

Calcutta High Court Holds Separate Licences for Underlying Musical and Literary Works Necessary, in Addition to Licences for Sound Recordings

In *Vodafone Idea Limited v. Indian Performing Right Society Limited* (2026:CHC:OS:170-DB), the Division Bench of the Calcutta High Court held that telecom operators cannot commercially exploit songs as caller tunes or ringtones merely on the basis of licences obtained from sound recording companies. The Court ruled that separate authorisation is required for the use of the underlying literary and musical works incorporated in such sound recordings.

Vodafone Idea contended that it had valid arrangements with Saregama India Limited, the owner of rights in the sound recordings, and therefore was not required to obtain any separate licence from the Indian Performing Right Society (IPRS). However, IPRS argued that the dispute concerned not only the sound recordings but also the underlying lyrics and musical compositions, in respect of which authors continue to hold independent rights under the Copyright Act.

Accepting IPRS's contention, the Division Bench held that literary works, musical works, and sound recordings constitute distinct classes of copyright. The Court observed that ownership of copyright in a sound recording does not extinguish the separate rights vested in lyricists and composers. Referring to the 2012 amendments to the Copyright Act, the Court



reiterated that authors of underlying literary and musical works remain entitled to royalties when their works are commercially exploited, except in the limited case of exhibition of a cinematograph film in a cinema hall.

The Court further held that Saregama had no authority to license Vodafone to commercially exploit the underlying musical and literary works embedded in the sound recordings. Accordingly, it directed release of the amounts deposited by Vodafone in Court in favour of IPRS, subject to appropriate undertakings.

Key takeaway: The ruling reinforces the independent and continuing rights of lyricists and composers in the digital exploitation of music. Licences for sound recordings alone do not automatically authorise commercial use of the underlying literary and musical works in the sound recordings.



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