

Email**Vikas Nigam**

Fwd: IMI Representation - Consultation Paper on Digital Transformation through 5G Ecosystem

From : Vibha Tomar <vibhatomar@traf.gov.in>

Tue, Jan 23, 2024 04:14 PM

Subject : Fwd: IMI Representation - Consultation Paper on Digital Transformation through 5G Ecosystem**To :** Vikas Nigam <vikasnigam@traf.gov.in>, Aayushi Tripathi <aayushi.tripathi@traf.gov.in>

From: blaisefernandes@indianmi.org**To:** "Vandana Sethi" <advadmn@traf.gov.in>**Cc:** "Vibha Tomar" <vibhatomar@traf.gov.in>, jenil@indianmi.org**Sent:** Monday, October 30, 2023 3:21:07 PM**Subject:** FW: IMI Representation - Consultation Paper on Digital Transformation through 5G Ecosystem

To,

Ms. Vandana Sethi, Advisor

Admin & IR

TRAI

Subject - IMI Representation seeking clarification that Intermediary safe-harbour provisions are applicable only to passive intermediaries and ensure that accountability and responsibility are equally placed on metaverse in terms of IP infringement

Respected Madam Admin & IR,

This representation is based on the consultation paper titled Digital Transformation through 5G Ecosystem released by TRAI to the public on September 29, 2023. We are writing to you regarding concern number 23 (ii) in Chapter 4, Metaverse: opportunities and challenges, of the consultation paper.

Indian Music Industry (IMI) is the apex body representing the business and trade interests of the recorded music industry in India. IMI is a registered society under the West Bengal Societies Registration Act of 1961.

With the ongoing development of 5G technology and the consistent coverage, global reach, low latency, and telco standard features the concept of a Metaverse is rapidly transitioning from virtual imagination to reality.

The Metaverse, characterized by its immersive digital environment and user-generated content, introduces a unique and intricate landscape for content creation and sharing. Given the ever-changing nature of the Metaverse, it is crucial to ensure that intermediary safe harbor provisions, are not applied to metaverse.

In this ever-changing virtual world, the importance of safeguarding intellectual property becomes more pronounced. Within this virtual world, a wide range of opportunities for user created virtual spaces and concerns such as copyright infringement, piracy, and enforcement related concerns arise for rightsholders. These users created virtual spaces content can emerge from single users, collaborations among multiple users, or a fusion of platforms and users, often with AI assistance. Such user created virtual spaces are often build using the copyright protected content without prior authorisation of rightsholders.

Presently, certain interactive user generated content platforms claim intermediary safe harbor protections, due to which the enforceability of copyrights of rightsholders especially with respect to the music industry have become an astronomic task. Additionally other concerns like licensing of copyrighted works, global jurisdictional challenges^[1]_[1], ownership, individual rights, the transferability of rights between different virtual spaces will also arise.

While these many concerns are to arise with respect to copy rights in metaverse, if additionally intermediary safe harbor provisions are extended to metaverse it would create irreparable loss to the creators, artists and rightsholders in the industry while crippling the growth of the recorded music industry in India.

Furthermore, it's crucial to make sure that both Metaverse operators and users share accountability and responsibility when it comes to IP infringement. This balance not only protects content creators' rights but also promotes responsible behavior in the Metaverse. Hence, IMI requests TRAI to clarify that the intermediary safe harbour provisions only apply to passive, automatic, and technical intermediaries and adequate level of accountability and responsibility are placed on the Metaverse platforms.

IMI welcomes any further queries or comments you may have on these subject matters.

Sincerely,

Blaise Fernandes,

CEO & President, IMI

^[1]_[1] https://cointelegraph.com/news/metaverse-brings-new-problems-and-opportunities-to-music-licensing_

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