

BY REGISTERED POST AD & E-MAIL  
WITHOUT PREJUDICE REPLY

To,

Date: 16<sup>th</sup> March, 2018

1) The Indian Performing Right Society Limited,  
208, Golden Chambers, 2<sup>nd</sup> Floor,  
New Andheri Link Road, Andheri (W),  
Mumbai 400 053.

2) G. G. Prasad,  
Dy. General Manager Licencing,  
The Indian Performing Right Society Limited  
208, Golden Chambers, 2<sup>nd</sup> Floor,  
New Andheri Link Road, Andheri (W),  
Mumbai 400 053.

**RE: Reply to Royalty Fee Demand Letter Ref: 2017-18 14639 Dt. 2 January 2018.**

Dear Sir(s),

We are concerned for our client "Hotel Grand Central" member of Indian Hotel & Restaurant Association (AAHAR), having establishment at Central Avenue Road, Chembur, Mumbai, Maharashtra 400071, who have received the Demand Letter vide Ref No: 2017-18 14639 Dt. 2 January 2018 and has placed the same in our hands with instructions to reply for them and on their behalf which we do as follows:

1. Our client states that the Letter Dt. 2 January 2018 under reply is nothing but an attempt on your behalf to unduly harass and extort unscrupulous money under the garb of 'Licence' which is not lawfully due to you from our client and thus your letter is required to be withdrawn with immediate effect.
  
2. Our client further states that your letter seems to have been issued under some misconception / misinterpretation of laws with malafide intentions and is not only vague but also an abuse of process of law.
  
3. Primarily, our client state that unless categorically expressed, nothing contained therein in the demand notice shall be deemed to be admitted by our clients. The contentions of your Letter with regard to royalty fees estimates, EST Date, furnishing GST details etc are matter of record and facts hence no comments are offered on the same although you are put to strict proof thereof.

4. Our client further states that the letter Dt. 2 January 2018 demanding payment pertains prior to the grant of registration certificate Dt. 28 November 2017 issued by Government of India which forthrightly indicates that from 2012 onwards knowingly well the statutory requirement of Section 33(3) of Copyright Act 1957, your organisation had been continuously issuing license and collecting the license fees without being a registered Copyright society which is blatantly illegal and breach of the aforesaid Statutory obligations. By the impugned letter you have raised the claims consciously with a view to defeat the legislative intent of the Copyright Act, 1957.

5. Further, the demand of payment vide your letter Dt. 2 January 2018 for the period from 1 January 2018 to 31 December 2018 is not in conformity to the Copyright law because while fixing the tariff for the Calendar year 2018 your organisation has not adhered to the prescribed manner pursuant to Section 33A of the Copyright Act 1957 read with Rule 56 of Copyright Rule 2013 by following the guidelines issued by any Court or of the Board, if any. Further, the category of user group "Restaurent and Hotels" are wide in usage across the breadth and length of the country, the copy of the minutes or any extract of the resolution of the consultation meeting with any



recognised Hotel or restaurant association(s) could not be found in the website. You are requested to display the same for further necessary requisite decision as the word “may” given under the Copyright Rule imply mandatory behaviour and it’s not optional because it’s for the public convenience as intended by the Copyright legislation pursuant to Section 33(3) of the Copyright Act 1957.

6. Our client states that in respect to literary and musical works incorporated in a cinematograph films or sound recordings, only a Registered Copyright Society can deal in the business of issuing / granting Licenses and as per our client’s knowledge Government of India, Ministry of Commerce and Industry , Department of Industrial Policy and Promotion (Copyright Office) has issued the certificate of registration under Section 33(3) of the Copyright Act 1957 vide No: 12-22-2017-IPR-VII Dt. 28/11/2017 subject to the conditions therein that any non-compliance or contravention of the such term, the said licence issued is subject to cancellation..

7. That in the said context, our client further states that subsequent to issuance of registration certificate Dt 28 November 2017 by Government of India subject to the

terms thereof, it's pertinent to our client to know the observation as detailed in letter No: F.No 07-01/2017-CO Dated 28/11/2017 to examine the critical and relevant legislative provisions as the registration granted by Central Government is on the premise of interest and convenience of the public in particular to the group of person who intends to seek business licenses from the Copyright society in respect to literary, dramatic and musical incorporated in a cinematographic films or sound recordings. That further the above critical legal points / terms mentioned in the said letter will be more clearer to our Client when the relevant legislative provisions that governs the issue or grant of Business licences are examined prudently in true and correct perspective. In this connection, you are advised to furnish the said above mentioned letter accordingly for reply thereof.

8. Thus in consequence thereto, you have thus attempted to commit multiple parallel offences from 2012 onwards, first being to issue licenses/ collection of license fee without having the registration certificate till the issuance of re-registration Certificate and secondly to fix the tariff without following the provisions of Section 33A read with Rule 56 of Copyright Rules 2013.

9. Therefore, your organisation had endeavoured to make wrongful gain from our client by issuing said demand letter Dt. 2 January 2018 and continuously making wrongful gains by collecting the royalty fees from general public including our Client.

10. Consequently, the illegitimate collection is of continuous nature from Copyright Amendment 2012 onwards and the demand letter Dt. 2 January 2018 that have been issued amounts to fraud on the statute which has caused wrongful loss to the PUBLIC including our client.

11. In the event your organisation still persists in making such illegal and unlawful demands then we shall on our client's peremptory instruction and on behalf of our client be constrained to initiate such appropriate proceedings, civil and/or criminal read with Section 69 of Copyright Act 1957, as the case may be required to protect our client's interest, including to claim compensation by way of damages for harassment, groundless threat etc entirely at the risk of the responsible Director/



Members / Officers the cost and consequences of which you shall be solely responsible, of which you may please take note.

12. Please note that in the event of your failing to comply with the above requisitions and confirm the same to us as well as our client in writing within seven (7) days of receipt of this letter, our client will have no alternative but to take such suitable legal action as they may be advised to protect our client.

13. Please note that all correspondence(s) in this reference hereinafter shall be addressed to our law firm on the address mentioned herein.

This notice is sent to you by Registered Post AD and E Mail after having retained an office copy to be used for initiating legal proceedings, if so require.

Yours faithfully,

For MEDIALEXICON

  
Authorised Signatory



CC TO :

- 1) Mr. S. G. Dal, Sr. P.I.  
Chembur Police Station, Opp. Basant Park society,  
R.C. Marg, Chembur, Mumbai – 400 071.
- 2) Dr. Y. P.C. Dangay,  
Inquiry Officer,  
Ministry of commerce & Industry,  
Department of Industrial Policy & Promotion  
At Boudhik Sampada Bhawan,  
Plot No. 32, Sector 14, Dwarka,  
New Delhi -110075.
- 3) Mr. Hoshiar Singh,  
Registrar of Copyright New Delhi  
Ministry of Commerce & Industry,  
Department of Industrial Policy & Promotion  
At Boudhik Sampada Bhawan,  
Plot No. 32, Sector 14, Dwarka,  
New Delhi -110075.
- 4) Ms. Rita Teaotia,  
Commerce Secretary, Union of India, through its secretary,  
Ministry of Commerce & Industry,  
Department of Industrial Policy & Promotion,  
Udyog Bhavan, New Delhi – 110 011.
- 5) Indian Hotel & Restaurant Association (AAHAR)  
B-2, Wadala Shree Ram Industrial Estate, Ground Floor,  
Near Wadala Telephone Exchange, G. D. Ambekar Road,  
Wadala (W), Mumbai, Maharashtra 400031