



Intellectual Property Appellate Board

Delhi Registry –Cum-Bench

G-62 to 67 & 196 to 204, August Kranti Bhawan, Bhikaji Cama Place,
New Delhi – 110 066

Tele No: 011-26180613/14

Website: <http://www.ipabindia.org>

Original Application No.

CR/31-D/1/2018/DEL

RADIONEXT WEBCASTING PVT. LTD.

APPLICANT

Versus

M/S INTERNET BRODCASTING
ORGANISATION

RESPONDENT

CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH CHAIRMAN

ORDER-SHEET

08/02/2019



Counsel for the Applicant : Sagar Chandra Aastha Bhasin, Surbhi Iyer,
Counsel for the Respondent : Neeraj k Gupta , Tahir Ashraf, Neel Mason,
Ekta Sharma, Hemant Singh, Anant Singh ,
Ms. Mamli Jha & Mr. Waseem Shuaib Ahmed

This order is passed in continuation with the earlier order, dated 01/11/2018. Today when the matter is taken up, the various interveners have appeared. Mr. Hemant Singh appearing on behalf of one of the intervener has filed the intervention application on behalf of Zee Entertainment Enterprises Ltd. Copy of the same be send to the learner counsel appearing on behalf of petitioner within one week, response be file by next date.

Also for the petitioner is agreeable to supply the complete set of paper book within one week from today. Similar application has been filed by Neel Mason on behalf of Super Cassette Industries Pvt. Ltd. Registry will place the said application in record. Copy of complete paper book be send to Mr. Sagar Chandra within one week, who is agreeable to serve the complete set of paper book to the learner council one week thereafter. The response be filed by the petitioner by the next date 06/08/2019.

Neeraj K Gupta appears on behalf of Phonographic Performance Limited. He says that his client is also inclined to file the objection/intervention application within six weeks on the date of receipt of the copy of the paper book from Petitioner. Mr. Sagar is agreeable to supply the complete set of paper book to the counsel within one week from today. Response will be filed by the next date. List on 06/08/2019. In the meanwhile, Mr. Sagar states that the public

notice has to be published in the official Gazette of Government of India. Mr. Sagar is agreeable to give the full details & address of Ministry within two weeks from today thereafter, public notice shall be sent to Ministry concerned. Which shall states:-

" PUBLIC NOTICE "

This is for information of all concerned that in view of Section 31D of the Copyright Act, 1957 read with Rule- 31 of the Copyright Rules, 2013 and upon an application in this regard filed by Radio Next Webcasting Pvt. Ltd., IPAB is required to fix royalties for communication to the public of sound recordings under section 31D for internet broadcasting.

This public notice is issued to inform all interested persons of IPAB' intention to fix royalties as mandated under Section 31D of the Copyright Act, 1957 read with Rule 31 of the Copyright Rules, 2013 and the suggestions of all interested persons are invited in this regard.

In accordance with sub rule (3) of Rule 31 it is stated that any owner of copyright or any broadcasting organisation or any internet broadcaster or any other interested person may within thirty days from the date of this publication give its suggestions with adequate evidence as to the rate of royalties to be fixed including different rates for different works and different formats.

Once the said notice be published, Mr. Sagar is agreeable to make the further compliance of the last order. This exercise be completed without prejudice, objection raised by the intervener in this regard would also considered at the time of hearing. List on 06/08/2019.



-SD-

CHAIRMAN

CERTIFIED / TRUE COPY

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For Deputy Registrar
Intellectual Property Appellate Board
Delhi (Legislative-cum-Bench)