

Contracts & Other Practical Tips

Issue: They need to learn how to create simple contracts and invoices that protect their rights and avoid giving away their songs completely.

1. Why written contracts matter

- Oral agreements are weaker in enforcement; written contracts clearly record terms, protect you in disputes, and show your intent.
- For copyright assignments or licenses, writing and signature are legally required under Indian law. (indialawoffices.com)
- A written contract also gives clarity to both sides on expectations (payment timing, usage, rights, obligations).

2. Tips / Best Practices

- Keep copies (physical & digital) of all agreements and invoices.
- Use simple, clear language; avoid ambiguous terms.
- Avoid granting "all-in perpetuity" unless very well compensated or negotiated.
- Include audit rights and regular accounting statements.
- Use reversion and termination clauses to protect against default or non-use.
- Insist on credit/attribution in all uses.
- Stamp the contract if required under your state's Stamp Act (unstamped agreements may not be admissible in court). (ACC Docket)

Issue: When they post songs online (e.g. YouTube) and others use them without permission, what legal recourse do they have?

Copyright infringement: basic concept

- Copyright infringement occurs when someone uses (reproduces, distributes, publicly performs, adapts, broadcasts) a copyrighted work without authorization of the owner or licensee, thereby interfering with the exclusive rights of the owner. ([MyAdvo.in](#))
- Under Section 51 of the Copyright Act, the copyright owner is entitled to remedies (injunctions, damages, accounts, etc.) against infringers. (Maheshwari & Co.)

Practical Steps / Process

1. Document the infringement thoroughly

1. Take screenshots, URLs, dates, times, copies of the infringing use.
2. Save metadata, archived pages (Wayback, etc.).
3. Preserve evidence (download copies, preserve original source).
4. Maintain your own record of when you published your work, registration, agreements, drafts, etc.

3. b. Issue a "take-down / cease-and-desist notice"

- In India, under Rule 75 of the Copyright Rules, 2013, the copyright owner can send a written notice (a "copyright infringement notice") to the intermediary (e.g. YouTube, website host) whose platform displays or allows access to infringing content. (iPleaders)
- The notice should include:
 - Identification of the copyrighted work (with details)
 - Proof or affirmation that you are the owner (or licensee)
 - The location (URL) of the infringing content
 - A statement that the copying is not permitted (i.e. not fair use)
 - A statement that you will take legal action if not removed
 - Your contact information and signature
- Upon receiving, the intermediary is required to act within 36 hours to disable access and prevent further access for 21 days, unless a court order restrains the owner from doing so. ([MyAdvo.in](#))
- If they don't comply, you may file a suit. (iPleaders)

4. c. Platform-specific mechanisms

- For platforms like YouTube, you can use their Content ID / copyright claim / takedown tools to request removal of infringing videos.
- Provide proof of ownership (registration, original files, date stamps).
- If the infringer files a counter-notice, you may need to escalate to legal action.

5. d. Legal action / formal suit

If the takedown route fails or the infringer is persistent:

- File a suit for copyright infringement in civil court (district/divisional high court, depending on jurisdiction).
- Seek injunctions (stop further use), damages or account of profits, search & seizure, etc.
- If infringement is willful and commercial, criminal remedies may also apply under Indian law (though less common in practice).
- Use the evidence, contracts, registrations, invoices, etc., to prove ownership, infringement, harm, etc.

6. Importance of proof of ownership

- Having a registered copyright (though not mandatory) gives you prima facie evidence of ownership.
- Keep original drafts, dated versions, recordings, emails, contracts, etc.
- Maintain consistent metadata (creation timestamps) and back-ups.
- Always issue "notice of claim / copyright notice" when you publish your work (e.g. "© 2025 Artist Name. All rights reserved").

7. When to consult a lawyer

- If the infringer ignores takedown notices.
- If the infringer is local and you want to send a strong legal demand letter.
- If you want to file suit, negotiate settlement, or require cease-and-desist with formal backing.
- Especially when infringement is large-scale, commercial, or damaging.

