

E & P.H.

(194 9) Department.

MS.

SERIES.

G.O. NO.

3121 Edn.

Dated

11-10-1949.

[Despatch Abstract.]

COPYRIGHT BHARATHI'S SONGS - Gramophone recording - Permission accorded to the
Gramophone Company Limited.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

The Gramophone Company Ltd

(INCORPORATED IN ENGLAND)

HEAD OFFICE & FACTORY IN INDIA

33, JESSORE ROAD

DUM DUM

TELEGRAMS

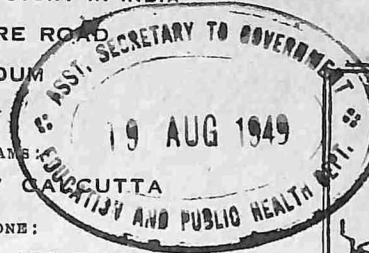
"JABBERMENT" CALCUTTA

TELEPHONE:

DUM DUM: 131, 132 & 133

IN YOUR REPLY PLEASE REFER TO:

P/A.



TELEGRAMS & CABLES

"JABBERMENT" MADRAS

TELEPHONE:

8335, MADRAS.

CATHEDRAL HOUSE

122, MOUNT ROAD

P. B. 705, CATHEDRAL

MADRAS (6)

17th August 1949.

The Joint Secretary to
The Government of Madras,
(Education & Public Health Department)
M a d r a s.

Dear Sir,

Sub: BHARATHI'S SONGS - GRAMOPHONE DISC RECORDING.

With reference to the notification by the Government of Madras on the above subject that appeared in the newspapers on 5th August 1949, we request you to grant us permission for recording of the following selections from Sri Bharathi's works by our contract artistes, Sm. M. S. Subbulakshmi, Sm. N. C. Vasanthakokilam, Sri G. N. Balasubramaniam, Sri M. M. Dandapani Desigar and others for commercial purposes.-

1. Vandematharamenbom	- Desia Geedhangal	Song No. 1
2. Parukullae Nallanadu	-do-	-do- 6
3. Bharatha Desamendru	-do-	-do- 7
4. Vazhga Nee Emman	-do-	-do- 31
5. Idham Tharu Manayineengi	-do-	-do- 35
6. Bharatha Samudayam Vazhgavae	-do-	-do- 40
7. Adhi Sivan Petruvittan	-do-	-do- 53
8. Vazhga Nirandaram	-do-	-do- 56
9. Solla Vallayo	- Thothira Padalhal	-do- 13
10. Villinaiyotha Puruvam	-do-	-do- 14
11. Kayilae Pulippathenna	-do-	-do- 18
12. Ulagathu Nayagiyae	-do-	-do- 41
13. Thedi Unaicharanadainthen	-do-	-do- 42
Desa Muthumari	-do-	-do- 46
14. Kani Nilam Vendum	-do-	-do- 62
15. Mohathai Kondru Vidu	-do-	-do- 12
16. Katradikuthu	- Swacharithayum Pira	-do- 12
	Padalhalum	-do- 12
17. Thiddu Theriyatha Kattil	- Kannan Pattu	-do- 16
18. Chuttum Vizhi Chudar	-do-	-do- 16
19. Ninnai Charanadaidhen	-do-	-do- 21

Soliciting your early reply and thanking you,

Yours faithfully,
THE GRAMOPHONE COMPANY LIMITED,

Manager.

AKS.



CATHEDRAL HOUSE
122, MOUNT ROAD
MADRAS 6

3 8474 (52)

Letter

Ref No. 63171-49-3 Edm. dated 15-9-49.

Ap. Secy
15/9

To

The Manager,
The Gramophone Company
Ltd,
Cathedral House,
122, Mount Road,
P.B. 705-
Madras 6-

Ans
15/9

Sir,

I am directed to ask you
to state for the information of
Govt. whether any, and if so,
what

Rate of Royalty is paid by the
Gramophone Company Ltd to respect to authors
for the use of their compositions
songs etc for the songs dialogues etc
recorded by gramophone by the company -
I am to ask that an early
reply to this letter may be sent
to Govt -

14.9.49

15.9.49

Y. f.

The Gramophone Company Ltd

(INCORPORATED IN ENGLAND)

HEAD OFFICE & FACTORY IN INDIA
33, JESSORE ROAD
DUM DUM

CODES:
A. B. C. 5TH & 6TH EDITIONS
LIEBERS, BENTLEYS
WESTERN UNION

In your Reply Please Refer to:

P/A.



TELEGRAMS & CABLES
"JABBERMENT" MADRAS
TELEPHONE:
8335, MADRAS

CATHEDRAL HOUSE
122, MOUNT ROAD
P. B. 705, CATHEDRAL
MADRAS (6)

14th Sept. 1949.

The Joint Secretary to
The Government of Madras,
(Education & Public Health Department),
M a d r a s.

Dear Sir,

Sub: BHARATHI'S SONGS - GRAMOPHONE DISC
RECORDING.

We beg to refer you to our letter P/A of the
17th August 1949 requesting you permission for carrying
out gramophone recording of certain selected com-
positions of Sri Subramanya Bharathi and shall be
glad if you will pass favourable orders on these as
early as possible.

Thanking you,

Yours faithfully,
THE GRAMOPHONE COMPANY LIMITED,

K.B. J.S.
Manager.

AKS.

The Gramophone Company Ltd

(INCORPORATED IN ENGLAND)

HEAD OFFICE & FACTORY IN INDIA
33, JESSORE ROAD
DUM DUM

CODES :

A. B. C. 5TH & 6TH EDITIONS
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TELEPHONE :
8335, MADRAS

CATHEDRAL HOUSE
122, MOUNT ROAD
P. B. 705, CATHEDRAL
MADRAS (6)

19th September 1949.

Sri J. M. Lobo Prabhu, I.C.S.,
Secretary to the Government of Madras,
(Education and Public Health Department),
Fort St. George, Madras.

Dear Sir,

With reference to your letter No. 63171-G2-49-3 dated 15th September 1949, we have to advise you that the usual practice has been to purchase gramophone recording rights of individual songs outright by paying a lump sum ranging between Rs 15/- to Rs 25/- per song depending on the type of songs and also the status of the composers, for our general recording.

In the case of our recording of the song hits from the films, in view of the publicity these gain through exhibition of films, we have been giving the Film Producers (owners of copyright therein) a copyright royalty ranging 1% to 2% per side of a record calculated on the current retail selling price of a record on the net sales effected. This is inclusive of copyright on songs, dialogues, etc., contained in the record.

Yours faithfully,
THE GRAMOPHONE COMPANY LIMITED,

Manager.



C. No. 63171/49

copyright

BHARATHI'S SONGS - Gramophone recording - Permission
accorded to the Gramophone Company Ltd.

E. & P.H. (G2).

From the Manager, The Gramophone Company Ltd., Letter
dt. 17-8-49

ORDER/MS. NO. 3121 EDN., DATED 11.10.49

The Govt. permit the Gramophone Company Ltd., to
record on the gramophone the ~~selections~~ ^{songs of} from the Poet
Bharathi's works specified below by the artistes men-
tioned in the letter cited above:

(1)	Vandematharamenbom	Desig Guedhangal	Song No. 1
(2)	Parukullae Nallanadu	-do-	-do- 6
(3)	Bharatha Desamendru	-do-	-do- 7
(4)	Vazhga Nee Emman	-do-	-do- 31
(5)	Idham Tharu Manayineengi	-do-	-do- 35
(6)	Bharatha Samudayam Vazhgavae	-do-	-do- 40
(7)	Adhi Sivan Petruvittan	-do-	-do- 53
(8)	Vazhga Nirandaram	-do-	-do- 56
(9)	Solla Vallayo	Thothira Padalhal	-do- 13
(10)	Villinaiyotha Puruvam	-do-	-do- 14
(11)	Kayilae Pulippathenna	-do-	-do- 18
(12)	Ulagathu Nayagiyae	-do-	-do- 41
(13)	Theidi Unaicharanadainthen	-do-	-do- 42
	Desa Muthumari	-do-	-do- 46
(14)	Kani Nilam Vendum	-do-	-do- 62
(15)	Mohathai Kondru Vidu	-do-	-do- 62
(16)	Katradikuthu	Swacharithayum Pira Padalhalum	-do- 12

2. The Gramophone Company is informed that it will
~~be liable to pay~~ ^{should} the Govt. a royalty of one anna per
record sold in the case of the records to be made. It
is requested to take steps to make the payment, in due
course.

To

The Manager,
The Gramophone Company
Ltd., Cathedral House,
122, Mount Road,
P.H. 705, Cathedral,
Madras-6

Copy to the D.P.I.
-do- A.G.

2 sc's
(one for S)



E. & P.H. No. 63171-49
49-1 dated 26-8-49

NOTE:- Please see the letter on p.5 c.f. in Letter No.
53903-G2-49-2, Edn., dt. the 18th July 1949 in which per-
mission was accorded for the recording by gramophone of
certain songs of the Poet as sung by Srimathi M.S.
Subbalakshmi.

2. Subject to orders a draft for according the per-
mission asked for is subd. for approval. Fin. may see.

(The question of the Collection of the Royalty has
not yet been decided.)

Finance (Accts.) Deptt.

This Deptt. may accept the draft order overleaf subject to the following remarks:--

As observed by the E & P.H. Secretary at p.4 n.f. of (A), the rate of royalty proposed at one anna per record sold seems to be too small. As the Gramophone Company is likely to make enormous profits out of the records, this deptt. may suggest that the royalty may be fixed at annas 2 per record. (E.P.H. have stated that the question of collecting the royalty amounts will be taken up separately).

Csk
30/8/49
16/3/54

Csk
30/8/49
21/8/49

E.P.H. - P. Reg. - 1/10/49
(92)
16/3/54



With reference to the Fin. Dept suggestion at M above that the rate of royalty per record may be increased from one to two annas, it is submitted that Sri C. Viswanatha Iyer from whom the right was first acquired by Mr Mehta ~~for Sri A. Meyyappa Chettiar~~ had reserved to himself the right to levy a royalty of one anna only - the former has transferred that right to Govt. as from 12th March 1949. The question is whether it is legally permissible for the present owners of the right, ~~that is~~ the Govt. to

increase the rate to 2 annas. legal may be asked to advise ~~on the point~~. After that Dept. have advised ~~on the point~~ the suggestion of 2 annas may be considered on merits. The case may now be marked to legal.

Done 9/9/49
3.9.49

5/9/49

Legal

LEGAL DEPARTMENT.

E.P.H. H.L.6.63/11-9/49-2

As already pointed out by this department on page 3

n.f. of letter No. 53963-G2/1949-2 Education dated the 18th

July 1949 the entire rights of reproduction by gramophone, broadcasting and other sound producing devices

of the songs of the late Sri Subrahmaniya Bharathi now

vest in the Government--see paragraph 2 of G O Ms No 2467

Education dated the 2nd August 1949. The effect of the deeds

of assignment executed by Sri Viswanathayyar and Sri

Meyyappa Chettiar is that the entire rights of reproduction by gramophone etc vest in the Government.

The right to levy the royalty of one anna which vested in Sri

Viswanathayyar has also been transferred to Government but

this right to levy a royalty on records of songs sold by

Sri Mehta is of no practical effect now, since, the right to

reproduce by mechanical device which vested in him was assigned

to Sri Meyyappa Chettiar who in his turn has made a gift of

that right to Government and the right to collect a royalty

from Mehta which vested in Sri Viswanathayyar has also been

assigned to Government. Consequently, the amount of royalty

to be levied in this case has to be determined not with reference

to the amount of royalty that was being paid by Sri

Mehta, but in accordance with section 19(2) and (3) of the

English Copyright Act which applies to India by virtue of

Central Act III of 1914. The rate of royalty is specified

in section 19(3) of the English Act. Under the proviso to



done 9/9/49
this case 6/9

man 8/9

5/9/49

section 19(3) the Central Government have power wither to decrease or increase the rate of royalty--see section 3(2) of the Indian Act. E&PH may ascertain with reference to the previous papers, if any on the subject, the exact rate of royalty leviabale under that section. If necessary, they may address the Government of India also. But section 19(3) will apply only in the absence of a contract. It is not known whether the Gramophone company is producing these records under any subsisting contract with Meyyappa Chettiar and if so whether that contract is one for exclusive right of production. If there is such a contract the Govt. will be bound by it. If not Govt. can stipulate its own terms. The producer if he reproduces without the Govt.'s permission will have to pay 5% of the retail price if he gives notice as required by s.19(2). So, he might pay not less than 5% for getting permission to reproduce these musical works in the form of gramophone plates.

12/9/49

E&PH

Apparently, (1) the Gramophone company proposes to produce the records for the first time, and (2) Government's predecessors in title have not parted with their gramophone prodⁿ rights to any person exclusively.

It will be open to Govt to stipulate for the payment of a royalty of two annas per record sold, as proposed.

It may be made clear to the Gramophone company that the grant of permission to produce the records should not be deemed to prevent Govt from giving a similar permission to others.

10/9/49

E&PH Dept

11376/49-1
9-9-49

(P70



The question relates to the Govt. permission for the recording by gramophone of some of the songs of the Poet Bharathi. When acc-ording such permission so far, the Govt. have stipulated that a royalty of one Anna per gramophone sold should be paid to the Govt. In the present case the Finance Dept. have sug-gested that the rate may be raised to 2 Annas a Record. Legal have advised that it will be ^{legally} permissible to make such an increase. The question for consideration is whether it is necessary to do it.

The object with which the rights were acquired by the Govt. was to make the Poet's works available to the public at large. The point is whether the proposed increase in the rate of royalty though it is only small will not insti-tute against the objection Govt.'s intention in making the purchase, especially as the Gramophone Companies might make even a small increase in price ~~as~~ a pretext for putting up the prices of the gramophone

20 2467 EPH
(Q) 2.8.49

6
gramophone records

The case may be circulated to HM (E & L) & HM (Fin) for orders (1) whether the permission asked for by the Gramophone Co. as in the letter on p 1 of may be granted, and (2) whether the Royalty rate per record should be increased to 2 annas or may stand at one Anna -

as the can disposed of at p 5 of the rate was fixed at one anna per record.

Wb
12.9.49

m
12.9.49

S
HM (Fin)

Could we not ask the company what they are generally paying as royalty

13
27

There is no objection to asking the company for the information. The draft letter below is for approval -

Wb
14.9.49

m
15.9.49

[Letter No. 63171-92/493 E & L dated 15.9.49] pp. 3-4 e. f.
From the gramophone company Ltd, P/Ady. 17.9.49. p. 7 e. f.

The reply of the company on page 7 of is not quite helpful. With respect to the copyright royalty referred to it is for consideration whether the company may be asked to furnish

7
provide information as to the detailed selling price of typical gramophone records, classifying them into three classes (1st, 2nd & 3rd) according to the fame and talent of artists. If so, the draft letter below is for approval -

Wb
20.9.49

It seems doubtful whether any useful information will be furnished by the company. Perhaps orders may be taken in circulation on the point raised at page 6 ante (top).

m
21.9.49

S

We have no precise information on the royalty allowed by gramophone companies for production of the songs of notable poets. Up to date the owners of the copyright of Bharathi's poems have been collecting one anna per record. We accepted this rate pending further consideration whether it could be raised. The figures given by the gramophone company of lump sum payments of inconsiderable sums would suggest that the rate of one anna is not too low. In the circumstances we can continue to collect at this rate until there is evidence that it is too low and gramophone companies are prepared to pay more. The lower rate will doubtless induce more extensive production of the poems of Bharathi, which was Government's intention in acquiring the copyright.



H.M. (E. & L.)

H.M. (Fin)

27
9

27/9
Expt. H. 26.63171-
92/49-44-5-10-49

In view of the above orders the draft order on for ante may now issue after perusal of Fin

Finance (Recs)

(Previous Finance notes on page 2 above)

The further rules and orders in circulation from page 2 above and ~~the draft order~~ ~~to be~~ maybe permitted. The draft order on page 1 above may be accepted.

to
7.10.49
7.1.49

Cd

7.1.49

EM (92) Rm no 65074
Asst Secy
7.10.49

The draft order on page 1 ante may now
be issued.

81049.

10-10-49

S $\sqrt{9^{10}_{10}}$



[46. Ms. No. 3121 Echr. dt-11-10-49.]

p1 m.f.

10