

By Registered / Speed Post

NRAI / 8-2

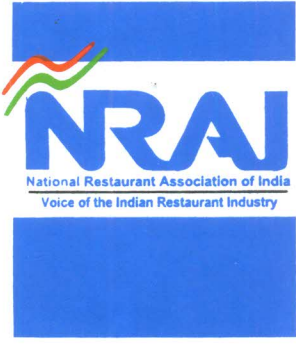
09 December 2015

Novex Communications Pvt. Ltd.
B/301, Remi Biz Court
Plot No. 9
Andheri (West)
Mumbai – 400053

PUBLIC PERFORMANCE LICENSES

Dear Sir/Madam,

1. Novex Communications Pvt. Ltd. has been approaching our restaurant members for taking mandatory music licenses under the Copyright Act. Correspondence has also been exchanged with many of our members for the same. In this regard, we would like to bring to your attention the following relevant points, as are mentioned in succeeding paras.
2. We find that you are asserting your rights to grant and issue Licences under Section 30 of the Copyright Act. However, Section 33 of the Copyright Act mandates that no person or association of persons shall carry on the business of issuing or granting licenses in respect of any work in which copyright subsists except under or in accordance with the registration granted under sub-section (3) of Section 33 the Copyright Act. The Copyright Societies would also be governed by the Tariff Scheme to be framed under Rule 56 of the Copyright Rules, 2013 and are under the obligation to follow the guidelines of the Copyright Board for fixing the Tariff.
3. Since you are purportedly engaged in the business of granting licenses, it is mandatory for you to get yourself registered as copyright society under Section 33 of the Copyright Act which obviously you are not. Unless and until Novex Communications is registered as Copyright Society, it cannot carry on the business of issuing or granting Licences.
4. Thus, the business of issuing / granting licences in respect of literary, dramatic, musical and artistic works incorporated in a cinematograph films or sound recordings can only be granted by Copyright Society.



NATIONAL RESTAURANT ASSOCIATION OF INDIA

5. In view of the foregoing, you are requested not to approach our members for demanding the above licenses.

Thanking you,
Sincerely,

Prakul Kumar
Secretary General
For National Restaurant Association of India
Authorised Signatory

email - prakul.kumar@nrai.org

Tel - 011-41000967

Mob – 8860640879