



**Ministry of Higher Education, Technology and Innovation
National Intellectual Property Office of Sri Lanka**

**Notice to the Public
in respect of entitlement by the Creators of Songs and Musical works for
Royalty Payment**

In terms of the provisions of Chapter I and II of Part II of Intellectual Property Act, No.36 of 2003 (the Act) read with Section 204, and the Intellectual Property Regulation No. 01 of 2019 published in the Gazette Extraordinary No. 2128/6 dated 17.06.2019, **the users of songs and musical works for commercial or entertainment purposes should pay royalty payments to the owners of rights of such songs or musical works in respect of their copyright and related rights.**

According to the aforesaid provisions in the Act and the regulations, “where a person or a group of persons, including a radio or a television broadcasting organization or Institute, a telecommunication service or a system provider reproduces or communicates a song or musical work or any substantial part of any original work of a creator in the music field by means of electronic, digital telecommunication, transmission, or uses via digital technology in telephone media for entertainment or commercial purposes, such user shall enter into a written agreement with the owner of the rights of such song or musical work or the collective society, in which the said artist is a member as the case may be, to make a payment as royalty, as mutually agreed between the parties.”

In terms of Section 22 and Section 178, of the Act any person who infringes copyright laws shall be guilty of an offence, and an injunction can be sought against such infringement and shall on conviction after trial before a Magistrate be liable to a fine not exceeding rupees five hundred thousand or to imprisonment for a term not exceeding 06 months or both such convictions upon committing for a second time. Under Section 22(3), a person who is aggrieved due to an infringement of his right may make an application to the Director General in the prescribed form and an inquiry can be conducted by the Director General to resolve the said dispute and such decision shall be binding on the parties, subject to the provision of sub Section 22(3)(b). Under Chapter XLI, action can be enforced as provided in section 101 of the Customs Ordinance, by prohibiting of importing and exporting of “pirated copyright goods” in contravention of the provisions of the Act.

Under section 25 of the Act following two (02) Collective Societies are duly registered with the National Intellectual Property Office, and one authorized to carry out business of issuing or granting licenses in respect of Copy right and related rights of music artists or owners who are members of their societies.

- **Outstanding Song Creators' Association (OSCA) -for copyright and related rights**
- **Authors, Composers and Publishers Organization of Sri Lanka (ACPO) - for copyright**

However, an owner of such right in his individual capacity has the right to grant licenses in respect of his own rights which should be consistent with his obligations as a member of such society.

For further information.

Director General of Intellectual Property: Tele. 011-2669179

Office: Tele. 011-2689368 – ext.200/201/210

Email: nipos@sltnet.lk

Address: National Intellectual Property Office
"SamagamMedura", 3rd floor
No.400, D.R.WijewardenaMawatha
Colombo 10.