2009 presently in abeyance.

We look forward for your advise and early reply on the same.

Thanking you with Warm and Musical Regards

For **The Indian Performing Right Society Limited**



Hasan Kamaal
Chairman

Encl : Copies of the Orders dated 6-11-09 & 19-11-09 of the Court of 2nd Civil Judge (Sr. Division) at Barasat (In Title Suit No. 124 of 2006)

Pet No - X - 594
dt 20/11/09

In the Court of Ld. 2nd. Civil Judge (Sr. Div) at Bansa

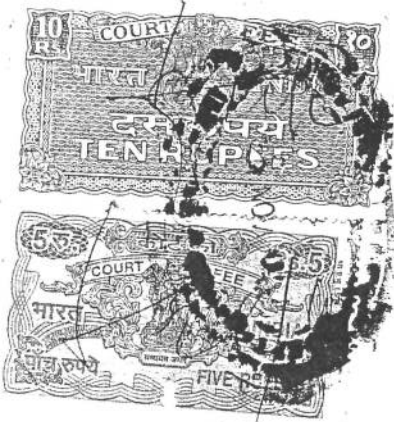
T.S - 124/2006

Saregama India Ltd.
vs
I P R S and others.

order dt - 6/11/09, 7/11/09
and 19/11/09.

By

A. Alan
Adv.



62



9501

A

24/6.11.09

The record is put up by petition. Plaintiff filed an application u/o.39 rule 1,2 CPC supported by an affidavit. Copy served, objection raised. So, case record is taken up for hearing of the petition u/o.39 rule 1,2 CPC.

Perused the petition filed by the plaintiff and other materials on record.

Heard both sides.

It appears from the petition that plaintiff is a musical company and carrying on business of producing publishing marketing music album and C.D. of film music and other type of music. The ~~specific~~ specific allegation of the plaintiff goes to ~~the~~ show ~~in~~ in ~~the~~ a nutshell is that now the defendant no.1 served a notice dt.31.10.09 mentioning that meeting of governing counsel will be held on 7.11.09 by which the defendant no.1 is trying to take ~~steps~~ steps as would be detrimental to the plaintiff and would have effect of violation or nullifying order of this court. Hence the plaintiff had to prefer the present petition.

~~Ld.~~ Ld. advocate for the defendant no.1 submitted before me that if an adinterim order of injunction be granted in the form of status quo the parties to this suit did not suffer any loss and injury.

Considering all these aspects ~~and the circumstances~~ ~~of the defendant no.1~~ I am passing order of injunction in the form of status quo.

Both parties are directed to maintain status quo in respect of prayer of the application dt.6.11.09 till 19.11.09.

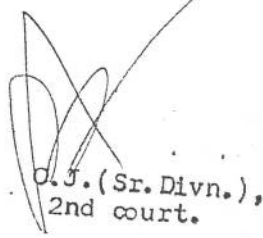
X

Contd
6.11.09

Issue notice upon the defendantsto show cause within 10 days from the date of receipt of notice as to why the aforesaid order shall not be made absolute.

The plaintiff is directed to comply the provision u/o.39 rule 3(a) and 3(b) atonce. To 19.11.09 for show cause and hearing of the injunction petition.

B/c. by me.
Judge,


D.J. (Sr. Divn.),
2nd court.

25
7.11.09

The record is put up by petition.

A petition O/O 4 rule 10 C.P.e has been filed on behalf of plaintiff praying for adding the party on the ground stated therein.

Both parties are present on call.

Permit the petition
Heard both sides.


To 19/11/09 - for passing necessary order.


Huley

T.S. 124/06

In view of the order no 24 dated 6.11.09
plaintiff file an Affidavit along with
postal receipt showing compliance the
provision u/o 39 rule 3(a) and 3(c)
requirement put in.

Issue notice to show cause and
injunction accordingly.


Civil Judge

27/19.11.09

Today is fixed for passing necessary order. An application
u/s.80(2)CPC is filed. Copy served. An extension
application is also filed by the plaintiff supported by
an affidavit. In view of the fact the adinterim order
of injunction is hereby extended till the next date.

The case record is taken up for passing necessary
order.

Perused the leave petition u/s.80(2) along with
petition u/o.1 rule 10(2)CPC.

In view of the judgement as reported in AIR1998
Orissa,45 and considering the averment made in the
petition u/s.80(2) I am of the view that the present
application has got merit. Accordingly plaintiff is
permitted to sue against the public servant without
sending notice u/s.80(1), ~~to be allowed~~. Leave is granted.

Perused the application u/o.1 rule 10 CPC from which
it reveals that the Registrar or copy right is a necessary
and proper party to the instant proceeding and proper
adjudication of the dispute between the parties the
Registrar of copy right be added.

Considering all these aspects I hold the view that

Could
19/11/09

if the petition may not be allowed the plaintiff will suffer irreparable loss and injury and for the purpose of real adjudication of the suit present petition is required to be allowed. Hence, it is,

ORDERED

that petition u/o.1 rule 10(2) CPC is hereby allowed on contest without cost.

✓ |

Let the Registrar of copy right be impleded as defendant in the present suit.

Amend the cause title in the plaint and note it in the register.

D.A. is directed to note.

Plaintiff is directed to file requisite by the next date.

Thus the petition is disposed of.

To 5-1-10..... for hearing of the petition u/o.39 rule 4 CPC and hearing of the injunction application dt.6.11.09.

D/c. by me.
Judge,

C.J. (Sr. Divn.),
Hq. court.