



NALSAR
University of Law, Hyderabad
(Accredited with 'A' grade by NAAC)

nalsarpro
e-nexus for Law
Directorate of Distance Education



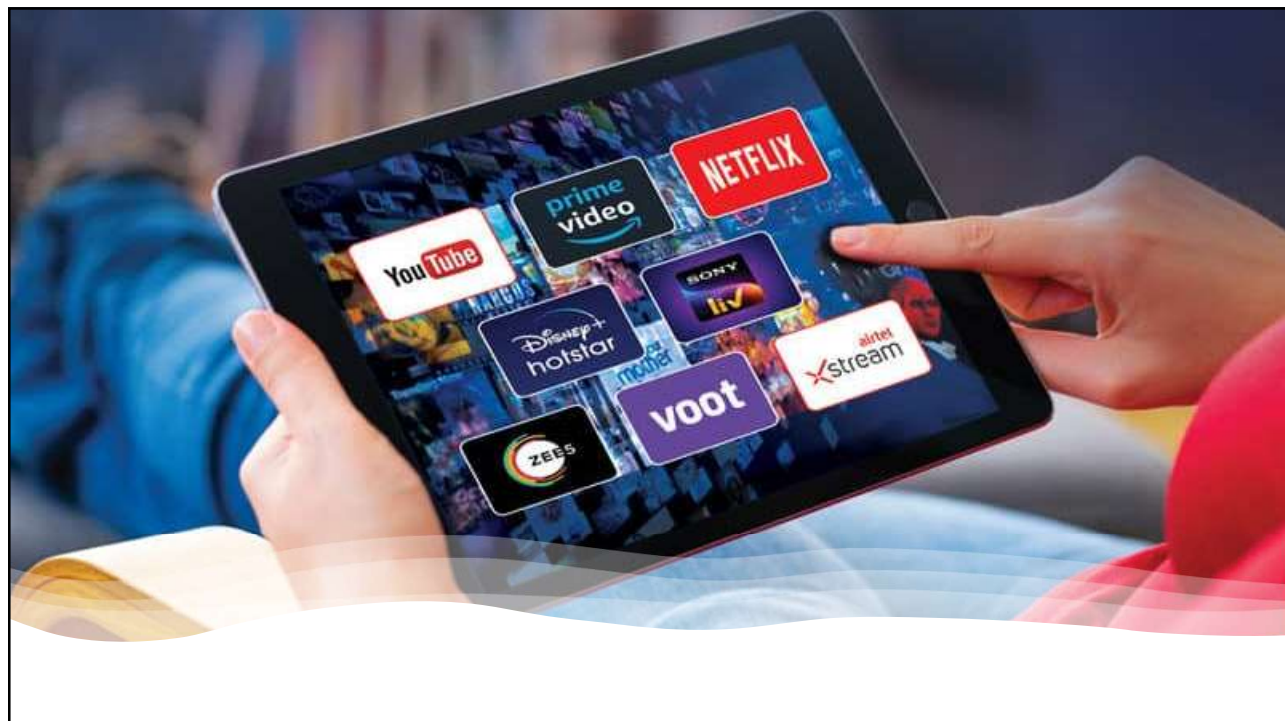
Regulating Online content

Niharika Salar
PhD student at Queen's University, Belfast



Advanced diploma in Media Laws 2023-24
December 10, 2023

1



2

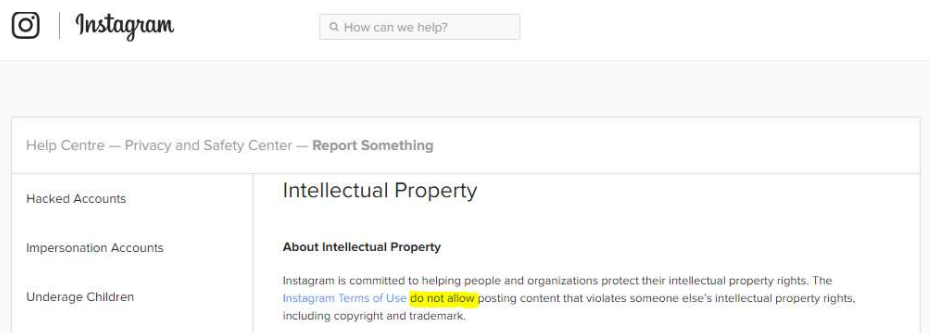
The notification dated November 9, 2020, has added two entries – 22A and 22B to the Government of India (Allocation of Business) Rules, 1961.

These two entries are:

- Films and audiovisual programs made available by online content providers.
- News and current affairs on online platforms.

3

Copyright & User Generated Content



4

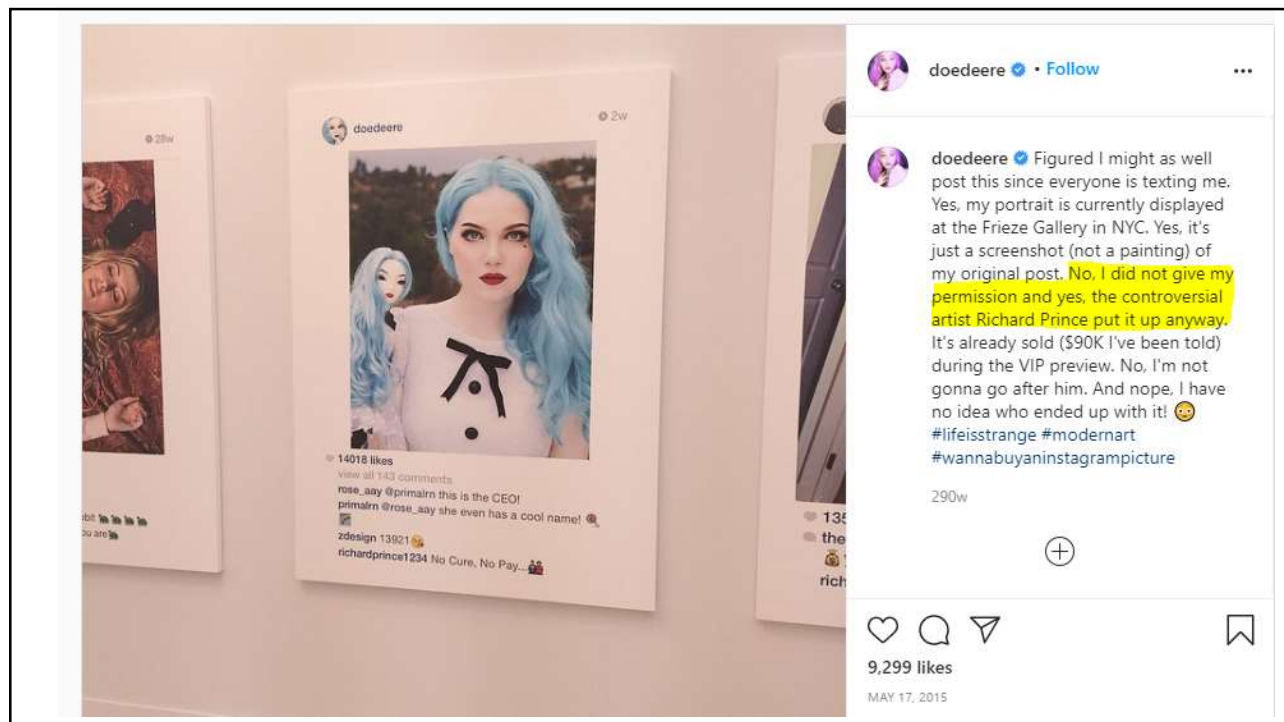
3. You represent and warrant that: (i) you own the Content posted by you on or through the Instagram Services or otherwise have the right to grant the license set forth in this section, (ii) the posting and use of your Content on or through the Instagram Services does not violate the privacy rights, publicity rights, copyrights, contract rights, intellectual property rights or any other rights of any person, and (iii) the posting of your Content on the Site does not result in a breach of contract between you and a third party. You agree to pay for all royalties, fees, and any other monies owing any person by reason of Content you post on or through the Instagram Services.

5



Image Source: <https://petapixel.com/2017/04/28/khloe-kardashian-sued-posting-copyrighted-photo-instagram/>

6



7

Recent updates across the globe

- Digital Services Act passed by European Union in August 2023
 - The DSA also prohibits targeting vulnerable categories of people, including children, with ads. Platforms like Snapchat and TikTok will stop allowing teen users to be targeted by ads based on their online activities.
- Online Safety Bill passed in the UK on 20 September 2023.
 - The bill criminalizes some online activity, such as cyberflashing, which is sending someone unwanted explicit images. The law applies to any internet company, no matter where it's based as long as a U.K. user can access its services. Companies that don't fall in line face fines of up to 18 million pounds (\$22 million) or 10% of annual global sales, whichever is greater.

8

In lining

Welcome to **Wikipedia**,
the free encyclopedia that anyone can edit.
6,206,127 articles in English

- The arts
- History
- Society
- Biography
- Mathematics
- Technology
- Geography
- Science
- All portals

From today's featured article



A complete blood count (CBC) is a set of medical laboratory tests that provide information about the cells in a person's blood. The CBC indicates the counts of white blood cells, red blood cells and platelets, the concentration of hemoglobin, and the hematocrit (the volume percentage of red blood cells). The CBC is often carried out as part of a medical assessment, and can be used to monitor health or diagnose diseases. The results are interpreted by comparing them to reference ranges, which vary with gender and age. A landmark in the automation of blood cell counts was the Coulter principle (1953), which uses electrical impedance measurements to count blood cells and measure their sizes. This technology remains in use in many automated analyzers. Further research in the 1970s involved the use of optical measurements to count and identify cells, which enabled the automation of the white blood cell differential. ([Full article...](#))

Recently featured: London Beer Flood · Death of Cleopatra · Alister Murdoch · [Askina](#) · [Princess](#) · [More featured articles](#)

In the news

COVID-19 pandemic: Disease · Virus · By location · Impact · Vaccines · Portal

- Nana Akufo-Addo (*pictured*) is **re-elected** for a second term as President of Ghana.
- In motorsport, Sébastien Ogier and Julien Ingrassia win **the World Rally Championship**, while Hyundai win the manufacturers' title.
- Hayabusa2** successfully returns samples collected from asteroid 162173 Ryugu to Earth.
- Zdravko Krivokapić** takes office as Prime Minister of Montenegro, becoming the first independent to hold the post.

Ongoing: Indian farmers' protest · Tigray conflict
Recent deaths: Iman Budhi Santosa · Astad Deboo · Manglesh Dabral · Paolo Rossi · Harold Budd · Roger Moret



Nana Akufo-Addo

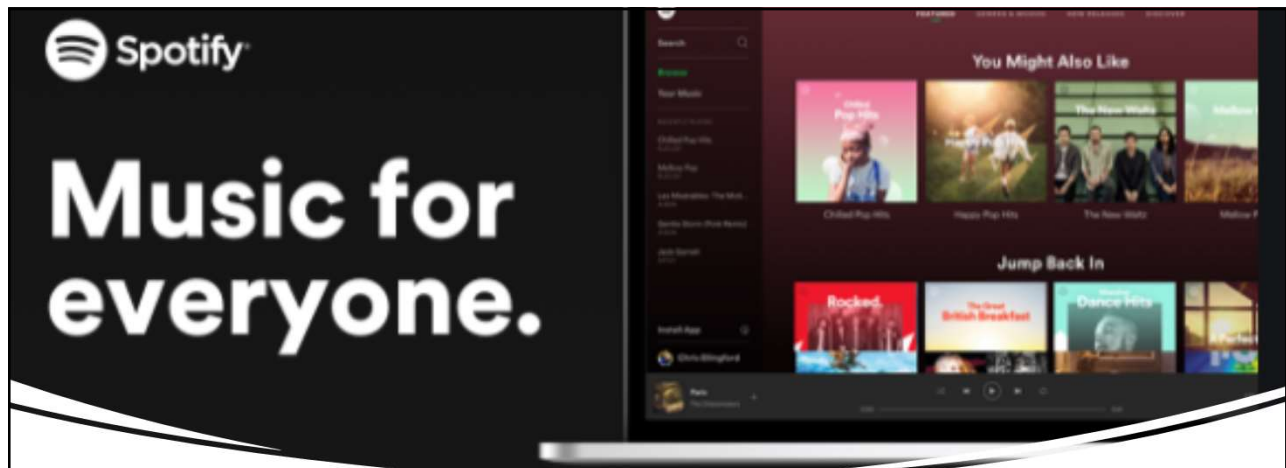
9

Copyright & Streaming media



- ❑ Musical Composition rights
- ❑ Sound recording rights

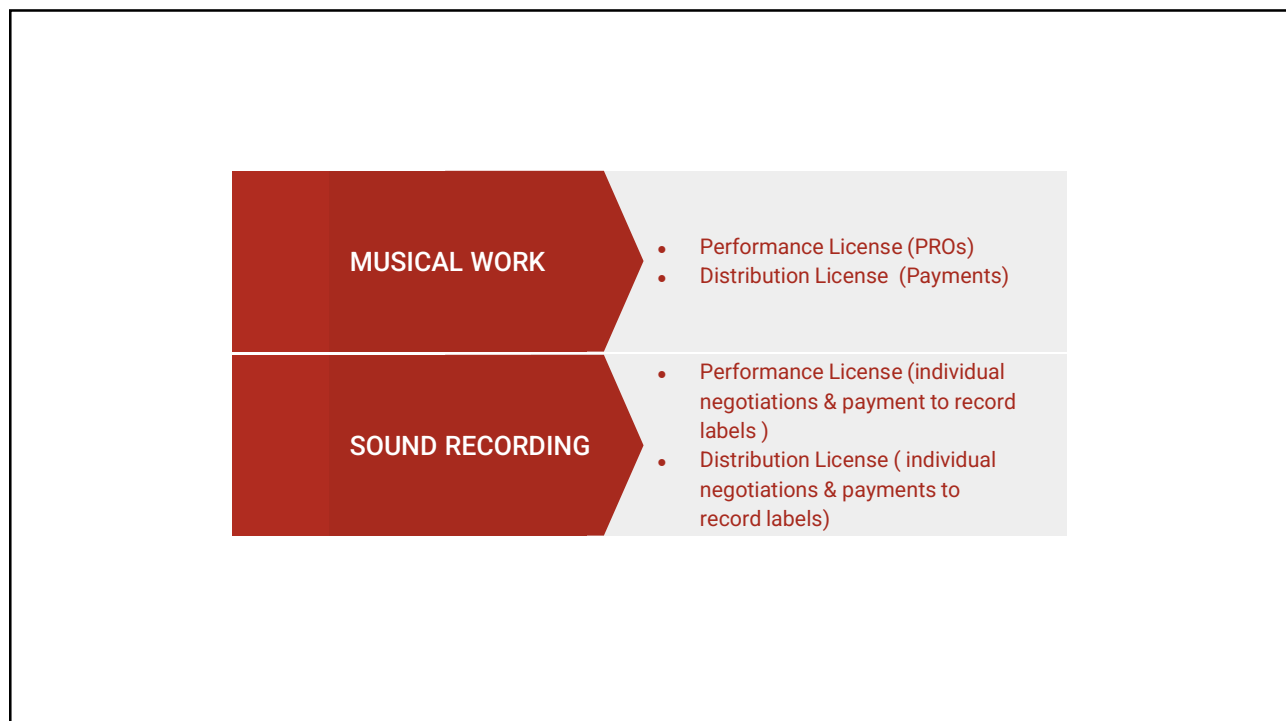
10



Music for everyone.

- Non-interactive streaming through the Radio program; and
- Interactive streaming together with offline listening.

11



12

¹31D. Statutory licence for broadcasting of literary and musical works and sound recording.— (1)

Any broadcasting organisation desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so subject to the provisions of this section.

(2) The broadcasting organisation shall give prior notice, in such manner as may be prescribed, of its intention to broadcast the work stating the duration and territorial coverage of the broadcast, and shall pay to the owner of rights in each work royalties in the manner and at the rate fixed by the ¹[Appellate Board].

(3) The rates of royalties for radio broadcasting shall be different from television broadcasting and the ¹[Appellate Board] shall fix separate rates for radio broadcasting and television broadcasting.

(4) In fixing the manner and the rate of royalty under sub-section (2), the ¹[Appellate Board] may require the broadcasting organisation to pay an advance to the owners of rights.

(5) The names of the authors and the principal performers of the work shall, except in case of the broadcasting organisation communicating such work by way of performance, be announced with the broadcast.

(6) No fresh alteration to any literary or musical work, which is not technically necessary for the purpose of broadcasting, other than shortening the work for convenience of broadcast, shall be made without the consent of the owners of rights.

(7) The broadcasting organisation shall—

(a) maintain such records and books of account, and render to the owners of rights such reports and accounts; and

(b) allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such broadcast,

in such manner as may be prescribed.

(8) Nothing in this section shall affect the operation of any licence issued or any agreement entered into before the commencement of the Copyright (Amendment) Act, 2012.]

Section 31D

Copyright Act, 1957

13

Broadcast : communication to the public (i) by any means of wireless diffusion, whether in any one or more of the forms of signs, sounds or visual images; or (ii) by wire, and includes a re-broadcast

P.NO. 14-35/2015-CRB/LU (IPR VII)
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION
(COPYRIGHT SECTION)

DATED the 5th September, 2016

OFFICE MEMORANDUM

Representations have been received from various Stake holders as to whether the internet broadcasting companies come under the purview of Statutory Licensing as per provisions of section 31D of the Copyright Act, 1957. These representations were examined in consultation with concerned ministries/ departments.

2. Section 31D of the Copyright Act, 1957 talks of "Any broadcasting organization desirous of communicating to the public...." and section 2(ff) of the act defines "communication to the public" as "making any work or performance available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing physical copies of it, whether simultaneously or at places and times chosen individually, regardless of whether any member of the public actually sees, hears or otherwise enjoys the work or performance so made available". The explanation to section 2(ff) states that "Communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public".

3. In view of the above, the words "any broadcasting organization desirous of communicating to the public...." may not be restrictively interpreted to be covering only radio and TV broadcasting as definition of 'broadcast' read with 'communication to the public', appears to be including all kind of broadcast including internet broadcasting. Thus, the provisions of section 31D are not restricted to radio and television broadcasting organizations only, but cover internet broadcasting organizations also.

14

Tips Industries v/s Wynk Music India Pvt Ltd

Notice of Motion (L) No. 197 of 2018 IN Commercial Suit IP (L) No. 114 of 2018



15

- The Court held that Wynk could not invoke the provisions on statutory licensing under the Copyright Act in respect of their download/purchase business.
- Download and purchase features amounted to sale and commercial rental, respectively
- Commercial rental/sale was distinct from communicating the sound recording to the public
- Provisions on statutory licensing under the Copyright Act only applied to communication to the public by way of broadcast
- The Court held that the provisions on statutory licensing were restricted to only television and radio broadcasting, and did not include streaming services

16

Please feel free to reach me at
nsalar01@qub.ac.uk for any queries/concerns.

I am also active on LinkedIn
(<https://www.linkedin.com/in/niharika-salar/>)

THANK YOU & ALL THE BEST



SCAN ME!