Intellectual Property Compliance and Economic Rights of Creators in Sri Lankan Radio: A Study on the Lyricists of Songs Broadcast on the Radio Media

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Abstract

The Intellectual Property Act No. 36 of 2003 can be considered as the legal basis for ensuring the protection of creative works in Sri Lanka. It ensures the economic rights as well as the moral rights of the creator in his work. The Government has gazette the minimum royalties payable to musicians, singers, or songwriters by amending the Intellectual Property Act in 2020. As per the amendment, the minimum royalty payable to a musician, singer, or songwriter for every broadcast of a song or musical work by a radio or television channel, as prescribed by the gazette notification, shall be Rs. 20/- per broadcast on the radio. In the radio medium, twenty rupees is divided equally between the lyricist, the musician, and the singer. The Collective Management organizations (CMOs) are responsible for distributing the funds received from the media institution among the creators under a specific funding mechanism. According to the Frequency Assignments in FM Broadcasting by the Telecommunication Regulatory Commission of Sri Lanka, there are more than 50 radio stations in the country. However, the CMO reports make it clear that none of the broadcasting organizations is properly disbursing the money to the relevant creators in accordance with the Act. The aim of this research is to investigate what kind of impact this unconstitutional situation has on the creative work of Sri Lankan lyricists. In addition, other objectives of the study were to examine creators' awareness of intellectual property and their proposals for royalty payments. Qualitative data obtained through semi-structured interviews conducted with five purposively selected lyricists of songs broadcast on various radio media were thematically analyzed. The study revealed that although creators have an idea about the existing legal framework regarding intellectual property, they do not have a clear understanding of it. Although there is a need to legally enforce their creative works, the information reveals their inability to independently represent themselves in it. Creators point out the need to maintain the existing legal framework while also making it more secure and systematic. The final conclusion of the research is that there is a pressing need to update certain sections of the Intellectual Property Act 2003, streamline the roles of Collective Management Organizations (CMOs), and establish a mechanism to build a systematic relationship among the National Intellectual Property Office (NIPO) CMOs, and creators.

Keywords- *Intellectual Property, Royalty, Radio, Creative work, Lyricists*