

# No Unauthorised Use of TOI and ET Content, Gigi Hadid Sued, Vice Partners with Hulu, and more

February 1, 2019

## Copyright Quote

“The beauty of Copyright law is it protects you and it provides you the opportunity to honour others”

Peter Smith

## Copyright Statistics

There is an increase of 10% in the total number of copyright applications filed last week as compared to the previous week. A total of 386 applications were filed for copyright registration during the last week. The majority of applications were filed for literary works and artistic works.

S. No	Type of Work	Number of Applications filed in the Previous Week (14 <sup>th</sup> January, 2019 to 20 <sup>th</sup> January, 2019)	Number of Applications filed in the Recent Week (21 <sup>st</sup> January, 2019 to 27 <sup>th</sup> January, 2019)	Change	Percentage Change
1.	Literary Work	202	213	11	Increase of 5%
2.	Musical Work	4	4	0	No Change
3.	Artistic Work	114	123	9	Increase of 8%
4.	Cinematograph Film	8	2	6	Decrease of 75%
5.	Sound Recording	4	13	9	Increase of 225%
6.	Software	18	31	13	Increase of 72%
	Total	350	386	36	Increase of 10%

## Indian Copyright News

### Gujarat Court: Singer Can Perform Song Live

Earlier this year, a trial court in Gujarat had passed an ex-parte stay order against singer Kinjal Dave in a copyright

suit filed by Red Ribbon Entertainment, restraining her from using and singing the song 'Char Char Bangadi Wari Gadi'. Red Ribbon had alleged that the words and the musical notation of Dave's song was a copy of one of its songs. Dave had challenged the ex-parte order in the Gujarat High Court, which recently granted her relief by lifting the stay order and allowing her to perform the song in live shows.

Dave had claimed that Red Ribbon has no copyright over the song as it was written by Manubhai Rabari more than two-and-a-half years ago and was recorded in Saraswati Studio. She had also attested that her song is not a copy as the musical notation and lyrics of both the songs are different.

## **Delhi HC: Website Cannot Use TOI and ET Content**

The Delhi High Court has passed an order restraining the owners of the website [www.sscias.com](http://www.sscias.com) from using content from the 'Times of India'(TOI) and the 'Economic Times'(ET) on their website. This order requires the website owners to stop using, advertising, promoting, and making available for download any content from the TOI and ET newspapers.

The court passed this order in a suit alleging trademark infringement, copyright infringement and unfair competition, filed by Bennett Coleman & Co. Ltd (BCCL), which owns TOI and ET. BCCL had filed the suit against the sscias website for providing electronic copies of the two leading newspapers before 6 am, which affected the papers' readership, circulation and advertising revenues.

## **International News**

## **Canada: Piracy Notices Cannot Demand Payment for Copyright Infringement**

Through an amendment to Canadian Copyright law, a new provision has been added which prohibits the copyright holders from demanding payment or personal information or any settlement in notices alleging piracy or copyright infringement by offering unauthorised downloads. The new law has also banned the inclusion of any hyperlinks to any other sites where payments can be made to content creators.

The amendment follows a slew of lawsuits over the last two years, forcing Canadians to pay a penalty for copyright infringement, up to the maximum penalty of CAD 5000. Digital rights campaigners inferred that most recipients of infringement notices paid the amounts demanded due to fear and ignorance of their rights.

## **Gigi Hadid Sued For Unauthorized Publication of Paparazzi Photo**

Xclusive-Lee Inc., a New York-based media company has filed a [copyright infringement suit](#) against model Gigi Hadid for uploading to Instagram a copyrighted photograph featuring Hadid, without taking a license or prior permission. Xclusive has alleged that Hadid violated its intellectual property rights and has claimed injunction, statutory damages, and any such profits realized from the publication of the copyrighted photograph. Xclusive has alleged that Hadid's action was wilful, as this is not the first suit she has faced for uploading a photograph not owned by her.

## **Dragon Media to Close, Pay USD 14.5 million in Copyright Lawsuit**

The sellers of Dragon Box, a streaming device allegedly used for pirating movies and TV shows, have lost their legal battle

with Netflix, Amazon and major Hollywood studios, according to court documents filed this week.

Dragon Media, which is based in California, used to sell set-top boxes which allowed people to stream video from the internet to their TVs. The studios and streaming services sued Dragon Media last January for inducing copyright theft of a multitude of titles including “Stranger Things” and “Deadpool”. Dragon Media has lost the copyright lawsuit and will have to shut down its operation and pay \$14.5 million as damages. The settlement marks a major win for the Alliance for Creativity and Entertainment, a coalition of international studios, television networks and online-video giants, which launched in 2017 in an effort to fight global piracy.

## **Licensing and Merchandising News**

### **Vice Media and Hulu Japan Ink Content Licensing Deal**

Youth-oriented broadcaster, Vice Media, and online streaming service provider Hulu Japan have signed a contract for content licensing and co-production. Vice has licensed approximately 250 hours of its content to Hulu Japan including Viceland, Vice News, food channel Munchies and music channel NoiseyTV and various other programs to give it greater access to young Japanese audiences while fitting into the company’s broader expansion plans for Asia. The deal is expected to allow Hulu to compete with leading online streaming service provider Netflix.

### **Cinedigm’s Streaming Channel BAMBU**

## **partners with China Lion**

Cinedigm, a North American entertainment company, announced a non-exclusive content licensing agreement with the leading Chinese entertainment company, China Lion, to release over forty films on newly announced Chinese content entertainment streaming channel Bambu. Bambu is expected to launch in mid-2019, and aims to expand American appreciation of Chinese entertainment by providing viewers with a unique and innovative experience with content previously unavailable to American audiences.

## **U.K. Collection Society PPL Records Largest Ever International Revenues**

U.K. music licensing company PPL (Phonographic Performance Limited) has recorded the largest-ever total of overseas revenue in 2018 of USD 93.4 million. The market-leading organization has stated that it received almost half (43 percent) of all performer-neighbouring rights payments. In the last 12 months, PPL signed new international collection agreements with the many societies including AGATA (Lithuania), UPFR (Romania), Audiogest (Portugal), Brumusic (Brunei), GCA (Georgia) and AKDIE (Albania), which contributed significantly to the increase in revenue.

## **Tip of the Week**

Duplication of others' news content, even for news reporting purposes online, is copyright infringement. It is permissible in certain circumstances to display the headings of such news items, but if one wants to access the article it should be directly from the original source.

**Author: BIP's Copyright and Entertainment**

## Law Attorneys

Led by [Sanjeeth Hegde](#), Senior Partner, the entertainment law attorneys at BIP are among the well-known lawyers in the field. They work with clients such as Yash Raj Films, Dharma Productions, Ananda Audio, Anushka Sharma, Sushant Singh, and Arka Media (Producer of Bahu Bali). BIP's entertainment law team helps clients protect, manage and effectively license and merchandise their creative works such as films, music, brands and other content, to maximize financial returns.

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If you have any questions, you may write to BIP's Copyright and Entertainment Law Attorneys – [contact@bananaip.com](mailto:contact@bananaip.com)