

Original New Songs in Indigenous Languages

Issue 2: When they write new songs in their indigenous languages for films or other projects, who owns the copyright?

When a musician writes an original new song (melody + lyrics) in an indigenous language, that is clearly an original musical work + lyric work. This is within the domain of copyright law, if the work satisfies the threshold of originality and is fixed in a tangible medium (recorded or written down). The composers) of the melody, and the lyricists) of the text, are typically the original authors. They own copyright initially (unless there is an agreement to transfer or share) under Section 17 of the Copyright Act. (indialawoffices.com)

If multiple persons collaborate (composer + lyricist + arranger), then the copyright is joint among them in the proportion agreed (or default proportion).

If they are hired (for example, by a film producer) to write a song under contract, the contract may specify ownership or assignment (subject to the legal rules).

The authors also have moral rights under Section 57 (right of paternity, right to integrity), which persist even if they assign copyright. (Kautilya Society, RMLNLU)

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