



TAMIL FILM ACTIVE PRODUCERS ASSOCIATION



REGN NO: SRG/Chennai South/250/2020,
(Registered under Tamil Nadu Societies Act, 1975)



PRESIDENT
P. BHARATHIRAJAA

WORKING PRESIDENT
T.G. THYAGARAJAN

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TREASURER
G. DHANANJEYAN

Vice President
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Joint Secretaries
S.S. Lalit Kumar
Suresh Kamatchi

Executive
Committee

Mukesh R. Mehta
S. Vinodkumar
K. Rajsekar
Arun Mozhi Manickam
Nitin Sathyaa
R. Rajmohan(a)R. Kannan
P. G. Muthaiah
Kaarthekeyen Santhanam
I. B. Karthikeyan
P. Ranganathan

Ref: TFAPA/684/2024

March 1, 2024

To,

Authorized Signatory,
The Copyright/Legal Department,
Saregama India Ltd.,
No.2, Chowrangee Approach,
Kolkata – 700 072.

Dear Sir,

Sub: Your claims of copyright/derivative rights ownership of old songs of Tamil Cinema and demand for compensation for use by our Members in their films.

1. We at TAMIL FILM ACTIVE PRODUCERS ASSOCIATION (TFAPA), represent the Active Film Producers of Tamil Cinema comprising of leading and top film producers, wish to bring to your attention about the Notices/legal notices received from you by many of our members stating that any use or synchronization of Saregama Works or any part thereof would require a legally valid and written license from Saregama.
2. You further claim that the use and synchronization of the Saregama Work in the Infringing Content is a direct and continuing infringement of Saregama's exclusive copyrights in Saregama Work.
3. You further threaten our members that to immediately cease and desist from adapting, recording, synchronizing and/or in any manner using and/or exploiting the Saregama Works and confirm the same to it in writing within seven (7) days from the receipt of the notice. Further You direct our members to compensate as per your rates for all the usages of Saregama Works and you reserve rights to seek damages for the usage of Saregama Works in the film produced by our members.
4. You conclude stating that if our members fail to comply, Saregama will be constrained to initiate necessary legal action against our members and their films for infringement, including civil and criminal action.





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5. We are very well aware that you are one of the leading music companies/labels. However, we are very sure that you have not acquired the copyright and derivative rights from the original Producers for the film songs between the period 1930 to 1990, for which you claim copyright.
6. Further as per general copyright rule, the copyright lasts only for 60 years. In the case of original literary, dramatic, musical and artistic works the 60-year period is counted from the year following the death of the author. In the case of cinematograph films, sound recordings, photographs, posthumous publications, anonymous and pseudonymous publications, works of government and works of international organisations, the 60-year period is counted from the date of publication. Based on this law, you cannot claim to own the copyright or derivative rights of film songs published prior to 1964.
7. However, your team continues to claim as you own the copyright and derivative rights of songs even for films released between 1940's to 1960's and demanding big compensation for featuring any songs including old songs (even for 10-20 second duration usage in the films) in the backdrop in a radio or recorder or even for singing or narrating a line from these old films (belonging to period 1940's to 1960's) by the actors in a scene. You are applying the latest amendments to Copyright Act to your old songs, despite not owning such future rights and demand high compensation for use of such songs in films by our members. Most of our member Producers were disturbed with these demands especially with the high claims of amounts like Rs.2 Lakhs to Rs.10 Lakhs for such usage, which is legally not acceptable and tenable under the law.
8. It is brought to your attention that Section 52 of the Indian Copy Right Act deals with Fair Dealing/Fair use and it is applicable to all kind of works in which copyright subsists. However, you continue to ignore that section and keep sending notices to our Producer members.
9. It is submitted that groundless threat is a threat to an alleged infringer by the copyright owner, without actually instituting any suit or action against the infringer. Section 60 of the Copyright Act clearly states groundless threats are designed to protect people from being threatened by unfounded legal claims. The members of our Association suggests that the action of you is clear case of Groundless threat.





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Under these circumstances, you are requested to send the Assignment Agreements in your favour for any old song for which you claim your copyright/derivative Rights ownership, if used by our Producer members. Only in such circumstances, we shall meet and decide the tariff for the copyright/derivative Rights usage of the songs you own, by our Members. Without you present the valid Assignment Agreement in your favour for such old songs while making such claims for copyright infringement, our Members will not pay any copyright compensation to you for such usage. We wish to make our position clear in this regard to protect the interest of our Producer members and if you have any contrary view or legally maintainable stand, please do reply to us with details to discuss with our members and get back to you.

Hope to your understanding in this regard,

Thanking you in anticipation,

For TAMIL FILM ACTIVE PRODUCERS ASSOCIATION,

P. BHARATHIRAJAA

President



c.c.: Mr. T. Anand, Head of South, Saregama India Ltd., Door No. 2, 3,4 & 5 3rd Floor, Kasi Arcade, No. 116 Thyagaraya Road, T. Nagar, Chennai-600 017.