

INDIA: HOTEL CABLE TV SERVICES TO GUEST ROOMS MAY REQUIRE SEPARATE COPYRIGHT LICENCE, CALCUTTA HIGH COURT HOLDS

Case: *Indian Performing Right Society Limited v. Hotel Appolo & Tours Private Limited*

Court: Calcutta High Court

Date: 4 August 2026

Bench: Justice Debangsu Basak and Justice Md. Shabbar Rashidi

Background

The Calcutta High Court has held that a hotel providing cable television services in guest rooms may be required to obtain a separate copyright licence for the public performance or communication to the public of literary and musical works, notwithstanding the fact that the hotel's cable operator had obtained the necessary licence for its own cable transmission.

The case concerned the use of musical and literary works administered by the Indian Performing Right Society Limited (IPRS) in hotel guest rooms. The hotel had provided cable television connections to television sets installed in individual guest rooms but had not obtained a separate licence from IPRS or paid the corresponding royalties.

The hotel argued that it had already paid subscription fees to its cable operator, which held the relevant licence, and therefore no additional copyright licence was required.

Decision

The Division Bench granted an injunction restraining the hotel from publicly performing or communicating to the public works in the IPRS repertoire without obtaining the requisite licence and paying the applicable statutory royalty.

A central issue before the Court was whether transmission of cable television signals to individual hotel rooms constituted "**communication to the public**" under Section 2(ff) of the Copyright Act, 1957.

The Court relied on the Explanation to Section 2(ff), which expressly provides that communication through satellite, cable or other means of simultaneous communication to more than one household or place of residence—including residential rooms of a hotel or hostel—is deemed to constitute communication to the public.

The Court therefore rejected the argument that the fact that the works were made available in individual hotel rooms prevented the activity from constituting communication to the public.

Hotel's Cable Subscription Did Not Substitute for Copyright Licence

The Court also considered whether the licence held by the cable operator extended to the hotel's use of the content.

It held that it did not.

Under Section 2(i) of the Cable Television Networks (Regulation) Act, 1995, a "subscriber" is a person who receives cable television signals at a specified place without further transmitting them to another person. The hotel had subscribed to the cable service, but the service was ultimately made available to hotel guests.

Accordingly, the guests could not be treated as subscribers for purposes of the statutory definition, and the cable operator's licence could not be relied upon by the hotel as authorisation for its own commercial use of the copyrighted works.

The Court further observed that the provision of cable television was an additional amenity offered to paying hotel guests and therefore contributed to the commercial value of the hotel's services. The absence of a separately stated charge for television services did not alter this conclusion.

Copyright and Broadcasting Rights Are Distinct

The Court also rejected the Trial Court's approach of treating the dispute as one concerning broadcasting rights under Section 37 of the Copyright Act.

The Division Bench emphasised that copyright in literary and musical works and broadcast reproduction rights are distinct statutory rights. The existence of rights relating to broadcasting does not extinguish or displace the underlying copyright owner's rights.

The Court noted that the respondent hotel was not itself a broadcasting organisation and therefore could not rely on the statutory protection available to broadcasting organisations under the relevant provisions of the Copyright Act.

Relevance to Broadcasters and Media Organisations

The decision is particularly relevant to broadcasters, content owners, hotels and other commercial establishments that retransmit or make broadcast content available to third parties.

The judgment highlights the need to distinguish between:

- the right to broadcast or retransmit a television signal;
- the copyright in underlying literary and musical works contained in the broadcast or programme;
- the rights of copyright societies and other rights holders to receive royalties;
- the commercial use or communication of such content by downstream establishments.

A licence obtained by a broadcaster, cable operator or other intermediary may not necessarily authorise every subsequent commercial use of the underlying copyrighted works by another entity.

Key Takeaway

Commercial establishments should carefully assess whether their use of broadcast or cable television content involves copyright rights separate from the rights covered by their subscription or transmission arrangements.

For broadcasters and content providers, the decision also underscores the importance of clearly defining the scope of licences and permitted downstream uses when content containing third-party literary, musical or other copyrighted works is distributed through television, cable or digital platforms.

Source: *Indian Performing Right Society Limited v. Hotel Appolo & Tours Private Limited*, Calcutta High Court, decided 4 August 2026.