
TRACES OF ETERNITY: PRESERVING MUSICAL HERITAGE AND PROTECTING CREATORS THROUGH IPR

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ABSTRACT

Music, an eternal instrument of societal ethnicity and mental relevance, has transformed from tribal melodies to digital rhythms, expressing both technological progress and the soul of different realms. However, this development faces increasing threats like piracy, unauthorized duplication, and the loss of creative integrity, which not only endanger individual artists but also threaten the preservation of international musical heritage. Through the former perspective, music's evolution from ancestral instruments like the Kithara and Shofar to contemporary online media services emphasizes its persistent ethnic significance. It then analyses the legal structures, such as India's Copyright Act of 1957 and Trade Marks Act of 1999, that save innovation and uplift commercial authenticity. International collaborations like the World Intellectual Property Organization (WIPO) are praised for their role in reconciling global norms through treaties like the Berne Convention and the Patent Cooperation Treaty. WIPO's contributions in arbitration, mediation, and electronic skill enhancement are shown to entrust creators across borders. Case studies, covering platforms like Spotify and YouTube Music, and enterprises like T-Series, depict how IPR implementation enables monetization, alleviates piracy, and secures creator rights. Essentially, IPRs are not just bare legal tools but are heritage-based custodians. By safeguarding the rights of musicians and facilitating access for worthy consumers and upcoming creators, they help to ensure that music continues to encourage, unite, and refine. This article elucidates the international alliance, policy improvements, and public realization to build a self-reliant and piracy-free innovative environment where musical legacy flourishes and creators bloom.

Keywords: Creator Empowerment, Digital Platforms, Heritage Protection, Intellectual Property Rights (IPR), Legal Frameworks, Music Evolution, Musical Heritage, Piracy Prevention

Introduction

Music serves as a universal language that bridges the gaps between diverse cultures and languages, uniting people through melodies, tunes, and beats. It leaves a lasting impression on one's heart and inner soul. Music has evolved through the centuries from the tribal drums to the modern drums, from the ancient sitar to the modern-day guitar. Music has evolved, and so has the taste of people in music. This evolution of music not only reflects technological advancements but also the rich cultural heritage of the people. However, in recent times, this rich cultural heritage has faced various challenges such as unauthorized piracy and the duplication of people's creations without their prior knowledge. Such piracy deteriorates ethnicity and creates a major setback for the creators who give their day and night for their production. To counter such challenges, Intellectual Property Rights (IPRs) have served the role of a guardian angel for such people by safeguarding the rich cultural heritage and providing royalties for such creations.¹ By protecting the authenticity of musical works and making them stand out in front of the world, IPRs have played an important role and also ensuring that people get their due respect and recognition. This also creates awareness among the people so that new artists do not copy the works of their predecessors, which would promote sustainable development in the music industry.

The Evolution of Musical Heritage: An Ancient Outlook

Music has always been an integral part of human beings for thousands of years, and it has also adapted and changed rapidly with society and technological innovations. In historic times, music was a symbol of expression of one's tribe and community. The mode of melodies was as simple as the use of hollow pipes, animal horns, clapping hands, and the use of several natural tools for symbolizing human creativity and the bond between music and human hearts.

The ancient era introduced several forms of music, such as the chanting of devotional songs, which became the most important pillar of religious and cultural ceremonies. The use of instruments such as Kithara, Aulos, Shofar, and Tympanon was the most enhanced pieces of music, which were the collage of various rhythms and traditions and marked the transition from

¹ Martin Kretschmer, George M. Klimis & Roger Wallis, *The Changing Location of Intellectual Property Rights in Music: A Study of Music Publishers, Collecting Societies and Media Conglomerates*, 17 *Prometheus* 163 (1999).

impulsive to more organized tunes.²

The modern era marked the revolution of music, from in-person performances and vinyl records to access to music through mobile phones and online concerts, which enabled global distribution and various art experimentations.³

Role of Intellectual Property Rights in Safeguarding Creativity

IPRs play an important role in safeguarding the individual's authenticity and innovation in the music industry. Such policies not only protect the work of the individuals from piracy but also the commercial value of their work, so that the profits of the work go to the rightful owner.

The implementation of the Copyright Act of 1957 gives private ownership of the beats, creations, and recordings of individuals and artists. This act also guarantees that no work is pirated without the proper knowledge of the rightful owner, and such owner only has the particular rights over the commissions of such creations.⁴

The Trade Marks Act of 1999 also helps safeguard the brand identities and promotes uniqueness among all. This may include names and logos, which also help in promoting proper recognition and legitimacy in such a developing world.⁵

Additionally, IPRs motivate young generation artists and also the already existing old-generation artists to try various categories of sounds and beats to push through the limits and creativity levels of the creators without the fear of their work being stolen. Such a type of safety promotes a just and fair environment to musicians and also creates a stable, piracy-free industry.

In our modern world, where music is an easily accessible tool to run away from societal pressure and improve the mental peace of individuals, strong Intellectual Property guidelines are necessary for maintaining fairness and also securing innovations so that they continue to flourish. By safeguarding the rights of musicians, IPRs also contribute to the dynamic change

² Aspasia Goulaki-Voutira, Conventions, Formulae and Observable Reality in Ancient Music Imagery, 43 Music in Art 185 (2018).

³ Richard Osborne, Vinyl: A History of the Analog Record (Routledge 2016).

⁴ Kritika Sharma & Swati Sharma, Culture of Remix, Remake, and Mashup in Music: A Quandary Under the Copyright Act, 1957, 14 IUP L. Rev. (1) (2024).

⁵ John J. Gilchrist, Trade Mark Strategies of Emerging Music Artists, 12 Entertainment & Sports L.J. 1 (2014).

in the music industry while respecting the rich cultural heritage.

Policy Frameworks and Their Impacts

IPR rights help in tackling the piracy of work and also preserving the innovations of the original creators with the help of their stringent policies. The current policies, such as the implementation of Copyright, Trademark, and international laws, aim to protect the young and old generation artists from the unauthorized copying of their work while also giving access to the people who want to listen and cherish the work of such artists.

Through the incorporation of Digital Rights Management (DRM), various technologies have taken the work of taking down such pirated work and also provide security to young creators with modes to report such piracy so that their work is safe.⁶

Moreover, agreements such as the World Intellectual Property Organization (WIPO) Copyright policy have also been implemented to provide necessary protections across various nations, which ultimately helps in fighting the battles against global piracy.⁷

Regardless of such stringent policies, they face several challenges, which include the rigorous enhancements in technology, which take time to comply with the legal system, ultimately creating a state of exposure to misuse and piracy. The rapid expansion of online platforms and consumers makes it a problem to carry on such administration across different regions and nations. However, there is a constant fear among the artists that such stringent policies might diminish their innovation, and such innovations might not be able to reach potential consumers.⁸

To ensure the proper use of IPRs, policies must be developed with the collaboration of technology, along with the creator's rights, which include proper checks on the use of their creations by consumers. An innovative approach can help in the promotion of a sustainable environment for creativity and also provide relief from the fear of piracy. Such an approach can help in battling the risks of the modern era by adapting to the digitalization of work.

⁶ Siu-Ho Kwok, Digital Rights Management for the Online Music Business, 3 ACM SIGecom Exchanges 17 (2002).

⁷ Jeffrey S. Sheinblatt, The WIPO Copyright Treaty, 13 Berkeley Tech. L.J. 535 (1998).

⁸ Arnab Arnab & Andrew Hutchison, Digital Rights Management—An Overview of Current Challenges and Solutions (2004) (unpublished manuscript or working paper).

International Collaboration: Contributions of Global Organizations

Global organizations are the sole saviours of the international alliance that helps to promote the just and efficient use of the IPRs. The WIPO is the most impactful cooperation in this leading cause as it helps in assisting the mutual partnership among the various nations, which will ultimately promote the creation capacity of such individuals and will also promote the fair use of their work across these nations.⁹

WIPO is the creator and supervisor of international agreements in the form of the Berne Convention as well as the Patent Cooperation Treaty, which ultimately helps to regulate IPR across all nations. Such types of agreements become handy to the new and old creators to ensure that they can use their rights accordingly and that such rights get implemented properly across all nations. WIPO also offers outside court remedies internationally through arbitration and mediation so that all the problems get addressed accordingly.

WIPO also assists in empowerment among such growing nations. Giving them various skillful assets like technological upskilling and training programs will ultimately help the countries to grow in the IP region and will also promote such implementation. They promote impartiality among the creators so that they will gain from such strong policies, irrespective of where they reside.¹⁰

Through the partnership of global entities, WIPO can develop an environment for continuous progress and room for innovative ideas among the creative minds of such individuals. Such an aim requires a single movement to push forward a shield against the upcoming challenges.

Case Studies: Real-World Examples of IPR in Action

IPRs have often shown their success stories in the current world situations, by protecting the young and old artists from piracy and also providing proper trademarks to distinguish them from others. The music industry has always been looked upon as the most drastic change from offline platforms and concerts to the digitalization of the work. Various streaming platforms like Spotify and YouTube Music are being used by the young generations. Such platforms

⁹ Christopher May, World Intellectual Property Organization (WIPO): Resurgence and the Development Agenda (Routledge 2006).

¹⁰ Carolyn Deere-Birkbeck & Roxana Marchant, The Technical Assistance Principles of the WIPO Development Agenda and Their Practical Implementation, ICTSD Programme on IPRs & Sustainable Dev., Issue Paper No. 28 (2010).

require proper IPR policies to check that the artists get recognition and royalty for their work, so that they do not get looted in the end.¹¹

Another recent implementation has been made in the Indian Bollywood music industry, like the T-Series. Through the stringent legal checks on the copyright laws, there has been a strong relationship between the production houses and the protection against piracy authorities, which has ultimately reduced the unlawful download of data from pirated sites, which also contain various malware, and also protects and enforces the creator's rights properly. Such reforms have led to the monetization of their work, which would benefit them in the long run.¹²

Moreover, the introduction of the Berne Convention by the WIPO has set up the standards of safety for the public at large, which will lead to the rightful implementation of individuals' rights and their duties.

Conclusion

In conclusion, the bond between the music industry and IPR is crucial and delicate for the youth of the current generation while also protecting the rich cultural heritage of the different nations. IPRs' main motive is to overcome the restrictions in the minds of the people of their work getting stolen, while also creating an environment where people live in harmony and self-motivation. Thus, strong IPR policies must be implemented through the partnership among all the nations while also creating campaigns for the incorporation of IPR to safeguard the work of people.

Through the monetization of work and funding across nations, and also with the help of the Berne Convention, IPR will be able to protect the rich cultural heritage of music and art, which also sets up the roadmap so that people do not lose track and move towards the path of success. Getting proper recognition and incentives for their work is also important for such progress.

With the help of big organizations like the WIPO, we will be legally as well as mentally strong to overcome these problems, as it would not only stop piracy but also the illegal distribution of

¹¹ Byungwan Koh, Il-Horn Hann & Suresh Raghunathan, Digitization of Music, 43 MIS Q. 23-A15 (2019).

¹² Ankit Mishra, Case Comment on the Infamous Case of T-Series: Super Cassettes Industries v. Myspace Inc. & Anr., 2 Indian J. Integrated Rsch. L. 1 (2022).

the innovations of others. Thus, proper access would be given to the rightful people who not only cherish the work of music but also appreciate such innovation.