
**WHO OWNS MUSIC? A HISTORICAL AND LEGAL STUDY
TRACING THE ORIGINS OF MUSIC COPYRIGHT,
DEVELOPMENTS, DIFFICULTIES IN OWNING MUSICAL IDEAS,
CONFLICTS BETWEEN SAMPLING, IMPROVISATION AND
ORIGINALITY, RECENT CONTROVERSIES OF COPIED
COMPOSITIONS AND REMAKES, ADEQUACY OF PRESENT
COPYRIGHT LAWS AND PROPOSALS FOR FUTURE COPYRIGHT
REFORM ADDRESSING MODERN MUSIC INDUSTRIES**

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ABSTRACT

Music has existed historically, as part of a shared culture, memory, traditions and evolving practices. The modern conceptualisation of music, particularly as recognised by the law i.e. as intellectual property that can be privately owned, is a quite recent development. The present paper attempts to draw a historical and legal analysis into the question of ownership of music. The paper presents an analysis of the evolution of this controversial ownership, from the days of early European printing monopolies to present statutory rights. This historical analysis ultimately throws light on how music became property that can be privately owned instead of just shared cultural knowledge.

Further, the paper attempts to analyse the transformation of copyright law that is applicable to music. Particular emphasis has been made on the concepts of originality, idea, expression and the question of why music presents particular difficulties with respect to legal ownership. Additionally, the conflicting concepts of sampling, improvisation and originality are explored, particularly in the light of jazz and remixes, where the use of these methods is quite prevalent. Recent controversies are also touched upon, including allegations of copying and the extent of originality in remixes and remakes. This highlights the serious tension that exists between creativity, creation of profits and the legal enforcement of ownership rights in the modern music industry.

Lastly, the paper will analyse whether the present or existing laws with respect to music and copyright are sufficient in their enforcement and

implementation and whether they stand the test of practicality in the age of digitalisation of distribution, large music platforms, artificial intelligence and other emerging technologies. Finally, proposals are suggested, aimed at striking a careful balance between artistic freedom and protection of intellectual property.

Keywords: Musical works, copyright, sampling, improvisation, artistic freedom.

INTRODUCTION

Music stands in a very unique and complex position in the realm of intellectual property rights. This is because music heavily differs from other artistic works, such as literary and visual works, as music is abstract, temporal and is deeply rooted in shared culture.¹

Music contains elements that are deeply personal and collective. However, the present copyright laws fail to recognise these characteristics and ultimately treat music as just any other intellectual property that can be privately owned. This issue majorly arises out of the difficulty in answering the question i.e. whether music can truly be exclusively owned and if so then by who, to what extent and by what authority?

In the modern music industry, musical compositions are generally treated as financial assets, and a consideration in addition to artistic creativity is creation of the maximum profits. Artists aspire to sell their records to big labels, multi-national companies and popular streaming platforms. These stakeholders further aim to milk out the largest monetary value from these musical records. Thus, music in the state that it exists today might appear to be losing its cultural and artistic value, which has ultimately led to stricter copyright enforcement and increases number of filed litigations over allegations of copying, similarity and sampling.

However, an inherent part of music creation involves frequent borrowing, repetition, improvisation and sampling. Radical originality in music is rather impossible to achieve as most genres of music derive their existence from some pre-existing musical expression, tune or rhythm. Legal doctrines do not take this unique creative process into account which eventually results in a conflict between the method of creating musical compositions and the regulation of the rights of ownership of music.

¹ Andreas Rahmatian, *The Musical Work in Copyright Law*, 73 GRUR Int'l 18 (2024).

The present paper attempts to dive into this conflict via a historical and legal analysis of music and copyright laws surrounding it. It presents that most of the contradictions in terms of enforcing of intellectual property rights over music can be traced way back to the conception of the concept of copyright over music.

Thus, the proceeding parts of the paper analysis legal development of music and copyright, unique difficulties in case of owning music, conflicting concepts of sampling, improvisation and originality and finally, recent controversies related to these concepts, analysis of the adequacy of the present legal system and the possible proposals for the future.

I. HISTORY OF OWNERSHIP OVER MUSIC

Music has not been considered as an object of private ownership for most of human history. This was so because music was a tradition that evolved through oral transmission, community and collective memory. Music was seldom recognised for its author or composer. No identification can be drawn for the creators of folk songs and early classical forms of music. In most traditions, music was and still is inseparable from religion and social life.

However, music, because it evolves with society, in early modern Europe, it ultimately evolved along with the social and technological developments. The invention of the printing press is of significance as for the first time in history music was separated from performance and now it could be reproduced on a large scale for distribution. With this quick distribution, music became a commercial commodity. An important point in the early development of music copyright was that these rules were not created to protect creators, but they were only concerned with granting monopolies to publishers.²

A common example is when in 1548, King Henry II of France granted an exclusive monopoly to a publisher for printing certain musical works.³ This incident gave rise to the concept of monopolisation of music distribution and solidifies music's standing as a commodity. However, it is of significance to note that this right over music did not arise out of originality or artistic expression but simply from sovereign authority and commercial capacity.

² Khalid Shamim & Aqa Raza, *The Copyright and Her History*, 11 NTUT J. Intell. Prop. L. & Mgmt. 13 (2022).

³ Patent of "Music Printers to the King," Granted by Henri II to Adrien Le Roy & Robert Ballard (1552), in *Primary Sources on Copyright (1450–1900)* (L. Bently & M. Kretschmer. eds.), https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_f_1552

More such systems arose all across Europe and these rights gave way to copyright statutes. Because music now came to be considered as property capable of being owned privately, the relationship between music, musicians and society in general became distorted.

The historical roots of music copyright thus reveal its contingent and constructed nature. Ownership over music did not arise organically from musical practice but was imposed through legal and political mechanisms. This legacy continues to influence contemporary debates about the legitimacy and scope of music copyright.

II. LEGAL DEVELOPMENTS IN MUSIC COPYRIGHT

Copyright law in the modern context recognises music as musical works for the purposes of enforcement and considers it to be legally separable from components such as lyrics, performance and sound recordings.⁴ This legal abstraction attempts to stabilise an inherently fluid art form.⁵ Eventually, copyright law has come to recognise multiple legally enforceable ownership rights within a single musical work such as the rights of the composer, lyricists, performers, producers, and broadcasters.

Originality is one of the most fundamental requirements for granting of copyright protection. In legal terms, originality does not demand novelty or creativity in an absolute sense but requires independent creation and a minimal degree of intellectual effort.⁶ This standard would work for literary and other artistic works; however, it is difficult to apply the same standard to musical works as music seldom involves pure originality. Most musical works are essentially an evolved form of musical recollection or reorganisation or pre-existing structure such as scales, chord progressions and rhythmic patterns.

Fixation is another requirement for the application of copyright laws. Copyright can only exist when the object to be protected is fixed and tangible. Fixation facilitates enforcement by providing an identifiable object of protection.⁷ This does not sit right with the concept of musical expression as it involves improvisation and performance. Particularly in genres such

⁴ Seetha Lakshmi, *The Commercial Exploitation of Cover Versions and Copyright Legalities: A Comprehensive Analysis of Section 31C of the Copyright Act, 1957 Within the Framework of Contemporary Industrial Practices*, 1 IPR J. Maharashtra Nat'l L. Univ., Nagpur 89 (2023).

⁵ Andreas Rahmatian (ed), *Concepts of Music and Copyright: How Music Perceives Itself and How Copyright Perceives Music* (Edward Elgar 2015).

⁶ Paul Szynol, *Copyright and the Myth of Creativity*, Berkeley Tech. L.J. (2025).

⁷ Supra note

as jazz or Indian classical music, compositions often exist as frameworks rather than fixed texts, and the act of performance is itself a site of creation.⁸

Copyright law became more and more in line with the business realities of the music industry as it evolved. Ownership of musical compositions is frequently transferred from creators to producers and labels through contractual agreements. This legal architecture entrenched power asymmetries and transformed copyright from a tool of authorial protection into a mechanism of industrial control.

III. DIFFICULTIES IN OWNING MUSICAL IDEAS

The challenge of the idea-expression dichotomy is the most difficult challenge to deal with in respect of music copyright.

The most persistent conceptual challenge in music copyright lies in the idea–expression dichotomy. Copyright law protects the expression of an idea but not the idea itself.⁹ difficulty arises because in terms of music the distinction between ideas and expression is not very clear. This struggle was touched upon in the case of *R.G. Anand v. Deluxe Films*¹⁰, where the main issue in this case was whether the film “Ghar Ghar Ki Kahani” had copied the language of Anand’s play to the extent that it constituted copyright infringement. The court highlighted that ideas, themes, and plots are accessible to all and are not protected by copyright law.

The problem keeps getting worse because by the fact that musical ideas cannot be independently articulated because they exist not due to words but in the form of sounds. Thus performance is often intertwined with the idea itself and one cannot exist without the other. A musical idea may manifest as a melody, a rhythm, or a harmonic progression, all of which are simultaneously abstract and expressive.¹¹ This makes determining whether a sound constitutes an idea or an expression is highly subjective.

Moreover, musical creativity is inherently cumulative.¹² Composing music involves various

⁸ Saebom Park, *Importance of Improvisation in Indian Classical Music from the Perspective of Advaita Vedanta*, 11 Swar Sindhu: Nat’l Peer-Reviewed J. Music (2023).

⁹ “Handbook of Copyright Law,” Government of India, available at: <https://copyright.gov.in/documents/handbook.html> (last visited Mar. 13, 2026).

¹⁰ AIR 1978 SC 1613.

¹¹ Ronald Rosen, “*The Basic Elements of Musical Language and Ideas. The Copyright Perspective*,” Oxford University Press, 2008, at 153.

¹² Thomas G. Ryan & Kimberley Brown, “Musical Creativity: Measures and Learning” (2012) 22(2) *Journal of*

processes such as repetition and imitation. Oftentimes new music is created by only slight variations in pre-existing compositions. As it was stated in the case of *Hirsch v. Paramount Pictures*, by the US court that “similarity of tone [...] is inevitable in all musical compositions.”¹³ Thus, treating such musical ideas as copyright infringement would just create obstacles in the process of music creation.

These problems are made worse by music's monetisation. Rights holders are encouraged to make broad claims about influence and similarity as musical works become valuable assets. This tendency pushes copyright law in the direction of overprotection, raising the possibility that it will stifle creativity.

IV. SAMPLING AND IMPROVISATION VS ORIGINALITY

The widely used processes of sampling and innovation create many challenges particularly, with respect to the requirement of originality for enforcing copyright. Sampling involves incorporating portions of existing recordings into new works¹⁴, while improvisation generates music spontaneously, often within shared structural frameworks.¹⁵

This problem is heightened further in case of genres such as jazz. Jazz musicians have long written new melodies over existing harmonic structures, creating what are known as contrafacts.¹⁶ George Gershwin's “I Got Rhythm” famously served as the harmonic foundation for numerous jazz standards, including Thelonious Monk's “Rhythm-A-Ning.” While Monk's composition introduced a new melody, it relied on a harmonic progression deeply embedded in jazz practice.¹⁷ In these situations, identifying ownership necessitates acknowledging that creativity functions within common musical languages.

Sampling creates even more difficulty as compared to improvisation as sampling involves the use of pre-recorded sounds. The law usually requires a license for use of recordings in sampling, and courts have enforced this quite strictly, requiring licenses even for minimal

Elementary Education 105–120.

¹³ 17 F. Supp. 816 (S.D. Cal. 1937).

¹⁴ Black's Law Dictionary 1368 (8th Edn., 2004).

¹⁵ Sandip Kumar Raut, “Dynamics of Upaj: Unraveling the Intricacies of Improvisation in Indian Music”, *Sangeet Galaxy e-Journal*, Vol. 14, No. 2 (July 2025), pp. 13–23.

¹⁶ A. N. Raposo & V. N. G. J. Soares, “Generative Jazz Chord Progressions: A Statistical Approach to Harmonic Creativity” (2025) 16

¹⁷ Paste Staff, “Celebrating 100 Years of Thelonious Monk: Listen to This Rare Recording From 1959”, *Paste Magazine*, 10 October 2017, available at: <https://www.pastemagazine.com> (last accessed 11th February, 2026).

samples. However, this approach is commonly criticised for being overly strict and for ignoring the artistic nature of the use of sampling.

1. Nature and Evolution of Sampling

Since music sampling refers to the utilisation of an existing recorded sound, and its integration as an element in a new recording,¹⁸ It has gained significance as a recognised creative technique. Producers can isolate, manipulate, and recontextualise fragments of sound, creating new works from existing material.¹⁹ Sampling has become central to genres such as hip-hop, electronic music, and experimental pop.²⁰ Thus, sampling has to be seen in a wider context than that of merely using past works. It has to be seen as a creative technique that transforms these works into completely new musical works by altering tempo, pitch, and context.

2. Legal Framework Governing Sampling

Because there are multiple layers of rights at stake during the process of sampling, it creates a variety of copyright issues. Thus, sampling usually requires licenses from both the composition owner and the recording owner.²¹

Copyright law, particularly in the Indian context, protects musical works, sound recordings, and performances.²² Any unauthorised reproduction of a substantial portion of a work can constitute copyright infringement. Courts apply a two-pronged test to determine whether a case of sampling constitutes copyright infringement: first, whether copying occurred; and second, whether the copied portion is substantial or material.²³

3. Substantial Similarity and the De Minimis Principle

The second prong of the above test i.e determining whether a sample or part copied is substantial presents a crucial challenge. The test of substantiveness does not lie in quantity of

¹⁸ “Music Sampling Explained: Creative Techniques and Copyright Laws Every Producer Should Know,” Los Angeles Film School Blog, available at: <https://www.lafilm.edu/blog/music-sampling-explained/> (last visited Mar. 13, 2026).

¹⁹ Prashanth S. Shivadass & Rachana Pise, *Everything You Need to Know About Music Sampling: The Indian Perspective*, SCC Online Blog (Sept. 14, 2021).

²⁰ Alexander Cuntz & Ruth Samson, “*Music Sampling in the Digital Age*”, **World Intellectual Property Organization** (14 April 2025), available at: <https://www.wipo.int/en/web/economics/w/blogs/music-sampling-in-the-digital-age>.

²¹ *Id.*

²² Copyright Act, 1957, § 13(1)(b).

²³ *Barbara Taylor Bradford v. Sahara Media Ent. Ltd.*, 2004 (28) PTC 474 (Cal.).

the sample with respect to the recording as a very short sample may also amount to a substantial part of the musical work if it captures the “essence” of the original work. However this is seldom the case as generally if a sample is irrelevant or unrecognisable, it may not attract any liability due to the application of the doctrine of *de minimis*.²⁴ However, this doctrine is not without its own set of difficulties, particularly that assessment has to be made with regard to musical significance rather than quantitative length. A unique riff that lasts only a few seconds might be more powerful than longer background components.

4. Fair Use, Fair Dealing, and Transformative Use

In cases where sampling serves purposes such as criticism, review, or parody, the defence of fair use can be applicable. However, this is rarely the situation in cases of commercial sampling. Some courts recognise transformative use, where the new work adds a fresh meaning and expression.²⁵ This is a better approach when it comes to recognising the creative side of sampling, yet this approach is not uniformly adopted.

5. Sampling and the Ownership Debate

The frequent use of sampling is evidence of the fact that reusing parts of existing works is embedded in the process of creating musical works. That is why a strict enforcement of copyright laws can lead to unjust privilege to right holders, completely undermining music’s shared cultural identity. Moreover, sampling, if left unregulated, may become a tool for blatantly copying original works. The challenge, therefore, is striking a balance between the two contradictory approaches.

Additionally, Ownership in terms of improvisation is further complicated as it may completely overlook individual contribution. The performance of music makes it extremely difficult to identify a single creator or author. These collaborative and process-oriented forms of creativity are difficult to accommodate due to copyright law's emphasis on singular authorship.

V. RECENT CONTROVERSIES OVER COPIED COMPOSITIONS AND REMAKES

There has been a boom in high-profile disputes involving music plagiarism in recent times.

²⁴ Elizabeth C. Vista, *Taking Bytes: Sound Recordings, Digital Sampling, and the De Minimis Exception*, 67 Tolle Lege, no. 6, art. 2 (Feb. 16, 2023).

²⁵ *Id.*

Allegations of plagiarism generally involve similar melodies, chords and progressions.²⁶ In the year 2024, the song Chuttamalle was debuted and it was streamed for the Indian motion picture Devara: Part 1. Within a few hours of its release, the comparison of the song began to a song that has gone viral in Sri Lanka and around the world, Manike Mage Hithe.²⁷ The song Manike was originally written by Chamath Sangeeth in 2020.²⁸ Although certain ‘cover versions’ are permitted under Section 52(1)(j)²⁹ only if prior notice is given and royalties are paid to the original rights holder. Courts, as seen in *Gramophone Co. of India Ltd. v. Super Cassettes Industries Ltd*³⁰, strictly enforce these statutory conditions.

Yet, quick digital remixes usually are able to bypass the compliance requirements and lead to tensions between the law and modern practices prevalent in the music industry. Remakes and adaptations are another facet that creates difficulties with respect to legal enforcement. Popularly used in mainstream music and films, this remake culture can lead to rejuvenation of music that is losing relevance. However, there is a greater chance arising about questions of consent and compensation. Thus, the line between adaptation that is allowed and copyright infringement is rather blurry.

Controversies such as Manike Mage Hithe reveal the limits of the existing copyright law as is applied to musical works and deepen the need for specialised considerations, especially with regard to musical practice, when drafting copyright law.

VI. ADEQUACY OF PRESENT COPYRIGHT LAWS

Music exists today in a very complex ecosystem. Although copyright laws do offer certain level of protections, they also demand certain level of flexibility. The application of doctrines such as that of faire use remains inconsistent all the while digital distribution of music is on a surge.

²⁶ Iyar Stav, “Musical Plagiarism: A True Challenge for the Copyright Law,” 25 DePaul Journal of Art, Technology & Intellectual Property Law 1 (2014).

²⁷ Padmakshree Pani, “Music, Sampling, Remixes and Copyright: Is Indian Legal Framework Still Struck in CD Era?”, LiveLaw (Aug. 21, 2025), available at: <https://www.livelaw.in/lawschool/articles/music-sampling-remixes-copyright-indian-legal-framework-still-struck-cd-era-301585> (last visited Mar. 13, 2026).

²⁸ Padmakshree Pani, *Music, Sampling, Remixes and Copyright: Is Indian Legal Framework Still Struck in CD Era?*, LiveLaw (Aug. 21, 2025), <https://www.livelaw.in/lawschool/articles/music-sampling-remixes-copyright-indian-legal-framework-still-struck-cd-era-301585>.

²⁹ Copyright Act, 1957.

³⁰ 2010 (44) PTC 541 (Del).

This already complex environment is further complicated by global circulation of music by streaming platforms, artificial intelligence, and other technologies. A relatively newer threat to music copyright is music generated by artificial intelligence. Such AI generated music raise even more questions about authorship, ownership, and liability that existing frameworks are unable to answer. The existing laws in this regard were drafted with human artistic creativity in mind; they cannot be considered sufficient for addressing algorithmic creations. There have been attempts to improve the existing legal framework; nevertheless, there remain large gaps in terms of implementation and practical enforcement.

VII. PROTECTION OF MUSICAL WORKS IN INDIA

The Copyright Act, 1957, as amended in 2012, is the primary legislation governing the copyright of music in India. According to the provisions of the Act, a song can include multiple layers that might include musical composition, lyrics, sound recording, and performance, and each of these is protected separately. However, the Act still majorly considers the composer as the ‘author’ of the musical work.³¹

Section 13 of the Act³² grants copyright to literary, dramatic, musical, and artistic works, as well as sound recordings and cinematograph films that are original. It thus makes clear that compositions, lyrics and sound recordings are independently protected. Further, the definition of a “musical work” under **Section 2(d)** clarifies that it includes the notes of music; however, it fails to include words that are intended to be sung.

Section 2(d)(ii) provides for the authorship of musical works and recognises the composer as the author. Additionally, in accordance with section 17 of the Act, copyright vests in the author themselves. This is subject to an exception, i.e. when the work is created in the lieu of employment or furtherance of a contractual obligation. This is in consonance with the general practice prevalent in the Indian music industry which involves producers acquiring ownership rights over the musical works.

In the light of the practices observed in the Indian film industry and with the aim of protecting composers and lyricists, a major addition was included in the Act in 2012 in the form of provisos of **section 19** and **section 18** of the Act. The Provisions now ensure that authors of

³¹ Copyright Act, 1957, § 2(d).

³² Copyright Act, 1957.

literary and musical works incorporated in cinematograph films retain the right to get royalties for commercial exploitation, even after assignment.

Moreover, **Section 13(1)(c)** separately protects sound recordings, and the producer of the recording is deemed to be its author under **Section 2(d)(v)**, so that infringement can occur even if the only thing reproduced is the recording, as in the case of remixes, cover versions, or sampling. **Section 14** provides the exclusive rights given to copyright owners, which include the rights to reproduce, communicate, adapt, and issue copies.

Further, the Act also provides rights of Performers under **Section 38**, which gives performers a level of control over the recording and broadcasting of their performances. These rights have been further improved by the 2012 amendment through the addition of **Section 38A** and **Section 38B**. These new provisions provide certain moral and economic rights which also includes right to royalties if their performances are commercially used.

Further, clarification is provided with respect to what constitutes copyright infringement. **Section 51** says that infringement happens when someone reproduces or communicates a protected work or a big part of it without getting the okay from the person who owns it. Indian courts look at two things to decide if there is infringement: if the person had access, to the work and if the work they made is very similar. They want to know if the person took the idea of the work not just if they copied a little bit. If someone infringes on a copyright, there are things that can be done to stop them. **Sections 55 and 58** say that courts can order people to stop infringing, pay money for damages and give back the copies they made. Copyright infringement can also be a crime. **Section 63** says that if someone knows they are infringing on a copyright and they do it anyway, they can be held liable.

The Act is comprehensive enough to include certain exceptions to the doctrine of fair use under **section 52**, it allows the use of musical works for certain limited purposes such as criticism and review. However, these exceptions are quite narrow and cannot be extended by analogy to be applicable to sampling and remakes. In conclusion, the copyright act is quite comprehensive and provides a detailed framework with respect to musical works and other related copyrights. However, it is still not free of limitations, as there still remain large gaps that require addressing.

VIII. CRITIQUE OF THE INDIAN LEGAL FRAMEWORK

As already stated, the Act, although it provides a detailed framework, there remain large gaps. These gaps are a result of ambiguities and a general disconnect between the legislative intent and the actual practices of the industry.

This is evident from the fact that the Act only recognises composers as authors of musical works however the ground reality is that ownership often varies and can shift from producers to composers to lyricists. Further, with respect to payment of royalties and its enforcement which mostly depends on collective management bodies or contractual transparency, both of which are unevenly implemented.³³ As a result, many creators remain economically dependent on intermediaries despite formal statutory recognition.

Another gap is related to the concept of what would constitute similarity, which is substantial enough for copyright law to be applicable. In the absence of an explicit provision to this effect, the judiciary attempts to bridge the gap. For this purpose, it relies on qualitative assessments of whether the “essence” of a work has been copied.³⁴ Although it works to some extent, music is a rather unpredictable entity. Thus, similarity does not necessarily have to be quantitatively substantial but can also refer to similarity in terms of essence. In the absence of explicit provisions for the same, there is a persistent risk of inadequate protection as some might use this as a loophole.

Moreover, the existing legal framework overlooks a large part of process-based music and collaborative efforts. Because the Act is largely concerned with individual ownership over a fixed object, it cannot account for the music created by multiple individuals using a diverse set of processes, such as collective performance, improvisation, etc. Further, the requirement of a fixed object over which copyright can be exercised again limits the application of the Act over dynamic musical expressions.

A third major gap exists in the realm of digitally distributed music and streaming platforms. The Act has not stood the test of time, as it does not account for online dissemination of music. A variety of modern problems, such as unauthorised distribution and cross-border

³³ Riya Yadav, *Copyright Violations in the Indian Music Industry: Challenges & Legal Perspectives*, 12 J. Emerging Tech. & Innovative Res. 185 (2025).

³⁴ Ghosh, Shubha, “*Copyright Enforcement in the Indian Music Industry: A Critical Analysis*,” Indian Journal of Law and Technology, Vol. 7, 2011.

infringement, thus remain unnoticed. Additionally, the Act is overly restrictive, as there is virtually no inclusion of creative processes such as remixing and sampling.

The Indian copyright framework says it is important to protect works.. The Indian copyright framework does not do a good job of balancing protection with the way music is actually made. The Indian copyright framework has problems. It does not do enough to stop people from taking music in the world.. The Indian copyright framework does too much when it comes to stopping people from making music that sounds similar to other music. This is a problem because it can hurt the people who make music and it can also hurt the music itself. The Indian copyright framework can stop music from growing and changing. The Indian copyright framework is not good for the musicians. It is not good, for the music.

IX. COPYRIGHT AS AN ADVERSARY OF ARTISTIC FREEDOM?

Copyright law is meant to encourage creativity. It often has a hard time finding a balance between protecting creators and allowing artistic freedom, especially in music. Music creation is about building on what came before. Like rhythms, styles and cultural ideas. When copyright laws are too strict they can stifle new and creative works, like parodies, remixes and new styles that are essential to musics growth. It can be tough for independent artists to fight back against companies that own the rights to certain music. These artists might not have the money to take on a lawsuit.

There are gray areas in the law like what counts as "similar enough" or what makes something "original". This uncertainty can lead to musicians being too cautious. Not taking risks with their music. In todays world, where musicians often sample collaborate online and use algorithms to create music traditional copyright laws seem outdated. They don't really fit with how music's made and shared today which is all, about collaboration and participation. So while copyright is still needed to prevent people from stealing others work its current strict rules might actually hurt creativity and artistic freedom in music. Music needs to be able to evolve and change and rigid copyright laws can get in the way of that. Thus, ultimately there is a need to reduce doctrinal ambiguities and a more liberal approach that accounts for the artistic freedoms of musicians.

X. WAY FORWARD

There is a need of a system of music copyright that is universal and fair. To achieve this end,

firstly, the judges and policy makers should think about the context when they decide if a song is original or if it is copying another song. Music often uses things that are shared by a lot of people, like genres or rhythms. We need to make it clear what is okay to copy and what is not. This will make things less confusing.

Secondly, we should be more open to letting people use music in creative ways like making fun of a song or mixing it with another song. These things are not just copying songs they are making new music and new meanings. The law should regulate these realities instead of preventing them.

Thirdly it should be easier for people to get permission to use music. This is especially important for artists who do not have a lot of money or help. There are ways to make sure that musicians get paid for their work while also letting other people use their music to make things.

Finally, we need to think about music as, than just something that people own. Music is a way for people to express themselves and to talk to each other. A good copyright system should help musicians. Also help people who want to make new music. It should be a system that's fair and helps everyone, not just a few people who want to control everything. The system should help music to keep growing and changing. It should help people to be creative and make new things.