

By Registered / Speed Post

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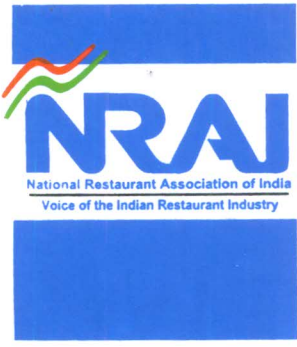
09 December 2015

Phonographic Performance Ltd.  
Crescent Towers, 7<sup>th</sup> Floor  
Veera Estate, Off New Link Road  
Andheri (West)  
Mumbai – 400053

## PUBLIC PERFORMANCE LICENSES

Dear Sir/Madam,

1. Phonographic Performance 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. It is relevant to mention that since you are admittedly seeking administration of rights for sound companies, you are required to be registered as a Copyright Society under Section 33 of the Copyright Act. Unless and until PPL is registered as Copyright Society, it cannot carry on the business of issuing or granting Licences.
4. 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.



## NATIONAL RESTAURANT ASSOCIATION OF INDIA

5. 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. 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](mailto:prakul.kumar@nrai.org)  
Tel - 011-41000967  
Mob – 8860640879