Royal International Global Journal of Advance and Applied Research
Peer Reviewed International, Open Access Journal.
ISSN: 2998-4459 | Website: https://rlgjaar.com Volume-3, Issue-8 | August - 2026

Original Article

Indian Music and Intellectual Property Rights

Dr. Nana V. Bhadke
Associate Professor, Department of Music, Sitabai Arts, Commerce and Science College, Akola

Manuscript ID:
RIGJAAR-2026-030801

ISSN: 2998-4459
Volume 3
Issue 8
Pp. 1-3
August 2026

Submitted: 07 July 2026
Revised: 15 July 2026
Accepted: 06 Aug 2026
Published: 31 Aug 2026

Correspondence Address:
Dr. Nana V. Bhadke
Associate Professor, Department of Music, Sitabai Arts, Commerce and Science College, Akola
Email: nanabhadke@gmail.com

Quick Response Code:

Web. https://rlgjaar.com

DOI: 10.5281/zenodo.23114562

DOI Link:
https://doi.org/10.5281/zenodo.23114562

Creative Commons

Abstract

In ancient India, music was not maintained in written form but through recitation, repetition, and memorization. There was no glory being sought after by the composers in the modern sense of the term; their work was 'God-inspired, with them being merely the vessel through which the music flowed. The Guru-Shishya tradition was of fundamental importance in the dissemination of knowledge in music. In such a relationship, the guru not only taught the shishya the technical competence needed to perform music but also the spiritual and philosophical contexts of the art form itself. This holistic approach thus ensured that the student, in addition to learning music, internalized the meaning and values associated with that music. Formalization with the Indian Copyright Act of 1957, which stands in force till this day and was amended from time to time; this law grants exclusive rights to the creators over their works, allowing them to have control over how their creations are used, and ensuring they receive money for all their efforts. While such protection is sorely needed in a commercialized and globalised world, this is a far cry from the values of intellectual creation that governed antiquated India. The internet and other digital technologies have completely transformed global IP laws concerning how music is delivered, streamed, or sold. In fact, the WIPO Copyright Treaty 1996 reflects all the features of the new dispensation, specifically on the updating of copyrights to protect creators against replications made without permission via the internet. The rise of digital platforms further cemented the importance of adapting global IP frameworks to include protection for digital rights and streaming royalties. Among international treaties which deal with matters of copyright law, a very prominent one in consideration for the musician is, of course, the Berne Convention for the Protection of Literary and Artistic Works. First established in 1886, it had been the first international accord to extend uniform protection on both sides of national frontiers to literary and artistic works and was to affect creators--including musicians-about their right to secure property in those work.

Keywords- *IPR, WIPO Copyright Treaty, Indian Copyright Act of 1957, Berne Convention*

Introduction

Intellectual property rights protect every form of creation of human imagination - ideas, inventions, and artistic and aesthetic works. Being armed with IPR protection, the artists will also be able to dictate the form of its distribution and, even worse, its commercialization. However, the IPR we understand today is a modern concept that contrasts sharply with the open approach to knowledge-sharing in the ancient Indian culture. No better contrast than in the field of Indian music where once creativity was not an individual property but a divine gift meant for collective good. The subject explores the evolution of intellectual property in ancient India through the contributions of Indian musicians. Based on the knowledge sharing tradition of the Vedic period, it reviews how music was considered to be a sacred offering in the hands of generations rather than a concept of owning or exclusive rights. In ancient Indian culture, especially in the field of music, oral tradition was the means of knowledge transmission. Sama Veda is regarded as the basis of Indian classical music. In ancient India, music was not maintained in written form but through recitation, repetition, and memorization. There was no glory being sought after by the composers in the modern sense of the term; their work was 'God-inspired, with them being merely the vessel through which the music flowed. The Guru-Shishya tradition was of fundamental importance in the dissemination of knowledge in music. In such a relationship, the guru not only taught the shishya the technical competence needed to perform music but also the spiritual and philosophical contexts of the art form itself.

Creative Commons (CC BY-NC-SA 4.0)
This is an open access journal, and articles are distributed under the terms of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Public License, which allows others to remix, tweak, and build upon the work noncommercially, as long as appropriate credit is given and the new creations ae licensed under the idential terms.

How to cite this article:
Nana V. Bhadke. (2026). Indian Music and Intellectual Property Rights. Royal International Global Journal of Advance and Applied Research, 3(8), 1–3. https://doi.org/10.5281/zenodo.23114562

This holistic approach thus ensured that the student, in addition to learning music, internalized the meaning and values associated with that music. Formalization with the Indian Copyright Act of 1957, which stands in force till this day and was amended from time to time; this law grants exclusive rights to the creators over their works, allowing them to have control over how their creations are used, and ensuring they receive money for all their efforts. While such protection is sorely needed in a commercialized and globalised world, this is a far cry from the values of intellectual creation that governed antiquated India.

Indian Music and Intellectual Property Rights

International intellectual property protection had its roots in the late 19th century when the Berne Convention was established in 1886. This was the first major agreement ever formed to protect the rights of authors across national borders and marked a critical step toward harmonizing copyright protections around the world. The Berne Convention realized that creators, such as musicians, needed protection against unauthorized reproductions and adaptations of their work, establishing principles such as automatic protection without formal registration in member countries. With the rapid globalization of markets, musicians and their works entered international audiences, but this also exposed them to issues of cross-border intellectual property theft. Globalization, therefore, has driven the development of international IP laws to ensure that Musicians' rights are protected regardless of the country in which their work is consumed or distributed. Advances in copyright standards have been necessitated by the ease of distribution of music across the globe through digital platforms, internet streaming, and social media. The internet and other digital technologies have completely transformed global IP laws concerning how music is delivered, streamed, or sold. In fact, the WIPO Copyright Treaty 1996 reflects all the features of the new dispensation, specifically on the updating of copyrights to protect creators against replications made without permission via the internet. The rise of digital platforms further cemented the importance of adapting global IP frameworks to include protection for digital rights and streaming royalties. Among international treaties which deal with matters of copyright law, a very prominent one in consideration for the musician is, of course, the Berne Convention for the Protection of Literary and Artistic Works. First established in 1886, it had been the first international accord to extend uniform protection on both sides of national frontiers to literary and artistic works and was to affect creators--including musicians-about their right to secure property in those work.

The copyright protection is automatic as indicated by one of the most important principles established by the Berne Convention. What this means is that the artists and creators do not need to do anything special such as registering their works for the protection to be realized. This is a major difference from the old system in which the authors had to seek out a copyright office or a government agency to protect their works. All types of reproductions of musical compositions should adhere to the rights of composers. This can include digital formats, like CDs and audio streaming, to vinyl records and sheet music. Copyright infringement against a composer occurs when his work is reproduced without his consent. In addition, composers own the copyright to decide whether or not their work may be performed in public. This encompasses public places where music is performed live, public broadcasting on the radio, and live performances throughout the entire country. The Berne Convention is highly influential in expanding access for musicians to copyright protection across the world. With a comprehensive structure, automatic protection, the exclusive economic rights, as well as very strong moral rights, artists can even maintain control over their work and also make financial profits. Musicians are integral to the social fabric of life. All, pursuant to Article 27(1), have been given the right to engage in and enjoy their communities' cultural and artistic activities. o Where artists have to face censorship or types of music come under these restrictions, then such provision becomes important because it handles political, social, and religious freedom. In such a regard, the UDHR states that every human being has the right freely to participate in the cultural activities of the community, as this helps support the notion of creative freedom in all its forms. Article 27(1) promotes and preserves diversity in musical expression in India, where, of course, great cultural history is anchored in classical music forms, from the olden days to recent Bollywood songs. Moral rights are of essence for musicians. They are to ensure that the artist's work will not be altered or used in ways that can cause damage to the reputation of the individual or misrepresent his intentions in making the song. That is particularly true in this music industry, where an individual may use a song in any adaptation, remix, or even commercial without permission violating the original idea of its creator.

The diverse Indian musical traditions of this nation resonate with the spirit of Article 27 as realizing the right to participate in cultural life. It is important for conserving India's diverse music traditions and for providing equal opportunity to both traditional and contemporaries in India. Article 27 of the UDHR is a bedrock human rights provision that deals with cultural participation and bridging intellectual property protection. For musicians, it affirms both their right to freely create and express their art and their right to protect creations from moral and material exploitation. On one hand, in many ways, while the global and national laws have developed from such principles, even more effort will be essential, especially within the digital arena, to ensure that the rights of musicians are fully respected and then enforced against the backdrop of this industry's change. Article 15 provides a general framework whereby artists are allowed to benefit from their created work of art. Besides the economic rights that benefit from their creation, this protection also extends to the moral rights of artists, such as, but not limited to the right over attribution and against any distortion of their work. Indian musicians continue to face an enormous struggle to protect intellectual property even after the emergence of modern copyright law as a shield against legal

claims. The Indian music market continues to experience rampant cases of piracy and plagiarism due to many artists' difficulties in controlling unauthorized reproduction and distribution of their works. It is much more impossible to regulate the spread of music now because of digitalization. The inherent conflict between contemporary intellectual property legislation and the community character of traditional music places a formidable obstacle in front of both artists and lawmakers. India needs to adapt its approach to intellectual property, finding a balance between creator rights protection and honoring cultural legacy, which is the cornerstone of much of India's musical culture. The judiciary has played a crucial role in the interpretation of various provisions of the Indian Constitution regarding ways that protect and further enhance the IPR rights of musicians and other creative. Indian courts over the years have broadened the scope of constitutional articles such as Article 19, Article 21, and Article 300A to cover the economic as well as personal rights of individuals in the realm of IPR. Intellectual property rights afford artists exclusive rights over any work created. For composers, the most relevant application of IP is copyright the right to original works-or, in this case: Musical compositions**:** This includes all the music, melody harmonies, and arrangement of the composition. Lyrics: That is, the words written for singing are considered literary works under the copyright law. Sound recordings: The actual recording of the music or performance is registrable except for the composition or lyrics. Performances: Musical performances can be registrable in a live performance given the situation of public broadcast or recording of performances. The right to integrity safeguards the interests of musicians from unauthorized alteration or modification of work that may harm the reputation of a musician or distort the intent of the work. In other words, it safeguards against adaptations, remixes, or covers that may stain the original composition. Intellectual Property Rights (IPR) is extremely important in today's music industry with fast speeds. They will always preserve the original works while making sure the creators get fair recompense for their effort. The same, however, remains a fairy tale since while the law offers a way of preserving rights, the effectiveness mainly depends on how well the musician knows his or her IPRs. This chapter deals with the perception and diffusion of intellectual property rights among musicians in India, looking into how well musicians understand their rights and efforts to educate them. For the musicians, IP is an important asset because it generally gives rights for the creative work of the musicians, which is legally protected. Protection of ownership and monetizing, as well as control over its usage, is paramount. For musicians, intellectual property rights are essentially centered on copyright, which applies to various forms of creative output from musicians, such as musical compositions, lyrics, sound recordings, and performances. IP helps the musicians maintain control over their work in a highly competitive and evolving industry where multiple revenue streams are being created and artistic integrity protected.

Acknowledgement

The author expresses sincere gratitude to all those who contributed directly or indirectly to the completion of this research paper on "Indian Music and Intellectual Property Rights." The study examines the evolution of intellectual property protection in Indian music, from the traditional Guru-Shishya system and oral transmission of musical knowledge to the contemporary framework of copyright and digital rights. Also thank full Commerce and Science College, Akola

Financial support and sponsorship

Nil.

Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

References

1. Bhardwaj, R. (2016). Traditional Knowledge and Intellectual Property Law. Sage India. pp. 131-135.
2. Singh, R. (2018). Constitutional Law and Intellectual Property in India. Eastern Book Company. pp. 120-125.
3. Mehta, S. (2017). The Evolution of Copyright Laws in Independent India. Sage Publications. pp. 58-63.
4. Kumar, A. (2014). A History of Copyright Laws in India. Penguin Books. pp. 35-40.
5. Rao, B. (2016). Judicial Trends in Protecting Intellectual Property in India. Oxford University Press. pp. 144-150.
6. Lessig, L. (2004). Free culture: How big media uses technology and the law to lock down
7. Culture and control creativity. Penguin Press.
8. Reed, C. (2004). Internet law: Text and materials. Cambridge University Press.
9. World Intellectual Property Organization. (1996). WIPO Copyright Treaty (WCT).
10. Ricketson, S., & Ginsburg, J. C. (2006). International copyright and neighboring rights:
11. The Berne Convention and beyond (2nd ed., Vol. 1, pp. 34-56). Oxford University Press.
12. Coombe, R. J. (1998). The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law. Duke University Press.
13. Ficsor, M. (2002). The law of copyright and the internet: The 1996 WIPO treaties, their interpretation and implementation (pp. 67-72). Oxford University Press.
14. Merges, R. P. (2011). Justifying intellectual property. Harvard University Press, 34.
15. Sterling, J. A. L. (2008). World copyright law. Sweet & Maxwell. p. 42