

AFFILIATED TO

Ifpi

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recording industry
worldwide

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THE INDIAN
IMI
MUSIC INDUSTRY
Formerly IPI Estd.1936

22nd November 2024

To

Shri Deepak Sharma

Advisor (Broadcasting & Cable Services)

Telecom Regulatory Authority of India

advbcs-2@traf.gov.in ; jtadv-bcs@traf.gov.in

Subject – IMI written comments on TRAI CP on Regulatory framework for Ground-based Broadcasters

Respected Sir,

We thank the Telecom Regulatory Authority of India (“**TRAI**”) for the opportunity provided to the Indian Music Industry (“**IMI**”) to provide our comments to TRAI’s Consultation Paper on “Regulatory framework for Ground-based Broadcasters” (hereinafter referred to as the CP).

IMI is the apex body representing the interest of the recorded music industry in India since 1936 whose membership consists of 173 music companies. It is affiliated with the International Federation of Phonographic Industry (IFPI) which is the apex body of the global recording industry.

IMI Comments

Q3. Under the scope of GBBs, should all terrestrial transmission medium(s) (excluding satellite communication) such as fibre, broadband, cloud, etc be permitted? If not, please provide detailed justification for your response.

The recorded music industry in India derives 89.6% (INR 2,637 Cr.) of its total income from digital sources including interactive on-demand streaming and downloads and other digital forms of music consumption.

Paragraph 2.17 read with paragraph 2.20 under Chapter II of the CP raises serious concern for the sound recording rightsholders as it suggests a broad definition of “Broadcaster” to include someone who is broadcasting to public through satellite, cable, social media, fibre, cloud, P2P,

broadband or any other means. Such proposal for broad definition would have detrimental impact on the IMI member record companies that contribute significantly to the Indian music value chain and the to the broader Indian economy. Globally, record labels are the leading investors in artists and their music– in 2023 record companies invested USD 7.1 billion in Artist & Repertoire and Marketing.

It is against that backdrop that we express concern over any proposals that fails to distinguish and exclude “on-demand” services from the definition of “Broadcasting”.

We humbly request TRAI that any regulatory framework for ground-based broadcasters must clarify and limit the scope of definition of “Broadcasting” to **linear, one-to-many** (or “**point to multipoint**”) transmissions, in order to avoid harmful regulatory overreach. In that way the regulation: a) will cover services where the broadcasting entity, rather than individual members of the audience, controls the programming content and schedule, and b) will not extend to services, such as on-demand music services, which form the backbone of the digital music market and where the operator has no control over what content is being delivered (and where the individual subscribers select the music they want to listen to and when they want to listen to it).

IMI humbly requests TRAI to take into consideration our comments submitted in response to the Consultation.

Sincerely,



Blaise Fernandes,

CEO & President, IMI