



CINEFIL LICENSING HANDBOOK

Communication to the Public & Public Performance Rights

**UNDERSTANDING THE LICENSING FRAMEWORK FOR
CINEMATOGRAPH FILM WORKS IN COMMERCIAL ESTABLISHMENTS**

A Practical Guide for Hotels, Hospitality & Commercial Establishments

2026 Edition

Published By
CINEFIL Producers Performance Limited
Administering Public Performance Rights
And Communication to Public Rights
In Cinematograph Film Works

INDIA



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FOREWORD



It is a privilege, as President of CINEFIL Producers Performance Limited, to introduce the inaugural edition of the CINEFIL Licensing Handbook 2026.

The principles on which CINEFIL stands are not peculiar to India. As a signatory to the Berne Convention and the international treaties that followed, India shares the same copyright fundamentals as the world's major jurisdictions. It is for this reason that the decisions of foreign courts, built on those very foundations, sit comfortably alongside our own and reinforce the position taken under the Copyright Act, 1957 — the same first principles, applied the world over.

CINEFIL is, at its heart, an institution of the Producers and Copyright Owners fraternity — a transparent and effective means through which the public performance rights in their cinematograph films may be collectively administered and fairly monetised. That we have come this far on modest infrastructure is a credit to the collective effort and dedication of our team, whose commitment has carried the Society's day-to-day work forward.

This Handbook is offered to commercial establishments as a clear and practical guide to their rights and obligations. As technology continues to transform the way audio-visual content is delivered and enjoyed, the road ahead holds growth that we are only beginning to glimpse. I trust this Handbook will prove a dependable companion to licensees and producers alike — helping establishments use cinematograph films lawfully and with confidence, and enabling producers to realise the fair value of their work by monetising their public performance rights.

(S/d)

T P Aggarwal

President & Director

CINEFIL Producers Performance Limited

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Message from the Chairman



On behalf of the film producers and other right holders represented by CINEFIL, it gives me immense pleasure to present the inaugural edition of the CINEFIL Licensing Handbook – 2026, a practical guide on Communication to the Public and Public Performance Rights for hotels, hospitality establishments and commercial enterprises.

India's film industry is built upon the creativity, investment and entrepreneurial vision of thousands of producers and content creators who bring stories to audiences across diverse platforms. As technology continues to transform the way audio-visual content is accessed and consumed through DTH services, smart televisions, OTT platforms, internet-enabled systems and emerging AI-driven technologies, the importance of protecting intellectual property rights remains fundamental.

Indeed, India is steadily awakening to the value of intellectual property. The Copyright Rules, 2013, the National IPR Policy of 2016 and a fast-growing media and entertainment sector have together moved IP from the margins to the mainstream — a shift reflected in India's climb on the Global Innovation Index from 81st in 2015 to around 39th in 2024. It is within this awakening that CINEFIL was registered, in 2023, as a Copyright Society under Section 33(3) of the Copyright Act, 1957, entrusted with the administration of Public Performance Rights and Communication to the Public Rights in cinematograph film works.

Through our engagement with hotels, hospitality groups, commercial establishments, industry associations, legal professionals and compliance teams, we have observed a growing need for greater clarity regarding the lawful use of audio-visual content within commercial environments. This Handbook has been developed to address the practical questions frequently raised by stakeholders and to provide clear guidance on the legal principles governing public performance and communication to the public under the Copyright Act, 1957. Its objective is not only to explain licensing requirements but also to promote awareness, transparency and constructive engagement between right holders and users of copyrighted works.

We recognise the important role that hotels, hospitality establishments and commercial enterprises play in enhancing customer experiences through audio-visual content, and believe that a balanced and sustainable copyright ecosystem benefits creators, businesses and consumers alike. We hope this Handbook serves as a practical resource for industry stakeholders and contributes meaningfully to a better understanding of these rights in today's rapidly evolving technological environment.

I would also like to place on record my profound gratitude to Mr. T.P. Aggarwal, President of CINEFIL, who has stood steadfastly beside us with his veteran insight and astute counsel right from the inception of CINEFIL. The rich exposure he brings — having served as President of the Indian Motion Picture Producers' Association (IMPPA) for well over a decade and a half, together with the distinguished positions he has held in the Film Federation of India (FFI) and other premier trade bodies — continues to be of immense help and guidance to CINEFIL.

I am equally grateful to the Governing Council and the General Body Members of CINEFIL for their invaluable guidance and support throughout the preparation of this Handbook. I also extend my deep appreciation to the All India Sales Team for their practical insights and on-ground experience, which have lent this publication a meaningful real-world perspective. Further, I place on record my heartfelt thanks to MediaLexicon, Solicitors & Advocates, and their team for their considered legal opinions and valuable insights, which have significantly enriched the content and quality of this publication.

With warm regards

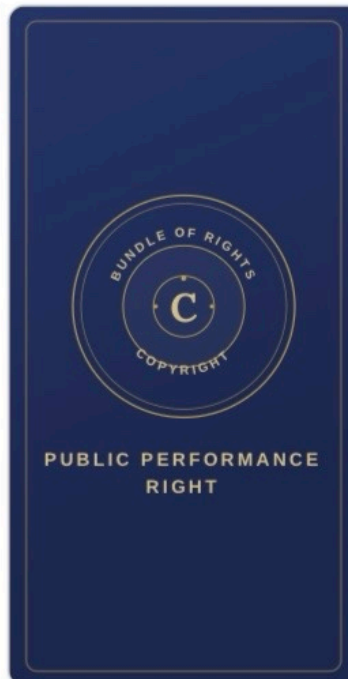
(S/d)

Rishi Raj

Chairman

CINEFIL Producers Performance Limited

2026 Edition

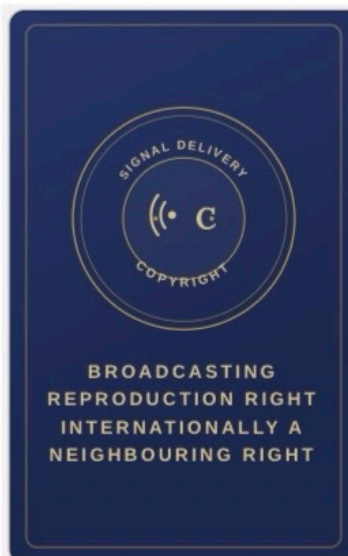


— PRINCIPLE 01

Public Performance Right Is Part of the Copyright Bundle

Public Performance Right is one of the rights within the bundle of rights that together constitute copyright.

It occupies a distinct position under the Copyright Act, 1957. Recognising the public-interest considerations associated with the collective administration and licensing of such rights, Chapter VII of the Copyright Act, 1957, read with the Copyright Rules, 2013, establishes the statutory framework governing the registration, regulation and functioning of Copyright Societies. Under this framework, the Central Government grants registration to Copyright Societies for specified classes of works and confers upon them the authority to collectively administer and license the rights entrusted to them by their members, subject to the provisions of the Act and the Rules framed thereunder.



— PRINCIPLE 02

Delivering Signals Is Not Copyright

Signal delivery is a special right – the Broadcasting Reproduction Right, a neighbouring right – and is not copyright in the work.

It is conferred by the Copyright Act, 1957, and is internationally recognised as a neighbouring, or related, right, since broadcasters act as intermediaries between content creators and the public. It is not a copyright; the work in which copyright subsists belongs to its authors and owners. Cable television operators, DTH platforms, satellite service providers, internet service providers and OTT platforms facilitate the transmission or delivery of content, while copyright licensing relates to the legal authorisation required for the exercise of the rights vested in the copyright authors and owners.



— PRINCIPLE 03

Communication to the Public

Communication to the public turns on whether a work is made available to the public – not on whether anyone actually sees it.

Under Section 2(ff) of the Copyright Act, 1957, communication to the public means making any work available for being seen, heard or otherwise enjoyed by the public, directly or by any means of display or diffusion. The right is engaged by the act of making the work available; it is not necessary that members of the public actually see, hear or enjoy the work, nor that they do so at the same place or at the same time.

Intermediaries, Not Owners

Broadcasters act as intermediaries between content creators and the public – delivering the signals that carry the copyrighted content of authors and owners.

PART 1

PART I · CHAPTER 1

Introduction to CINEFIL

CINEFIL Producers Performance Limited (“CINEFIL”) is a Copyright Society registered by the Central Government under Section 33(3) of the Copyright Act, 1957 through the Copyright Division, Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce & Industry, Government of India.

CINEFIL has been established to collectively administer and license Public Performance Rights and Communication to the Public Rights in cinematograph film works on behalf of its member producers and right holders.

With the increasing use of televisions, DTH services, OTT platforms, smart TVs and other audio-visual systems in hotels, restaurants, lounges, hospitals and commercial establishments, there is a growing need to understand the legal framework governing the use of such content in commercial environments.

CINEFIL seeks to promote a transparent, efficient and professionally managed licensing framework that supports both content creators and businesses while ensuring compliance with the Copyright Act, 1957.

PART I - CHAPTER 2

Rights Administered by CINEFIL

Understanding Film Copyright

Copyright in a film is not a single right. Under the Copyright Act, 1957, it comprises multiple rights that may be separately owned, licensed or administered.

What Rights Does CINEFIL Administer?

CINEFIL administers the **Public Performance Rights** and **Communication to the Public Rights** in cinematograph film works entrusted to it by its members. For hotels, restaurants, lounges, hospitals and other commercial establishments, these rights become relevant when films or audio-visual content are made available to guests, customers or visitors through televisions, DTH connections, smart TVs, projectors or similar systems.

How Does CINEFIL Administer These Rights?

Under Chapter VII of the Copyright Act, 1957 and the Copyright Rules, 2013, Copyright Societies registered by the Central Government are authorised to collectively administer and license copyright on behalf of their members. CINEFIL acts under the exclusive authorisation granted by its members to issue licences and collect licence fees for the rights entrusted to it. The underlying copyright remains with the respective producers and right holders.

Key Takeaway for Licensees

If your establishment communicates cinematograph film content to guests, customers or visitors within a commercial environment, you may require a licence for the relevant Public Performance Rights and Communication to the Public Rights. A CINEFIL licence helps ensure lawful use of such content and supports compliance with the Copyright Act, 1957.

PART I · CHAPTER 3

Collective Administration of Rights

Why Are Public Performance Rights Licensed Collectively?

Hotels, restaurants, lounges, hospitals and other commercial establishments across India regularly use audio-visual content to enhance customer and guest experiences. Given the large number of users and the extensive repertoire of films involved, it would be impractical for businesses to identify and obtain permissions individually from each producer or right holder. To simplify this process, the Copyright Act, 1957 provides for collective administration of Public Performance Rights through Copyright Societies registered by the Central Government.

The Justification for Collective Administration

Collective administration exists to solve a basic problem: some rights are difficult, if not impossible, to exercise individually. When a single work is used by very large numbers of users in scattered, hard-to-track ways, no right holder can realistically pursue every user, and no user can trace every right holder. A single organised body bridges that gap by licensing the rights collectively on behalf of all its members.

Origins and growth. The model first emerged in the second half of the nineteenth century, when composers and music publishers banded together to control the public performance of musical works in places of public entertainment. Each new technology then widened its reach — sound recording, broadcasting, cable and satellite, reprography, and the Internet — with every wave making individual licensing harder and collective administration more necessary. The latest such wave is artificial intelligence, where works are used to train systems on a scale and at a speed that no right holder could realistically track or licence one by one. It is precisely this challenge that is now driving right holders and their societies, across the world, to advocate collective administration as the practical means of authorising such uses and securing fair remuneration.

Public performance is only the most visible part of a much wider field: copyright is best understood as a *pie* of distinct, separable slices — reproduction, communication to the public, public performance, distribution, rental and lending, and resale — each of which can be administered separately. Public performance is simply the slice where individual licensing is hardest, and so the one most universally handed to collective societies, though the others are increasingly licensed collectively too. Each Copyright Society, however, is registered to administer only the specific rights entrusted to it, and CINEFIL's mandate is the public performance and communication to the public of cinematograph films.

The international picture. This is a globally established system. Such bodies — known internationally as Collective Management Organisations (CMOs) — now operate in around 130 countries, licensing users, collecting royalties and distributing them to right holders. They are commonly linked through reciprocal arrangements, so that a single licence can clear an entire worldwide repertoire.

The Indian framework. India follows the same path. What began as “performing rights societies” was widened by the Copyright (Amendment) Act, 1994, which replaced them with “Copyright Societies” — extending collective licensing from performance rights alone to any right in any class of work in which copyright subsists. These societies are registered and regulated under the Copyright Act, 1957, and it is within this framework that CINEFIL operates.

The Role of CINEFIL - CINEFIL is the Copyright Society registered under Section 33(3) of the Copyright Act, 1957 for administering Public Performance Rights and Communication to the Public Rights in cinematograph film works entrusted to it by its members. CINEFIL issues licences, collects licence fees and distributes royalties to its member producers and right holders in accordance with the Copyright Act, 1957 and the Copyright Rules, 2013.

Benefits for Licensees - Collective administration provides a simple and transparent licensing framework for commercial establishments. It gives businesses a single point of contact for obtaining licences, greater legal certainty and compliance, and transparent licensing processes, while ensuring efficient royalty collection and distribution and a reduced administrative burden for businesses.

Why this matters - If your establishment communicates cinematograph film content to guests, customers or visitors through televisions, DTH connections, smart TVs, projectors or similar systems, you may require a licence for the relevant Public Performance Rights and Communication to the Public Rights. The collective licensing framework enables businesses to obtain these rights through a structured and efficient process while ensuring that creators and right holders receive fair remuneration for the use of their works.

PART II

PART II · CHAPTER 1

Signal Delivery and Content Distribution Systems

The Evolution of Content Delivery

The way audio-visual content is delivered has changed significantly over the years. Traditional broadcasting has evolved into a wide range of delivery systems, including cable television, DTH platforms, satellite services, IPTV, Smart TVs and OTT platforms. Today, hotels, restaurants, lounges, hospitals and other commercial establishments often use multiple technologies simultaneously to provide entertainment and information to guests and customers.

Different Technologies, Same Purpose

Although these technologies operate differently, they all serve the same purpose: delivering audio-visual content to end users. Commercial establishments may receive content through: Cable television networks, DTH and satellite platforms, Internet protocol televisions, Smart TVs, OTT applications and streaming services. Internet-enabled entertainment systems. A single television in a hotel room, restaurant or lounge may provide access to several of these services simultaneously.

Signal Delivery Is Not the Same as Content Rights

It is important to distinguish between the delivery mechanism and the content being delivered.

Cable operators, DTH providers, IPTV systems, Smart TVs and OTT platforms primarily facilitate the transmission and availability of audio-visual content through different technologies. However, the signal or platform through which content is delivered is separate from the copyright that subsists in the underlying cinematograph film works. In other words, paying for a cable connection, DTH subscription or OTT service provides access to the signal or platform. It does not, by itself, determine whether the commercial use of the underlying content requires separate copyright permissions.

What This Means for Your Establishment

If your establishment makes films or other audio-visual content available to guests, customers or visitors through televisions, DTH connections, Smart TVs, projectors or similar systems, it is important to understand that the technology used to deliver the content and the copyright in the content are separate considerations. The method of receiving content does not, by itself, determine the copyright permissions that may be required for its use within a commercial environment. Understanding this distinction is the first step towards assessing your establishment's licensing requirements and ensuring compliance with the Act.

TECHNOLOGY AT A GLANCE

How Content Reaches the End User

© The copyright in the underlying work stays with its authors and owners throughout the delivery chain.



KEY TAKEAWAY

The technology delivers the signal; it does not determine the copyright status or licensing of the underlying works carried within it.

PART II · CHAPTER 2

Signal Delivery vs Copyright Licensing

A Common Question

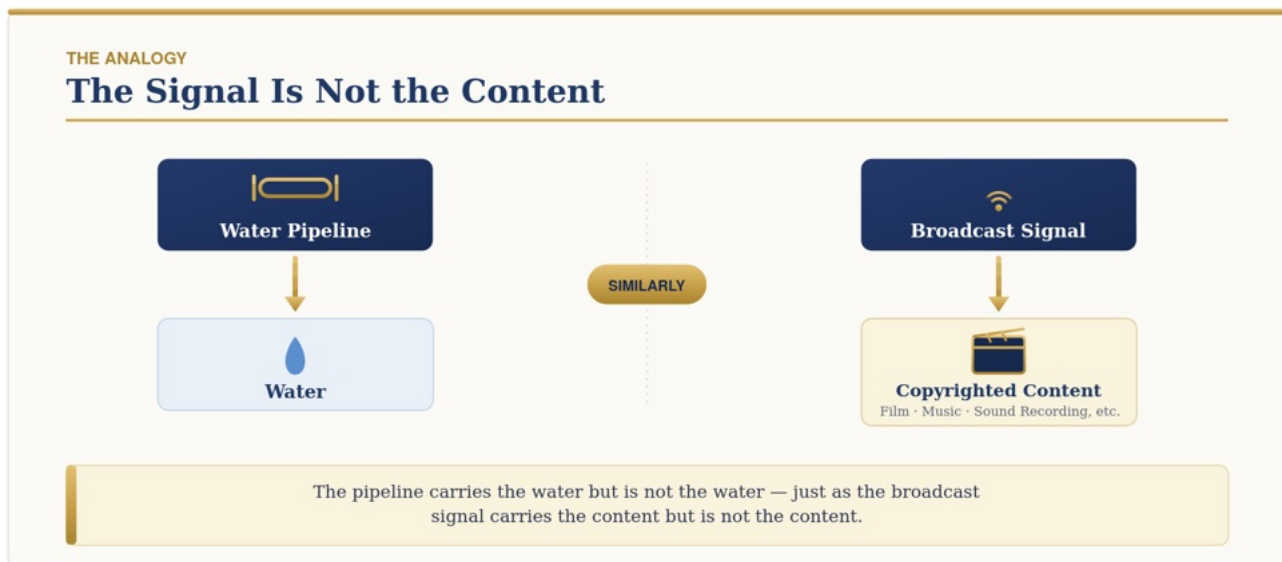
One of the most common questions CINEFIL receives from hotels, hospitality establishments and commercial users is this:

“If we already receive television channels through Cable TV, DTH, IPTV, Smart TV platforms or other authorised services, why is copyright licensing being discussed separately?”

The answer lies in understanding the distinction between signal delivery and the copyrighted content carried within that signal.

A Simple Analogy: the Pipeline and the Water

A simple example may help. Consider a water pipeline supplying water to a hotel. The pipeline carries the water from one place to another. However, the pipeline is not the water — it is merely the means through which the water travels. Similarly, in television and content distribution, the broadcast signal is the means through which content travels from the broadcaster to the viewer. The signal carries the content; the signal itself is not the content.

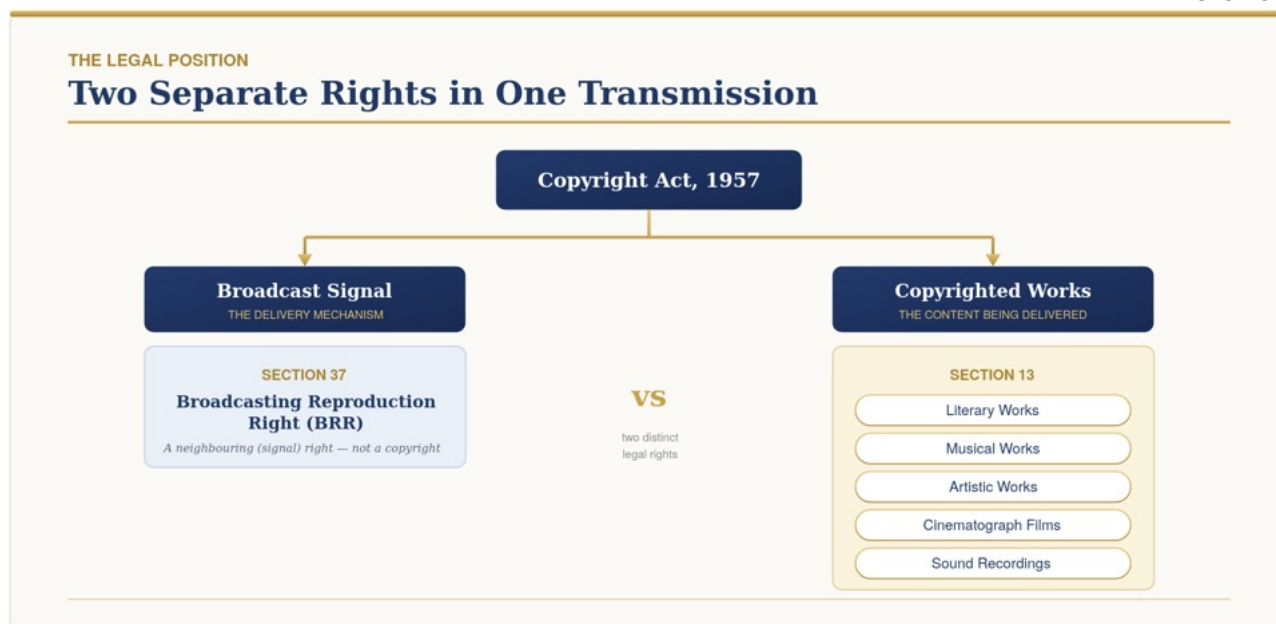


The Copyright Act Recognises This Distinction

The Copyright Act, 1957 recognises this distinction. A television signal may carry various categories of copyrighted works. Section 13 of the Copyright Act, 1957 provides that copyright subsists in: • **Works** - Literary, Musical, Dramatic, Artistic, Cinematograph Film and Sound Recordings. Accordingly, when a television channel broadcasts a movie, song, music video, documentary or other programme content, the signal may be carrying one or more copyrighted works in which copyright subsists under Section 13 of the Copyright Act.

Protecting the Signal: the Broadcasting Reproduction Right

The Copyright Act also recognises the investment made by broadcasters in creating, scheduling, transmitting and distributing television channels. To protect that investment, Section 37 grants broadcasters a separate right known as the Broadcasting Reproduction Right (BRR). It is important to be clear about what this right is. The Broadcasting Reproduction Right is a **special right conferred by the statute** — known internationally as a signal right or a **neighbouring (related) right**. **It is not a copyright**. Copyright in the underlying works vests in their authors and owners; and under the Copyright Act, 1957, **the producer is treated as the author of a cinematograph film and of a sound recording** (Section 2(d)) — the producer being the person who takes the initiative and responsibility for making the work. In simple terms, the BRR protects the broadcast signal, while the copyright provisions protect the underlying copyrighted works carried within that signal.



Everyday Examples

A useful everyday example is a movie channel. The broadcaster transmits a television signal; that signal carries a cinematograph film work. The signal and the film travel together, but they are not the same thing.

Similarly, a music channel may carry sound recordings and musical works, while a news channel may carry artistic works, graphics, audio-visual clips and other copyrighted content. In each case, the signal functions as the delivery mechanism, while the copyrighted works remain the content being delivered.

Multiple Legal Interests in One Transmission

Accordingly, a single television transmission may contain multiple legal interests operating simultaneously. The broadcaster may enjoy rights in the signal, while authors, producers and other owners may enjoy rights in the copyrighted works embodied within that signal.

Why the Distinction Matters

The distinction is important because signal delivery and copyright licensing perform different functions. Signal delivery systems facilitate the transmission and availability of content, while copyright licensing relates to the exercise and use of the rights subsisting in the underlying copyrighted works.

Understanding this distinction is essential because many discussions concerning Communication to the Public and Public Performance Rights arise not from the mere existence of a signal, but from the use of the copyrighted works carried within that signal.

CINEFIL Licenses the Content, Not the Signal

This distinction defines CINEFIL's role. CINEFIL does not license signals, nor does it administer the Broadcasting Reproduction Right that protects the broadcaster's investment in the signal. CINEFIL administers the Public Performance Rights of producers and other owners in the cinematograph film works carried within the signal — that is, the rights engaged on their Communication to the Public. It is the content that matters, not the pipe through which it travels. A licence to receive a signal is therefore not, by itself, authorisation to use the copyrighted works that signal carries.

Next: Communication to the Public

The relationship between copyrighted works, Communication to the Public and Public Performance Rights is examined in the following chapter.

PART II · CHAPTER 3

Communication to the Public

From Delivery to Availability

Having understood the distinction between signal delivery and the copyrighted works carried within a signal, the next step is to understand how copyright law treats the availability of those works to guests, customers and other members of the public. The Copyright Act, 1957 uses the expression “Communication to the Public” to describe this concept. At its core, Communication to the Public is concerned with the availability of a copyrighted work to members of the public for being seen, heard or otherwise enjoyed.

A Simple Example

Before examining the legal definition, a simple example may be useful. A hotel lawfully receives a television signal through a cable operator, DTH platform, IPTV service or another authorised source. The signal reaches the television set installed in a guest room, and the guest watches a movie channel carrying a cinematograph film work.

At this stage, the hotel is not merely receiving a signal. The copyrighted work carried within that signal is being made available for viewing and enjoyment by the guest.



What the Law Says: Section 2(ff)

The Copyright Act, 1957 defines Communication to the Public under Section 2(ff) as making any work or performance available for being seen, heard or otherwise enjoyed by the public, directly or by any means of display or diffusion other than by issuing physical copies, whether simultaneously or at places and times chosen individually. The definition is intentionally broad. It focuses on the availability of the work rather than the particular technology used to make that work available. In simple terms, Communication to the Public occurs when a copyrighted work is made available for viewing, hearing or enjoyment by members of the public through any recognised means of communication.

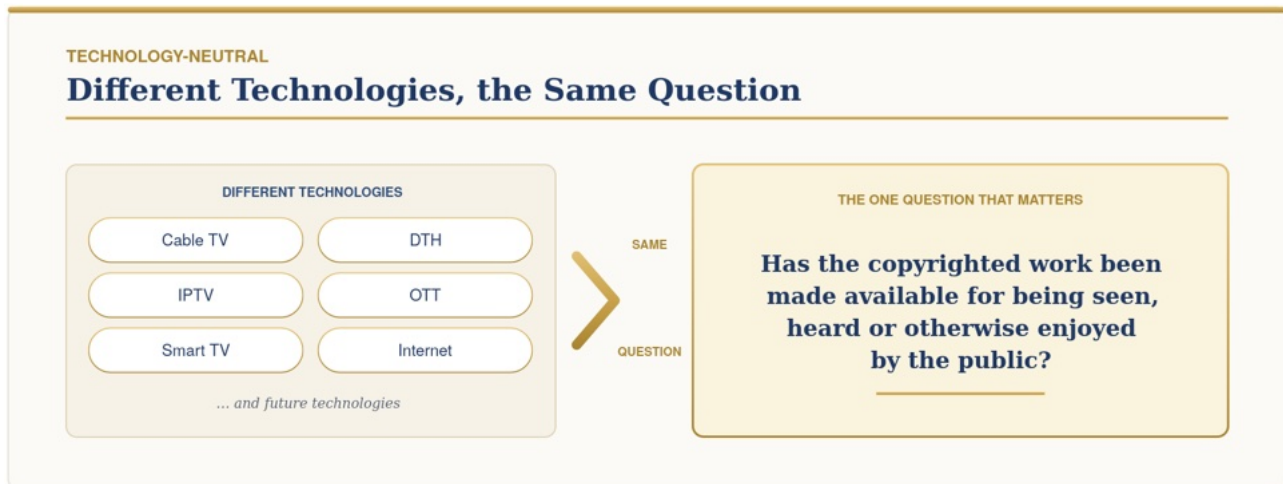
A Technology-Neutral Concept

The concept is technology-neutral. Whether a copyrighted work reaches its audience through cable television, DTH services, satellite transmission, IPTV systems, Smart TVs, OTT platforms, internet-based services, AI or future technologies, the central question remains the same:

Has the copyrighted work been made available for being seen, heard or otherwise enjoyed by members of the public?

If the answer is yes, the technology used becomes secondary to the fact that the work has been made available. This principle is particularly important because technology continuously evolves. The law therefore focuses on the communication of the copyrighted work rather than the changing methods through which such communication occurs.

*This principle has long been recognised by the Indian courts. In **Garware Plastics and Polyester Ltd. v. Telelink**, AIR 1989 Bom 331, the Bombay High Court held that showing films over a cable television network to subscribers in their homes amounts to a broadcast — a communication to the public — under the Copyright Act, 1957, and that the viewing taking place within the privacy of individual homes does not make the communication private.*



Many Settings, One Principle

Communication to the Public may occur through a variety of settings and environments. Hotels, resorts, clubs, restaurants, hospitals, lounges, commercial establishments, hospitals and other venues frequently utilise different technologies to make copyrighted content available to their guests, customers or visitors.

Accordingly, the focus of copyright law is not merely on the transmission of a signal or the existence of a technology platform. The focus is on the availability of the copyrighted work itself.

A Bridge Between Technology and Copyright

The concept of Communication to the Public therefore serves as an important bridge between technology and copyright law. It shifts the focus from how content reaches a screen to how copyrighted works are made available for viewing, hearing or enjoyment by members of the public.

At the Heart of CINEFIL's Mandate

For CINEFIL, this concept is central. The Public Performance Rights that CINEFIL administers are engaged precisely when cinematograph film works are made available to members of the public — that is, on their Communication to the Public — in hotels, resorts, clubs and other commercial establishments. Whatever the technology used to bring a work to the screen, it is this act of making the work available to the public that brings CINEFIL's mandate into play.

PART II · CHAPTER 4

Public Performance Rights

Bringing the Threads Together

The earlier chapters of this Handbook have each added a piece to a larger picture. We have seen that copyright is not a single right but a bundle of exclusive rights; that some of those rights are administered collectively, through a established framework, by a registered Copyright Society; that the signal which delivers content is not the same as the copyrighted work carried within it; and that making a work available to members of the public is what the law calls Communication to the Public. This chapter brings those threads together to explain the right at the centre of CINEFIL's work: the Public Performance Right in cinematograph film works.

What Is a Public Performance Right?

Copyright, as Part I explained, is the exclusive right to do — or to authorise others to do — certain acts in respect of a work. For a cinematograph film, **Section 14** of the Copyright Act, 1957 sets out those exclusive rights. Among them, **Section 14(d)(iii)** confers the exclusive right to communicate the film to the public.

It is this right — the right to communicate a cinematograph film to the public — that is administered collectively as the Public Performance Right. When this Handbook refers to Public Performance Rights in Cinematograph Film Works, it is referring to this exclusive right of communication to the public.

How Communication to the Public Engages the Right

Chapter 3 explained that Communication to the Public means making a work available for being seen, heard or otherwise enjoyed by members of the public (**Section 2(ff)**). The link to the Public Performance Right is direct: communicating the film to the public is precisely one of the exclusive rights that make up copyright in the film. So whenever a cinematograph film work is made available to the public, the Public Performance Right is engaged.

THE STATUTE IS EXPLICIT ABOUT HOTELS

Hotel and Hostel Rooms Are Expressly Covered

The Act puts this beyond doubt for commercial premises. The Explanation to **Section 2(ff)** provides that communication through satellite, cable or any other means of simultaneous communication to more than one household or place of residence — **expressly including the residential rooms of any hotel or hostel** — shall be deemed to be Communication to the Public.

*The constitutional validity of this statutory treatment has been upheld. In **The Federation of Hotels & Restaurants Association of India v. Union of India, 2011 SCC OnLine Del 1740, a Division Bench of the Delhi High Court rejected the challenge to Section 2(ff) and its Explanation, found a sound legal foundation for treating the communication of works in hotel rooms as communication to the public, and expressed respectful agreement with the reasoning in Garware.***

Who Holds the Right?

Copyright in a work vests in its author and owner. As Chapter 2 of this Part noted, the Copyright Act treats the **producer as the author of a cinematograph film and of a sound recording (Section 2(d))** — the producer being the person who takes the initiative and responsibility for making the work (**Section 2(uu)**). The right may also be owned by others to whom it has been assigned. The Public Performance Right therefore belongs to producers and other owners.

Why It Is Administered Collectively

A cinematograph film may be communicated to the public in countless venues, through many technologies, at the same moment. It would be impractical for each producer or owner to license every hotel, resort and club individually, and equally impractical for each venue to trace and negotiate with every right holder. This is why, as Part I explained, the Copyright Act provides for the collective administration of such rights through registered Copyright Societies.

The proviso to **Section 33(3)** means that, as a rule, only one Copyright Society is registered for a given class of works — the single-window mechanism described in Chapter 2 for each class of work. CINEFIL is the Copyright Society registered under Section 33(3) for Cinematograph Film Works, and it administers the Public Performance Rights in those works under the exclusive authorisation of its members. The rule, though, is not cast in stone. The proviso says the Central Government shall not *ordinarily* register more than one copyright society for the same class of works — and that single word, “*ordinarily*”, is deliberate. It acknowledges the reality of a country as vast and varied as India, with its many regions, languages and creative traditions. Should a genuinely extraordinary situation call for it, the statute leaves the Central Government room to register more than one society for the same class of works. In other words, is the norm rather than an absolute bar — the law keeps a measure of flexibility to meet exceptional need.

Signal Delivery Is Not a Public Performance Licence

It is important to connect this with the distinction drawn in Chapter 2 of this Part. Lawfully receiving a television signal — through a cable operator, DTH platform, IPTV service or any other authorised source — concerns the delivery of the signal. The Broadcasting Reproduction Right (Section 37) protects that signal; but it is a neighbouring right, not a copyright. The Public Performance Right in the cinematograph film carried within the signal is a separate right altogether. It follows that a licence or subscription to receive a signal is not, by itself, authorisation to communicate the underlying film to the public. When a commercial establishment makes that film available to its guests, it exercises the Public Performance Right — whatever the technology through which the signal arrives.



What This Means in Practice

For a hotel, resort, club, restaurant or similar establishment, the practical position follows naturally from the chapters before. Making cinematograph film works available to guests is Communication to the Public; communicating those works to the public engages the Public Performance Right; and that right is held by producers and other owners and administered by CINEFIL. Such use therefore calls for authorisation from the right holders, obtained through their registered Copyright Society.

The Right CINEFIL Exists to Administer

The Public Performance Right is the single right around which CINEFIL is built. CINEFIL administers the Public Performance Rights of producers and other owners in Cinematograph Film Works — the right to communicate those works to the public — on their Communication to the Public in hotels, resorts, clubs and other commercial establishments. In doing so, it serves as the single, transparent window through which these rights are licensed and royalties are distributed.

From Principle to Practice

Having established what the Public Performance Right is, who holds it and why CINEFIL administers it, the Handbook now turns from principle to practice — to how these rights are licensed, and what lawful use looks like for commercial establishments.

PART III

PART III · Chapter 1

INTERNATIONAL COPYRIGHT POSITION

Consistent with Major International Jurisdictions

The position in India is not unusual. Courts in other major parts of the world have looked at the same question and reached the same conclusion. The examples below explain that thinking in plain terms.

The Hotel Is the One Communicating — *SGAE v Rafael Hoteles*

The position taken by the Hon'ble Delhi High Court matches the settled approach in other major jurisdictions. When a hotel sends a television or audio-visual signal to the sets in its guest rooms and other areas, the hotel is not just a passive viewer passing a signal along. It is the hotel that makes the films available to its guests — guests who, on their own, could not have watched those works. The guests keep changing and there are many of them over time, so together they count as a “public”; and it is enough that the hotel makes the works available to them, whether or not each guest actually watches. It does not matter that a guest room is a private space. The hotel does this as part of its business — better in-room entertainment helps its reputation and its room rates — and it makes no difference that the hotel does not charge separately for the content. **This was settled by the Court of Justice of the European Union in *Sociedad General de Autores y Editores de España (SGAE) v. Rafael Hoteles SA*, Case C-306/05 (judgment dated 7 December 2006)**, which held that a hotel showing television to guests in their rooms is communicating the works to the public, and that the private nature of hotel rooms makes no difference.

A Signal Licence Is Not Permission for the Content — *Citadines v MPLC*

What if the establishment already holds a licence to receive or carry the signal? That still does not answer the real question. A signal or carriage licence covers only the delivery of the signal; by itself, it does not give permission to show the films and programmes carried within that signal to the public. Permission for that has to come from the owner of those works. This is exactly CINEFIL's answer when an establishment points to its DTH, satellite, cable or internet arrangement: a licence for the signal is not the same as permission to communicate the content to the public. **The Court of Justice of the European Union dealt with this very point in *Citadines Betriebs GmbH v. MPLC Deutschland GmbH*, Case C-723/22 (judgment dated 11 April 2024)**.

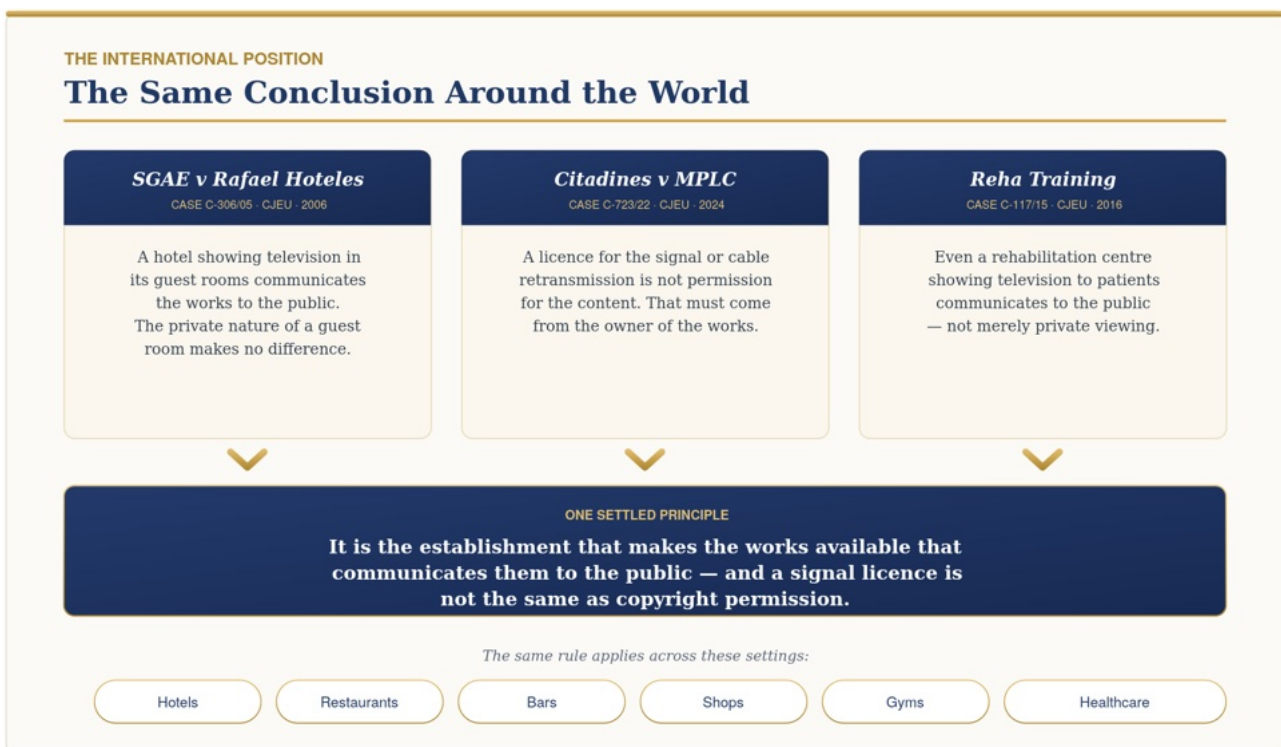
Even though the hotel in that case had its own licence for cable retransmission, the Court held that having such a licence does not change the fact that the hotel is communicating the works to the public. The licence matters only to the separate question of whether that communication was properly authorised by the owner of the work.

The Same Rule for Other Businesses

The same thinking applies well beyond hotels. Customer-facing businesses of many kinds — hotels, restaurants, bars, shops and gyms — are generally expected to obtain proper public-performance permission before showing films or audio-visual content to their customers. Once content becomes part of what a business offers its customers, the need for copyright permission follows — and a licence that covers only the signal is not enough.

It Applies Beyond Hotels — Reha Training

This is not limited to hotels either. The same principle has been applied to healthcare and rehabilitation settings, where showing television to patients counts as communicating works to the public, not merely private viewing. **The Court of Justice of the European Union held this in *Reha Training*, Case C-117/15 (judgment dated 31 May 2016)**, a case about a rehabilitation centre. The point is a powerful one: if the rule applies even where television is only a side comfort for patients, it applies all the more to a hotel, whose very business is providing comforts and amenities to its guests. The kind of establishment does not change the answer — in every case, it is the establishment that, by putting in and running the equipment, communicates the works to the public.



PART III · CHAPTER 2

Hotels and Communication to the Public

The Question Every Hotel Asks

Of all the settings in which copyright questions arise, hotels are the most common — and the most often misunderstood. A hotel receives a television signal and passes it to the sets in its guest rooms, lobbies, restaurants and other areas, where guests watch films, channels and programmes. The question this chapter answers is a simple one: when a hotel does this, is it “communicating” those works “to the public” in the eyes of copyright law? The answer, both in India and abroad, is yes.

What the Indian Law Says

As Part II explained, the Copyright Act, 1957 treats Communication to the Public as making a work available to the public for being seen, heard or otherwise enjoyed (Section 2(ff)). On hotels, the Act does not leave room for doubt.

THE STATUTE NAMES HOTELS

Hotel Rooms Are Expressly Covered

The Explanation to **Section 2(ff)** says that communication through satellite, cable or any other means of simultaneous communication to more than one household or place of residence — **expressly including the residential rooms of any hotel or hostel** — is deemed to be communication to the public.

In plain terms, the law itself singles out hotel rooms. When a hotel brings films and programmes to the televisions in its rooms, the Act treats that as communication to the public — and, as Part II showed, that is exactly what engages the Public Performance Right which CINEFIL administers.

The Hotel Is Not Just a Passive Viewer

A common reaction is: “We only switch on a signal we already receive — how can that be our communication?” But a hotel is not a private household quietly watching its own television. It deliberately makes films and programmes available to a stream of guests who, on their own, could not have watched them in that place. By installing the sets and feeding them the signal, the hotel is the one that brings the works to its guests.

The International Courts Agree — SGAE v Rafael Hoteles

This is also the settled view in other major jurisdictions. In Sociedad General de Autores y Editores de España (SGAE) v. Rafael Hoteles SA, Case C-306/05 (judgment dated 7 December 2006), the Court of Justice of the European Union held that a hotel which distributes a television signal to the sets in its guest rooms is communicating the works to the public. The position taken by the Hon’ble Delhi High Court matches this approach. In Super-cassette Industries Ltd. v. Nirula’s Corner House (P) Ltd., (2008) 148 DLT 487, the Delhi High Court held that a hotel which makes audio-visual content available to guests through a cable connection in its rooms is communicating those works to the public, and that hotels and similar commercial establishments are not an exempted category under Section 52 of the Copyright Act, 1957 — so Indian law and the international position point the same way.



A Private Guest Room Makes No Difference

Hotels sometimes argue that a guest room is a private space, so what happens inside it cannot be “public”. The courts have not accepted this. Although each room is used privately, the hotel makes the works available to a constantly changing succession of guests — and that body of guests, taken together, is a “public”. The private character of any single room does not change the overall picture.

No Separate Charge Does Not Change the Answer

Nor does it matter that the hotel does not charge guests separately for the television. The films and programmes are part of what the hotel offers — they add to its appeal, its standing and its room rates. Whether or not a separate fee is charged, the works are being made available to the public as part of a commercial service, which is the crux of the matter.

Where This Leaves a Hotel

For a hotel, the conclusion is straightforward. Making cinematograph film works available to guests — in rooms or common areas, through any technology — is Communication to the Public. That engages the Public Performance Right in those films, which belongs to producers and other owners and is administered by CINEFIL. A hotel that shows such works therefore needs permission, obtained through CINEFIL.

Next: But We Already Pay for the Signal

Many hotels respond at this point: “But we already hold a licence for our cable, DTH or IPTV signal — surely that covers us?” That important question is the subject of the next chapter.

PART III · CHAPTER 3

Signal Delivery Licences vs Copyright Authorisation**The Objection: “We Already Pay for the Signal”**

At the end of the last chapter we met the most common reply a hotel or business gives: “We already hold a licence — or pay a subscription — for our cable, DTH or IPTV signal. Surely that covers everything?” It is a fair question, and the answer turns on a distinction we drew earlier in this Handbook: the difference between the signal and the content it carries.

Two Different Things

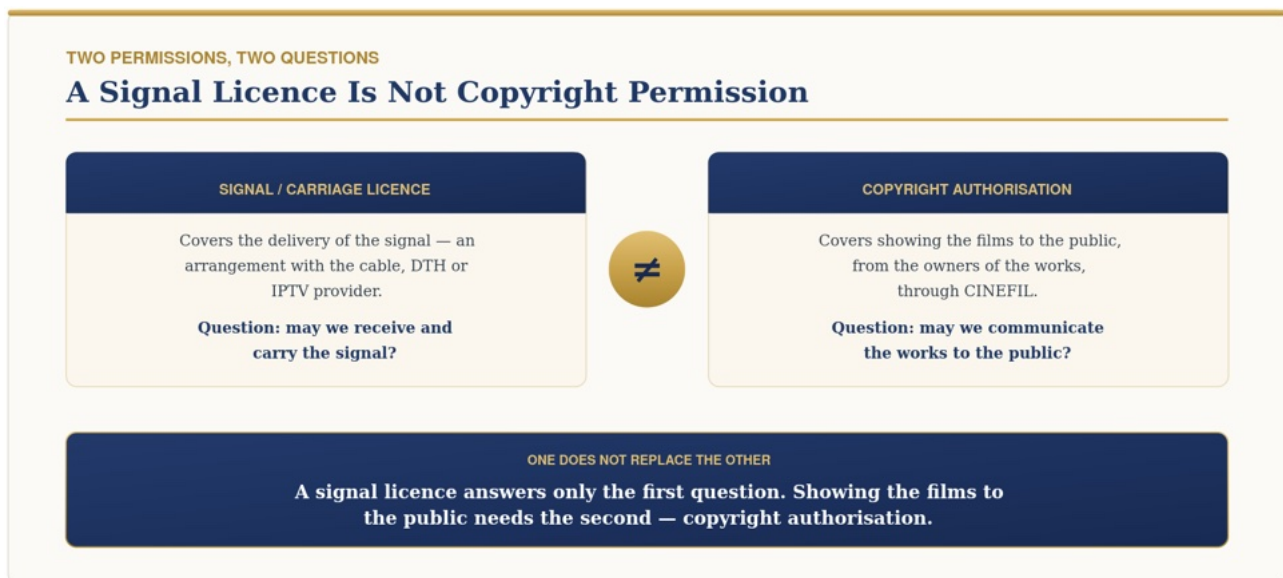
Part II compared the signal to a water pipeline. The pipeline carries the water but is not the water; in the same way, the broadcast signal carries the films and programmes but is not those works. Because the signal and the content are different things, the permissions that relate to them are different too.

What a Signal Licence Covers

A cable subscription, a DTH connection, an IPTV service or a carriage arrangement is, at heart, a deal about the signal. It allows the establishment to receive the signal and bring it to its television sets. It is an arrangement with the signal provider, and it answers one question: may we receive and carry the signal? It does not, by itself, ask or answer anything about the films carried within that signal.

What Copyright Authorisation Covers

Permission to show the underlying films and programmes to the public is a different permission altogether. It does not come from the signal provider; it comes from the owners of those works — the producers and other owners — and it is obtained through CINEFIL. This permission answers the real question for a commercial establishment: may we communicate these works to the public?

**The International Position — Citadines v MPLC**

The courts abroad have addressed this exact point. *In Citadines Betriebs GmbH v. MPLC Deutschland GmbH, Case C-723/22 (judgment dated 11 April 2024)*, the hotel had actually obtained its own licence for cable retransmission. Even so, the Court of Justice of the European Union held that having such a licence does not change the fact that the hotel is communicating the works to the public. A signal or retransmission licence, the Court explained, is relevant only to the separate question of whether that communication was authorised by the owner of the works — not to whether a communication to the public is taking place at all.

Why a Signal Licence Does Not Settle It

Putting the two together: a signal licence answers “can we receive and carry the signal?” — but the question that matters for copyright is “do we have permission to show these works to the public?” Holding the first does not supply the second. An establishment may have a perfectly valid signal arrangement and still need separate copyright authorisation for the films it makes available to its guests or customers.

Why CINEFIL’s Licence Is Separate

This is why CINEFIL’s licence stands apart from any cable, DTH, IPTV or internet arrangement an establishment may hold. CINEFIL does not license signals; it grants the copyright authorisation for the content — the Public Performance Rights in the cinematograph film works that are communicated to the public. An establishment that already pays for its signal still needs this separate permission to show those films lawfully to its guests or customers.

Next: Beyond Hotels

So far the focus has been on hotels. But the same principles reach much further — to restaurants, bars, shops, gyms and other commercial establishments, and even to settings such as healthcare / hospitals. That wider picture is the subject of the final chapter of this Part.

PUTTING THE SIGNAL SERVICE PROVIDER TO PROOF	
OVERVIEW	<p>Every service provider — Tata Play, Airtel, Jio, Dish TV, or any other cable, DTH or IPTV operator — supplies the TV signal to hotels, restaurants, shops, healthcare and other similar commercial establishments. But supplying the signal is one thing; allowing the place to show that Cinematograph Film works to its customers is another.</p> <p>Very often, the establishment claims its package already covers the showing as well. If a establishment makes this claim, it must prove it. Saying so is not enough.</p>
THE PROOF REQUIRED	<p>To prove it, the establishment should require the provider to furnish — to the authorities and / or to CINEFIL — a licence certificate issued by a society registered with the Central Government. The certificate, together with the supporting agreement, must establish the following:</p> <ol style="list-style-type: none"> 1. <i>The provider holds the Public Performance Rights — the licensed right to communicate the content to the public for commercial viewing — obtained from the producers and other rights owners.</i> 2. <i>The provider has, in writing, assigned both those Public Performance Rights and the signal to the named establishment (hotel, restaurant, etc.) for commercial viewing AND</i> 3. <i>An executed agreement exists between the establishment and the service provider confirming that the two points above confirm to the certificate’s requirements.</i>
IF NO CERTIFICATE	<p>So if there is no such certificate, the claim fails — then the establishment requires permission from CINEFIL to show the Cinematograph Film content to the public.</p>
LEGAL BASIS	<p><i>Showing films and programmes to guests or customers is a separate communication to the public requiring the owner’s permission — Copyright Act 1957, ss. 2(dd), 2(ff), 14(d)(iii), 51 and 33. See Cinefil v. Hari Om Retail (Delhi High Court, 2026); Super Cassettes Industries Ltd v. Nirulas Corner House (P) Ltd., 148 (2008) DLT 487; and Super Cassettes Industries Ltd v. Gurgaon Cable TV (T-Series). Internationally, SGAE v. Rafael Hoteles SA (CJEU, C-306/05) and Citadines Betriebs GmbH v. MPLC Deutschland GmbH (CJEU, C-723/22) hold that a hotel relaying a signal to its rooms is itself communicating to the public, even where it holds a signal or cable licence. In India these rights are licensed by the owners / through a copyright society registered under Section 33 of the Copyright Act — for the public performance of cinematograph films, that society is CINEFIL. Internationally, broadcasters and cable operators must likewise clear broadcasting and retransmission rights with the content owners — EU Satellite and Cable Directive 93/83/EEC; Berne Convention, Art. 11bis.</i></p>

PART III · CHAPTER 4

Other Commercial Establishments and International Practice

The Principle Is Not Limited to Hotels


Hotels are the most common example, but the reasoning in the previous chapters was never really about hotels as such. It was about any business that makes copyrighted works available to its customers. Once that is the test, it is easy to see that the same principle reaches well beyond the hotel.


Any Customer-Facing Business


Customer-facing businesses of many kinds — restaurants, bars, cafés, shops and retail outlets, electronic stores, office receptions, gyms and fitness centres, clubs and lounges — routinely place televisions and screens where their customers can watch them. Wherever such a business makes films or audio-visual content available to its customers as part of what it offers, it is generally expected to obtain proper public-performance permission to do so. And, as the last chapter explained, a licence that covers only the signal is not enough.


ONE PRINCIPLE, MANY SETTINGS


It Is Not Only Hotels



Hotels


Restaurants


Bars


Shops


Gyms


Healthcare

THE SAME QUESTION APPLIES TO EACH

If copyrighted works are made available to the public, copyright permission is needed — whatever the kind of establishment.

Once Content Is Part of the Service, Permission Follows

The reason is the same one that runs through this whole Handbook. When a business uses films or programmes as part of the experience it offers — entertainment in a bar, screens in a gym, a film playing in a waiting area — it is making those works available to the public. That is Communication to the Public, and it calls for copyright permission, separate from any arrangement the business has for receiving the signal.

It Even Reaches Healthcare — Reha Training

Strikingly, the principle has been applied even where showing television is not the point of the business at all. *In Reha Training, Case C-117/15 (judgment dated 31 May 2016)*, the Court of Justice of the European Union held that a rehabilitation centre which showed television to its patients was communicating the works to the public — not merely allowing private viewing. The logic is a powerful one: if the rule applies even where television is only a side comfort for patients, it applies all the more to a business whose very purpose is to provide comforts and amenities to its customers.

The Type of Establishment Does Not Change the Answer

Across all of these settings the common thread is the same. In each case it is the establishment that, by putting in and running the equipment, makes the works available to the public. Whether the place is a hotel, a restaurant, a shop, a gym or a clinic does not change the analysis. What matters is the simple question we have returned to throughout: are copyrighted works being made available to the public? Where the answer is yes, copyright permission is needed.

What This Means for Every Establishment

For any commercial establishment that makes cinematograph film works available to its guests or customers, the position is therefore the same as for a hotel. Doing so is Communication to the Public; it engages the Public Performance Rights of producers and other owners; and those rights are administered, through the single-window framework, by CINEFIL. Whatever the kind of establishment, and whatever the technology used, lawful use of those films calls for permission obtained through CINEFIL. This has been borne out in practice. *In Cinefil Producers Performance Ltd. v. Hari Om Retail Pvt. Ltd., CS(COMM) 486/2026, the Delhi High Court, by order dated 7 May 2026, granted CINEFIL an ex-parte ad-interim injunction restraining an electronic retail chain from communicating to the public cinematograph films forming part of CINEFIL’s repertoire — through television sets, satellite and cable systems, IPTV, smart displays and other network-integrated systems in its stores — without obtaining a valid Cinematograph Performance Licence (CPL). The defendant has since moved an application under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908; by order dated 29 May 2026, the Court issued notice and directed pleadings to be completed, the matter being listed for further hearing. As of that order, the injunction granted on 7 May 2026 has not been vacated and remains in operation. This illustrates that the requirement applies to commercial establishments beyond hotels.*

Pulling Part III Together

Taken together, the chapters of this Part show that India’s position sits comfortably alongside the settled approach in other major jurisdictions: it is the establishment that communicates the works to the public; the private nature of a room or premises makes no difference; a signal licence is not the same as copyright permission; and the principle applies across hotels, other commercial premises and beyond.

PART IV

PART IV - CHAPTER 1

Copyright Societies and the Licensing Framework in India

Why This Part

Before turning to the questions, it helps to recall why this Handbook was written at all.

In their day-to-day work, CINEFIL's licensing and sales teams meet the same two questions again and again from establishments asked to take a licence.

The first — and the one heard most often — is:

“We already pay subscription fees to satellite channels, cable operators, OTT platforms or our internet provider. Why do we need a CINEFIL licence on top of that?”

Parts I to III have answered this question in full. Paying for a signal — a cable, DTH, IPTV or internet subscription — is not the same as having permission to show the films carried within that signal to the public. The subscription delivers the signal; the copyright licence covers the content. They are two different things, and one does not replace the other.

The second question is the one this Part sets out to answer:

“We already hold licences from organisations such as PPL, Novex, IPRS and RMPL. Why should we need a separate CINEFIL licence as well?”

Part IV explains why this is so. It does this through a series of plain questions and answers, each supported by the relevant provisions of the Copyright Act, 1957 and by judgments of the Indian courts. Along the way it looks at how India's copyright law is built, and at the thinking behind the licensing system that Parliament created.

PART IV - CHAPTER 1

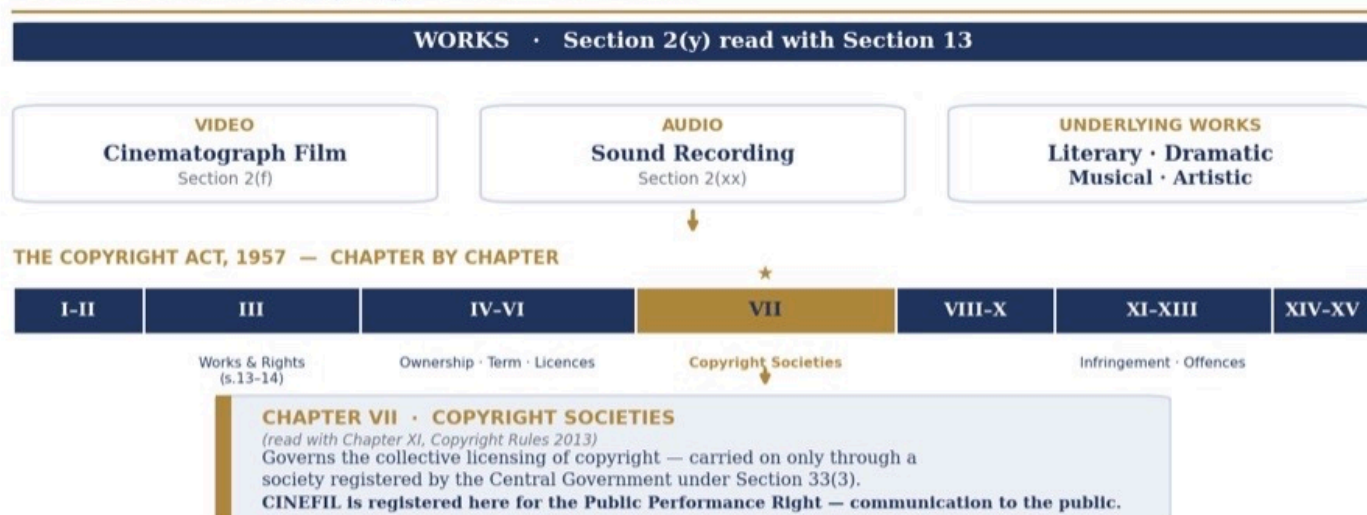
The Architecture of India's Copyright Legislation

Copyright protects *works*. Section 2(y) read with Section 13 of the Copyright Act, 1957 fixes what those works are — and they fall into three broad families: video (the cinematograph film), audio (the sound recording), and the underlying literary, dramatic, musical and artistic works embedded within them.

From there the Act is built chapter by chapter — definitions, the works protected and the rights they carry, ownership, term, licences, copyright societies, infringement, civil remedies and offences. This is the standard architecture of copyright law the world over. One chapter governs this Part. Chapter VII — “Copyright Societies” (read with Chapter XI of the Copyright Rules, 2013) governs the *collective* licensing of copyright: this business may be carried on only through a society registered by the Central Government under Section 33(3). CINEFIL is registered here for the Public Performance Right — the right to communicate the cinematograph film to the public. Refer Part I- Chapter 3, justification of CAS.

THE ARCHITECTURE AT A GLANCE

How India's Copyright Law Is Built



PART IV - CHAPTER 2

The Copyright Societies Operating in India

For each major class of work, the Central Government has registered a copyright society under **Section 33(3)**. As recorded on the Copyright Office register, these are: **CINEFIL Producers Performance Ltd** (cinematograph films - Video); **Phonographic Performance Ltd / PPL** (sound recordings - Audio); the **Indian Performing Right Society / IPRS** (musical works and the literary works associated with them); the **Screenwriters Rights Association of India / SRAI** (dramatic works and the literary works associated with them); and the **Indian Reprographic Rights Organisation / IRRO** (reprographic works / photocopy). Singers' and musicians' performance rights are administered by a registered performers' society — **ISAMRA** (the Indian Singers' and Musicians' Rights Association, formerly ISRA).

Each of these operates inside the Chapter VII framework — registered by the Central Government, supervised by the Registrar of Copyrights, and bound by the Act and the Copyright Rules, 2013: a published tariff scheme, a distribution scheme, transparency to members, and annual returns. A registered copyright society issues its licences **under Section 30, by authority of Section 34(3)(i)** — the licensing channel the Act provides to a society within Chapter VII.

THE REGISTERED SOCIETIES

Registered Copyright & Performer Societies in India

CLASS OF WORK	REGISTERED COPYRIGHT SOCIETY
Cinematograph Films	CINEFIL Producers Performance Ltd
Sound Recordings	Phonographic Performance Ltd (PPL)
Musical Works + literary works associated	Indian Performing Right Society (IPRS)
Dramatic Works + literary works associated	Screenwriters Rights Association of India (SRAI)
Reprographic / Photocopying	Indian Reprographic Rights Organization (IRRO)

CATEGORY OF PERFORMERS	REGISTERED PERFORMERS' SOCIETY
Singers & Musicians	Indian Singers' & Musicians' Rights Association (ISAMRA)

All societies are registered by the Central Government and bound by the Copyright Rules, 2013 (tariff & distribution schemes, transparency, annual returns).
ISAMRA (formerly ISRA) is a registered performers' society under Sections 38A and 39A — distinct from a copyright society.

HOW A REGISTERED SOCIETY LICENSES

A copyright society issues its licences under Section 30, by authority of Section 34(3)(i) — the regulated channel within Chapter VII.

ONE CLASS OF WORKS, ONE REGISTERED COPYRIGHT SOCIETY

Under the proviso to Section 33(3), the Central Government shall not ordinarily register more than one copyright society for the same class of works.

PART IV - CHAPTER 3

A Cinematograph Film Is a Separate Work and Needs a Separate Licence

This is the answer to the question this Part set out to address — “*We already hold licences from organisations such as PPL, Novex, IPRS and RMPL; why should we need a separate CINEFIL licence as well?*”

We say nothing about what any other organisation’s licence covers — only CINEFIL’s position: the cinematograph film is a distinct work; communicating it to the public engages the film’s public-performance right (**Section 14(d)(iii)**); and that is the right CINEFIL administers. So whatever other licences an establishment holds, the public performance of cinematograph films calls for a CINEFIL licence in its own right.

Section 13(4) of the Copyright Act, 1957 says so expressly — the copyright in a cinematograph film does not affect the separate copyright in the works from which it is made. Each layer carries its own copyright, owned and licensed independently. A licence for one is therefore not a licence for another.

A cinematograph film is not a single work. Three broad categories of works meet in it: the **underlying works** — literary, dramatic, musical and artistic; the **sound recording**; and the **cinematograph film** itself. On screen they are woven together; in law they remain separate.

THE ANSWER

Three Works, Woven Together — Yet Legally Separate

<p>UNDERLYING WORKS Literary · Dramatic · Musical · Artistic</p>	<p>SEPARATE COPYRIGHT</p>
<p>SOUND RECORDING the recorded audio track</p>	<p>SEPARATE COPYRIGHT</p>
<p>CINEMATOGRAPH FILM CINEFIL administers its public-performance right (s.14(d)(iii))</p>	<p>SEPARATE COPYRIGHT</p>
<p>SECTION 13(4) The copyright in a cinematograph film does not affect the separate copyright in the works from which it is made. Each work is licensed in its own right — a licence for one is not a licence for another.</p>	

PART IV - CHAPTER 4

Consequences of Infringement: Cognizable and Non-Bailable Offences

This is not a mere commercial formality. Communicating a cinematograph film to the public **without a valid licence** is copyright infringement — and infringement is a criminal offence.

Section 63 makes it punishable with imprisonment of six months to three years, with fine. And the Supreme Court has confirmed how serious that is: In *Knit Pro International v. State of NCT of Delhi & Anr.*, 2022 SCC OnLine SC 668 (Criminal Appeal No. 807 of 2022, decided on 20 May 2022), the Supreme Court held that an offence under Section 63 of the Copyright Act, 1957 is **cognizable and non-bailable** — the police may register an FIR and investigate without a prior court direction, and bail is not a matter of right and **Section 64** allows the police to seize infringing copies.

So a film public-performance licence is not an optional courtesy. Using cinematograph films publicly without one exposes an establishment — and those who run it — not only to a civil claim, but simultaneously to criminal liability of a cognizable, non-bailable kind. Lawful use means holding every licence that applies — and, for the public performance of cinematograph films, that includes CINEFIL's.

THE CONSEQUENCE

Using Films Without a Licence: How It Escalates



The Spirit Behind the Licence

India's copyright law is built work by work — the film, the sound recording, the writing, the music and the art each stand as a separate creation, each carrying its own copyright. It follows, naturally, that the licences permitting their use are taken separately too — each in its own right, each answering to a distinct act of creation. A licence for one work was never meant to stand in for the rest.

And beneath the sections and the schedules lies a simple idea. Copyright is not, at heart, an instrument of restriction. It is the law's way of recognising that behind every film and every song are people — writers, composers, performers and producers — who imagined it, invested in it, and brought it into being. To take a licence is to acknowledge that creative labour, and to let the value of a work flow back to those who made it.

In that light, a licence taken in good faith is not a burden but a small act of respect — for the work, and for the hands and minds behind it. That is the philosophy this Handbook serves: a balance in which audiences enjoy the works, creators are fairly rewarded, and the quiet cycle of creativity that enriches us all is allowed to continue.

PART V

PART V

The Growth of Video-Royalty Collection and IP Awareness in India

Collective licensing in India took root first in **music**. Royalty collection for musical works and sound recordings matured well before the equivalent for film; the organised collection of royalties for the public performance of **cinematograph works** — “**video**” — **developed recently in India** 🇮🇳 , **in the last four to five years**, and is still maturing.

Several markers chart that journey. The **Copyright Rules, 2013** modernised the framework for registered copyright societies. The **National IPR Policy of 2016** — “Creative India; Innovative India” — put intellectual property on the national agenda; its practical bite has been modest, but as a statement of intent and a spur to awareness it mattered, and IP began to be discussed as it had not been before. That shift shows up in harder numbers too: India’s rank on the **Global Innovation Index** climbed from 81st in 2015 to around 39th by 2024.

Alongside these markers sits the real engine — a **fast-growing media and entertainment sector** in which audio-visual content is, more than ever, treated as a commercial asset. As that recognition has spread, so has the understanding that using films in commercial settings calls for proper licensing. The infrastructure for collecting film public-performance royalties has matured to meet that need — **CINEFIL itself was registered as a copyright society for cinematograph films in 2023**.

THE TRAJECTORY

Rising IP Awareness and the Growth of Video-Royalty Collection



THE BACKDROP

India’s Global Innovation Index rank rose from 81st (2015) to about 39th (2024), alongside a fast-growing media & entertainment sector that increasingly treats audio-visual content as a commercial asset.

PART VI

PART VI

Common Questions - Straight Answers

Short, plain-language answers to the questions establishments most often raise. These supplement the fuller discussion in Parts I to V and should be read together with the applicable provisions of the Copyright Act, 1957.

Q1. Not every room is occupied, and sets are often switched off. Does the establishment still need a licence?

Yes. The licence does not turn on whether a particular room is occupied, or whether a set is on at a given moment. What matters is that the establishment provides the television and the infrastructure through which cinematograph film works can be communicated. Under Section 2(ff), a work is communicated to the public once it is made available to be seen or heard — whether or not anyone actually watches. The Explanation to Section 2(ff) puts this beyond doubt for hotel and hostel rooms. The test is availability, not actual viewing.

Q2. A guest room or patient room is a private space. Isn't watching television there private, domestic use rather than communication "to the public"?

No. Although any single room is used privately, the establishment makes the works available to a constantly changing succession of occupants, and that body of persons, taken together, is a "public." This is the settled position internationally: in *SGAE v. Rafael Hoteles* (C-306/05, CJEU, 7 December 2006) the Court held that the private nature of a hotel room makes no difference, and in *Reha Training* (C-117/15, CJEU, 31 May 2016) the same reasoning was applied to patient viewing in a clinical setting. The private character of one room does not change the overall position.

Q3. Television is provided free, as a standard guest or patient amenity — and in a hospital it is part of patient welfare. Doesn't that take it outside copyright?

No. The Act contains no exemption based on the absence of a separate viewing charge, on television being "only" an amenity, or on the establishment being engaged in healthcare or charitable activity. The films and programmes form part of what the establishment offers, adding to its appeal and standing, and are therefore made available to the public as part of its service. This is exactly the point settled in *Reha Training*: even a rehabilitation centre, where television was only a side comfort for patients, was communicating the works to the public. If the rule applies there, it applies all the more to a business whose very purpose is comfort and amenity.

Q4. Who actually counts as "the public" in these premises? A handful of guests, patients or staff is surely not a "public."

"Public" under Section 2(ff) is not confined to paying viewers, simultaneous viewers, or a single uniform class. It covers the fluctuating and indeterminate body of people who access the premises in the ordinary course — successive guests or patients, their visitors and family, restaurant or banquet patrons, event invitees, consulting and visiting professionals, staff, technicians, vendors and other service providers. The test is availability to that shifting body of persons, not the number watching at any one moment.

Q5. Does the licence cover only guest or patient rooms, or also lobbies, restaurants, bars, banquet halls, corridors and waiting areas?

It applies wherever cinematograph film works are made available — private rooms and common areas alike, including lobbies, lounges, restaurants, bars, banquet halls, conference facilities, reception areas and corridors. Communication to the public turns on the work being made available, not on the particular room in which the screen sits.

Q6. Does the licence apply only to movie or music channels, or also to news, sports, cartoons, documentaries and similar content?

The CINEFIL licence is for cinematograph film works — video content — and is distinct from any music or sound-recording licence. A television feed (cable, DTH, IPTV or satellite) carries the whole bouquet of channels: movie, general entertainment, news, sports, documentary, children’s and other audio-visual channels, which routinely carry cinematograph film works. Once those signals are made available in a commercial or institutional setting, Section 2(ff) is engaged. Showing only news or sports does not, by itself, exempt an establishment from licensing the communication of cinematograph film works.

Q7. Does any exemption under the Act — for example Section 52 — cover showing television in our premises?

No. The fair-dealing and permitted-act exemptions in Section 52 do not extend to the communication to the public of cinematograph film works in commercial or institutional premises such as hotels, resorts and hospitals. There is no general “television in a commercial establishment” exemption in the Act.

Q8. Our DTH, cable or IPTV service is fully licensed. Doesn’t the operator’s licence cover the films we show?

No. A signal licence and copyright authorisation are two different things: the operator’s licence covers delivery of the signal, not permission to communicate the cinematograph films carried within it to the public. The operator holds only the Broadcasting Reproduction Right (Section 37) — a signal right, not copyright in the film — and cannot license the public performance of the films; that permission comes from the producers and other owners, through CINEFIL. This distinction is explained very vividly, with the pipeline-and-water analogy and the international position (including *Citadines v. MPLC*), in Part II (Chapters 2–4) and Part III (Chapter 3) of this Handbook.

Q9. These royalties were never collected from us before. Why should we pay now?

Past non-enforcement does not extinguish a statutory right. Copyright subsists and remains enforceable at all times, and the rights of producers and other owners cannot be defeated merely because royalties were not collected earlier. The organised collection of film public-performance royalties has matured only in recent years (see Part V), which is why the requirement is being raised more visibly now — not because the right is new.

Q10. We operate as a chain or multi-unit group. Does CINEFIL approach each property separately, or can this be handled centrally?

Centrally, by preference. Dealing with each property State by State is neither efficient nor practical, and most brands run compliance and procurement through a central structure. CINEFIL therefore prefers to deal with the Head Office or parent company to put in place a single, consolidated licence covering all eligible units. As a practical matter this is advisable through group management, since each unit at which cinematograph film works are communicated to the public without authorisation would otherwise remain exposed to the risk of infringement in its own right.

Q11. Is there a specific notification from the State or Central Government requiring this licence?

No separate notification is needed. The requirement flows directly from the Copyright Act, 1957. CINEFIL’s authority to license is itself a matter of central registration: it is a Copyright Society registered by the Central Government through DPIIT, Ministry of Commerce & Industry, under Section 33(3) of the Act for cinematograph film works.

Q12. If the company does not take a licence, can individuals be held personally liable?

Yes. Communicating cinematograph films to the public without a valid licence is infringement under Section 51, and Section 63 makes it a criminal offence that the Supreme Court has confirmed is cognizable and non-bailable (*Knit Pro International v. State of NCT of Delhi*, 2022). Where the infringer is a company, Section 69 extends liability to every person who was in charge of, and responsible for, the conduct of its business at the relevant time.

APPENDIX A

CINEFIL Licensing Handbook (2026) — Key Points

CINEFIL Licensing Handbook (2026) — Key Points

CINEFIL is the registered Copyright Society for the **VIDEO** segment — cinematograph films. Judicial authority — Indian and international courts — on the public communication / public performance of cinematograph films in commercial establishments (hotels, resorts, clubs, restaurants, bars, shops, gyms, hospitals).

FOUNDATIONAL POINTS

1. Registered Copyright Society — VIDEO (s. 33(3))	CINEFIL is registered by the Central Government — Ministry of Commerce & Industry, through DPIIT — under Section 33(3) of the Copyright Act, 1957 , as the Copyright Society for Cinematograph Film Works — the VIDEO segment — to administer their Public Performance / Communication-to-the-Public rights (Regn. CS/05/Cinematograph Film Works/2020; certified 18 April 2023).
2. BRR (s. 37) is not copyright	The Broadcasting Reproduction Right is a signal right — a neighbouring (related) right protecting the broadcaster's investment in the signal. Copyright in the underlying works is separate and belongs to the authors and other owners (the producer being the author of a film, s. 2(d)). Two distinct legal interests in one transmission.
3. Signal ≠ content (pipeline & water)	The broadcast signal is the pipeline; the film is the water. The signal merely carries the content — it is not the content. Because the two are separate, the permissions relating to them are separate too.
4. CINEFIL licenses content, not signals	CINEFIL grants the public-performance authorisation for the cinematograph films (s. 14(d)(iii)); it does not license signals or administer the s. 37 signal right. A cable / DTH / IPTV subscription is not permission to communicate the underlying films to the public — that permission comes from the owners, through CINEFIL.

STATUTORY HOOKS FOR ENFORCEMENT

Hotel rooms expressly covered — Expl. to s. 2(ff)	The Explanation to Section 2(ff) deems communication to the residential rooms of any hotel (by satellite, cable or any means of simultaneous communication) to be communication to the public — the statute itself puts this beyond doubt.
Separate work, separate licence — s. 13(4)	Licences held from other societies (e.g. PPL, IPRS) cover sound recordings / musical works — not the cinematograph film. The public performance of the film (VIDEO) calls for a CINEFIL licence in its own right.
Personal liability of those in charge — s. 69	Where the infringer is a company, every person who was in charge of, and responsible for, the conduct of its business at the relevant time is also liable.

INDIAN COURTS

Federation of Hotels & Restaurants Assn. of India v. Union of India, 2011 SCC OnLine Del 1740 (Delhi HC)	Challenge to Section 2(ff) and its Explanation rejected . Communication of works in hotel rooms is validly treated as communication to the public; agreed with Garware.
Super-cassette Industries Ltd. v. Nirula's Corner House (P) Ltd., (2008) 148 DLT 487 (Delhi HC)	Making audio-visual content available to guests through a cable connection in hotel rooms is communication to the public; hotels and similar commercial establishments are not an exempted category under Section 52 .
Garware Plastics & Polyester Ltd. v. Telelink, AIR 1989 Bom 331 (Bombay HC)	Showing films over a cable network to subscribers' homes amounts to a broadcast / communication to the public; viewing within the privacy of individual homes does not make the communication private.
CINEFIL Producers Performance Ltd. v. Hari Om Retail Pvt. Ltd., CS(COMM) 486/2026 (Delhi HC; orders 7 & 29 May 2026)	Ex-parte ad-interim injunction restraining an electronic-retail chain from communicating CINEFIL's repertoire to the public (TVs, satellite/cable, IPTV, smart displays in stores) without a valid Cinematograph Performance Licence (CPL) ; injunction remains in operation. Sub justice — pending, next listed 6 Oct 2026.

INTERNATIONAL COURTS (COURT OF JUSTICE OF THE EUROPEAN UNION)

SGAE v. Rafael Hoteles SA, Case C-306/05 (CJEU, 7 December 2006)	A hotel that distributes a television signal to the sets in its guest rooms is communicating the works to the public ; the private nature of a guest room makes no difference .
Citadines Betriebs GmbH v. MPLC Deutschland GmbH, Case C-723/22 (CJEU, 11 April 2024)	Even where the establishment holds its own cable-retransmission licence , that does not change the fact that it is communicating the works to the public; the signal licence is relevant only to whether the communication was authorised by the owner. A signal licence is not copyright permission .
Reha Training, Case C-117/15 (CJEU, 31 May 2016)	A rehabilitation centre showing television to patients communicates the works to the public — not merely private viewing. The principle extends beyond hotels to any establishment making content available to those it serves.

ENFORCEMENT BOTTOM LINE

Communicating cinematograph films to the public without a valid licence is infringement (s. 51) and a **cognizable, non-bailable criminal offence** (s. 63, per Knit Pro), in addition to civil liability. Indian and international courts converge on one settled rule: **it is the establishment that communicates to the public, the private character of a room is irrelevant, and a signal / DTH / cable licence is not the same as copyright permission**.

PPL v. State of Punjab, CWP No. 7772 of 2011 (P&H, 27 July 2011)	Police must act on legitimate copyright complaints (ss. 63, 64, 66, 70) and cannot treat the rights-holder with blanket suspicion, though the rights-holder must establish its authorisation over the specific work — a principle applicable to other copyrighted works.
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PUTTING THE SIGNAL SERVICE PROVIDER TO PROOF

Every service provider — Tata Play, Airtel, Jio, Dish TV, or any other cable, DTH or IPTV operator — supplies the TV signal to hotels, restaurants, shops, healthcare and other similar commercial establishments. But supplying the signal is one thing; allowing the place to show that Cinematograph Film works to its customers is another. Very often, the provider claims its package already covers the showing as well. If a provider makes this claim, **it must prove it — saying so is not enough**. To prove it, the establishment should require the provider to furnish — to the authorities and/or to CINEFIL — a **licence certificate** issued by a society registered with the Central Government. The certificate, **together with the supporting agreement**, must establish the following:

1. The provider **holds the Public Performance Rights** — the licensed right to communicate the content to the public for commercial viewing — obtained from the producers and other rights owners.
2. The provider has, **in writing, sub-licensed / granted** both those Public Performance Rights and the signal to the named establishment (hotel, restaurant, etc.) for commercial viewing; and
3. **An executed agreement exists** between the establishment and the service provider confirming that the two points above conform to the certificate's requirements.

⚠ If there is no such certificate, the claim fails — then the establishment requires permission from CINEFIL to show the Cinematograph Film content to the public.

The producer community is awakening to the enduring value of the creative rights and legacy inherited from earlier generations.

Statutory anchors: ss. 2(d), 2(ff) & Expl., 2(u), 13, 13(4), 14(d)(iii), 33(3), 37, 51, 52, 63, 64, 69, Copyright Act, 1957 (with Rules, 2013); Berne Art. 11bis; EU Directive 93/83/EEC. Prepared from the CINEFIL Licensing Handbook, 2026 Edn. Opinion for Information only; verify citations.

APPENDIX B CINEFIL at a Glance

CINEFIL AT A GLANCE

ADMINISTERING PUBLIC PERFORMANCE RIGHTS & COMMUNICATION TO THE PUBLIC RIGHTS IN CINEMATOGRAPH FILM WORKS

OUR MANDATE. YOUR COMPLIANCE. CREATORS' RIGHTS.

1. WHO IS CINEFIL?



CINEFIL Producers Performance Limited is a Copyright Society registered under Section 33(3) of the Copyright Act, 1957 by the Ministry of Commerce and Industry, Government of India. It administers Public Performance Rights and Communication to the Public Rights in Cinematograph Film Works on behalf of its members – the Producers and Copyright Owners.

- Copyright society of film producers & copyright owners, registered under Section 33 for the business of licensing
- Legally recognised to issue licences and collect royalties
- Works collectively for the benefit of its members and the industry

2. RIGHTS ADMINISTERED BY CINEFIL



3. HOW CINEFIL'S LICENSING WORKS



4. SIGNAL DELIVERY IS NOT COPYRIGHT LICENSING



5. WHERE LICENCES ARE REQUIRED

- Hotel Rooms
- Lobbies & Lounges
- Restaurants / Bars
- Banquet Halls
- Gyms & Spas
- Waiting Areas
- Healthcare, hospitals & Clinics
- Electronic stores and such other similar commercial establishments

6. LEGAL BASIS

- Section 2(ff)
 - Section 14(d)(iii)
 - Section 33
 - Section 37
 - Section 51
 - Section 63
- Copyright Act, 1957 & Copyright Rules, 2013

7. WHY IT MATTERS

- Protects creators' rights
- Ensures fair remuneration
- Promotes a sustainable film ecosystem
- Avoids legal liability – copyright infringement is a cognizable & non-bailable offence

8. WHO WE REPRESENT

- Leading film producers across India
- All languages & genres
- Growing membership
- Strong & diverse repertoire of film works

9. SIMPLE COMPLIANCE CHECKLIST

- If you answer YES to any of the below, you need a licence from CINEFIL.
- Do you have TVs in guest rooms?
 - Do you show movies / channels in public areas?
 - Do you use projectors or large screens?
 - Do you use OTT services for guests?

10. OUR PROMISE

- Transparent Licensing
- Fair & Equitable Royalty Policies
- Respect for Creators & Users
- Industry Collaboration & Constructive Engagement

Respect Copyright. Get Licensed. Support Creativity.

APPENDIX C

Central Government Registration Certificate



F. No. P.24029/31/2020-IPR-VII
 GOVERNMENT OF INDIA
 MINISTRY OF COMMERCE & INDUSTRY
 DEPARTMENT OF INDUSTRY AND INTERNAL TRADE

IPR- COPYRIGHT

FORM X
 [See rule 49]

CERTIFICATE OF REGISTRATION UNDER SECTION 33(3) OF THE COPYRIGHT ACT, 1957

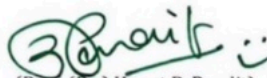
It is certified that **M/s Cinefil Producers Performance Limited** has been registered by the Central Government, *vide* Registration No. **CS/05/Cinematograph Film Works/2020** as a copyright society under sub-section (3) of section 33 of the Copyright Act, 1957 (14 of 1957) and permitted to commence and carry on the copyright business in **Cinematograph Film Works**.

The registration and the permission hereby granted are subject to the following conditions and liable to be cancelled on non-compliance with, or contravention of, any of them, namely:—

- (i) that the particulars furnished in the application are true and correct and not misleading in any manner; and
- (ii) that the copyright society shall duly comply with all the obligations imposed on it by or under the Copyright Act, 1957 (14 of 1957) and the Copyright Rules, 2013.



New Delhi
 April 18, 2023


 (Prof. (Dr.) Unnat P. Pandit)
 Controller General of Patents, Designs, and Trademarks
 Registrar of GI and Copyrights

APPENDIX D

Cases referred (Indian & International)

Indian Cases

1. *Garware Plastics and Polyester Ltd. v. Telelink*, AIR 1989 Bom 331 (High Court of Bombay) — cable transmission of films to subscribers' homes amounts to communication to the public; viewing within private homes does not make the communication private. *Referred in: Part II, Chapter 3 — Communication to the Public.*
2. *The Federation of Hotels & Restaurants Association of India v. Union of India*, 2011 SCC OnLine Del 1740 (High Court of Delhi, Division Bench) — challenge to Section 2(ff) and its Explanation rejected; sound legal foundation for treating communication of works in hotel rooms as communication to the public. *Referred in: Part II, Chapter 4 — Public Performance Rights.*
3. *Super-cassette Industries Ltd. v. Nirulas Corner House (P) Ltd.*, (2008) 148 DLT 487 (High Court of Delhi) — making audio-visual content available to guests through a cable connection in hotel rooms is communication to the public; hotels and similar commercial establishments are not an exempted category under Section 52. *Referred in: Part III, Chapter 2 — Hotels and Communication to the Public.*
4. *CINEFIL Producers Performance Ltd. v. Hari Om Retail Pvt. Ltd.*, CS(COMM) 486/2026 (High Court of Delhi; orders dated 7 May 2026 and 29 May 2026) — ex-parte ad-interim injunction granted restraining a commercial establishment from communicating CINEFIL's repertoire to the public without a valid Cinematograph Performance Licence. **Sub judice** — pending and listed for further hearing on 6 October 2026; references herein are to interlocutory orders and reflect the position as on the date of those orders, and nothing stated is intended to comment on the merits of the pending proceedings. *Referred in: Part III, Chapter 4 — Other Commercial Establishments and International Practice.*
5. *Knit Pro International v. State of NCT of Delhi*, (2022) 20 SCC 16 (Supreme Court of India) — an offence under Section 63 of the Copyright Act, 1957 is cognizable and non-bailable; the police may register an FIR and investigate without prior court direction, and bail is not a matter of right. *Referred in: Part IV, Chapter 4 — Consequences of Infringement: Cognizable and Non-Bailable Offences; and Part VI — Common Questions, Q12.*

International Cases

6. *Sociedad General de Autores y Editores de España (SGAE) v. Rafael Hoteles SA*, Case C-306/05 (Court of Justice of the European Union, judgment dated 7 December 2006) — a hotel that distributes a television signal to the sets in its guest rooms communicates the works to the public; the private nature of a guest room makes no difference. *Referred in: Part III, Chapter 1 — International Copyright Position; and Part III, Chapter 2 — Hotels and Communication to the Public.*
7. *Citadines Betriebs GmbH v. MPLC Deutschland GmbH*, Case C-723/22 (Court of Justice of the European Union, judgment dated 11 April 2024) — holding a signal or cable-retransmission licence does not change the fact that the establishment is communicating the works to the public; such a licence is relevant only to whether that communication was authorised by the owner of the works. *Referred in: Part III, Chapter 1 — International Copyright Position; and Part III, Chapter 3 — Signal Delivery Licences vs Copyright Authorisation.*
8. *Reha Training*, Case C-117/15 (Court of Justice of the European Union, judgment dated 31 May 2016) — a rehabilitation centre showing television to its patients communicates the works to the public, not merely permitting private viewing. *Referred in: Part III, Chapter 1 — International Copyright Position; and Part III, Chapter 4 — Other Commercial Establishments and International Practice*

APPENDIX E

Disclaimer

This Handbook has been prepared and published by CINEFIL Producers Performance Limited (“CINEFIL”) for informational, educational and awareness purposes only.

The contents of this publication are intended to provide a general overview of the legal principles relating to Communication to the Public and Public Performance Rights in Cinematograph Film Works under the Copyright Act, 1957, together with certain international perspectives and practical considerations relevant to hotels, hospitality businesses and other commercial establishments.

This Handbook is not intended to constitute legal advice, legal opinion or professional advice on any specific factual situation. Readers are encouraged to seek independent legal or professional advice in relation to their particular circumstances wherever necessary.

The views, explanations and interpretations contained herein are intended solely as a general guide to assist stakeholders in understanding the relevant legal framework. The applicability of any legal principle may vary depending upon the facts and circumstances of a particular case.

Nothing contained in this Handbook shall be construed as limiting, modifying, expanding or replacing the provisions of the Copyright Act, 1957, the Copyright Rules framed thereunder, judicial pronouncements, governmental notifications or any other applicable law. In the event of any inconsistency, the applicable statutory provisions and authoritative legal determinations shall prevail.

References to international copyright principles, judicial decisions and comparative legal developments are included for educational and contextual purposes only and should not be construed as statements of Indian law unless specifically recognised under the applicable legal framework.

The media, entertainment and technology sectors continue to evolve rapidly. Consequently, legal, regulatory and technological developments may occur after the publication of this Handbook. CINEFIL reserves the right to revise, update or supplement this publication from time to time as may be considered appropriate.

The inclusion of practical examples, illustrations, frequently asked questions or explanatory material in this Handbook is intended solely to facilitate understanding of the subject matter and should not be interpreted as legal determinations in respect of any specific person, establishment, industry sector or factual scenario.

This Handbook should be read as a whole and in conjunction with the applicable legal framework governing copyright and related rights in India.

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“The producer community is awakening to the enduring value of the creative rights and the legacy inherited from earlier generations.”

A legacy inherited, a value reawakened.



CINEFIL

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