

## PPL's Re-Registration as a "Copyright Society" for "sound recording"

### PPL's Re-Registration as a "Copyright Society" for "sound recording": Dormant Licensing Disputes Set to Revive

*Central Government Re-Registers Phonographic Performance Limited (PPL) as a Copyright Society Under Section 33(3) of the Copyright Act, 1957 – Implications for Commercial Establishments and Licensees*

Relevance: Copyright Licensing | Sound Recordings | Copyright Societies | Public Performance Rights | Section 33 of the Copyright Act, 1957

#### Factual background

Phonographic Performance Limited (**PPL**) is a company that claims to control public performance rights over approximately 45 lakh sound recordings, representing over 400 music labels. PPL derives its ownership through assignment deeds executed by original producers under Section 18 of the Copyright Act, 1957 (**Act**), and claims deemed ownership thereof.

PPL was previously registered as a copyright society from 1996 to 2014. Following the Copyright (Amendment) Act, 2012, which required all pre-existing societies to re-register, PPL surrendered its registration and applied for re-registration. That application was rejected, and PPL continued to operate without copyright society status for over



a decade, licensing sound recordings directly to commercial establishments under Section 30 of the Act.

This arrangement gave rise to significant judicial controversy that is pending before the Supreme Court for final adjudication. Single Bench decisions of the Delhi High Court<sup>1</sup> and Bombay High Court<sup>2</sup> held that Section 33(1) did not curtail an owner's right to grant licences independently under Section 30. However, in **Azure Hospitality Pvt. Ltd. v. Phonographic Performance Ltd.** (FAO(OS)(COMM) 41/2025, decided 15 April 2025), a Division Bench of the Delhi High Court disagreed, holding prima facie

<sup>1</sup> **Novex Communication v Lemon Tree Hotels** (2019 SCC OnLine Del 6568) and **Phonographic Performance Limited v Azure Hospitality Private Limited** (Judgment dated 3 March 2025 in CS (Comm) 714/2022)

<sup>2</sup> **Novex Communications v Trade Wings Hotel** (2024 SCC OnLine Bom 252)

that the obligation under Section 33(1) is absolute and any person carrying on the business of issuing licences must do so in accordance with a registration under Section 33, irrespective of ownership status. The Division Bench held that PPL could not bypass the regulatory framework by merely relying on its deemed ownership under Section 18.

## Legal Implications for Clients

### 1. Revival of Dormant Licensing Disputes

The principal ground on which commercial establishments had resisted PPL's licensing claims was that PPL lacked standing to issue licences without copyright society registration. Now this stands neutralised and clients operating without PPL licences, or contesting PPL's claims on its locus, should anticipate renewed enforcement action.

### 2. PPL's Strengthened Enforcement Position

With registration in hand, PPL can no longer be challenged on the ground that it is not a registered copyright society. Its right to issue licences and institute infringement proceedings has now been fortified.

### 3. Immediate Steps for Commercial Establishments

Hotels, restaurants, retail outlets, event venues, and other establishments that publicly perform sound recordings from PPL's repertoire should: (a) conduct an immediate audit of current licensing arrangements; (b) assess whether they hold valid licences covering the recordings being performed; (c) engage with PPL proactively to negotiate licence terms at published tariff rates; and (d) preserve records of all payments and correspondence in anticipation of potential enforcement proceedings.

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