

IPRS v. Hotel Appolo: Supreme Court Examines Caveat Compliance and Underlying Licensing Position

The Supreme Court's proceedings in *Indian Performing Right Society Ltd. (IPRS) v. Hotel Appolo & Tours Pvt. Ltd.* have raised two significant issues concerning the grant of interim relief and copyright licensing for television services provided in hotel rooms.

The dispute arose from proceedings before the Calcutta High Court concerning whether a hotel requires an IPRS licence where television channels are made available to guests through cable television services. The Calcutta High Court held that a licence was required and restrained Hotel Appolo from communicating musical and literary works represented by IPRS to its guests through hotel-room television sets without a valid licence. The Supreme Court subsequently stayed the operation of the High Court's order on 20 August 2026.

When the matter came before the Supreme Court on 2 September 2026 on IPRS's application seeking vacation of the interim stay, two issues assumed particular importance.

Caveat and Ex Parte Interim Relief

IPRS informed the Supreme Court that it had lodged a caveat on 6 August 2026, prior to the hearing of Hotel Appolo's Special Leave Petition. A caveat is intended to ensure that the caveator receives notice and an opportunity of being heard before an order is passed in the relevant proceedings.

However, the interim stay granted on 20 August appeared to have been passed without IPRS being heard or the caveat being addressed. The Supreme Court has therefore directed the Registrar (Judicial Listing) to examine how caveat clearance was obtained before the matter was listed and to submit a report.

The issue is significant because compliance with caveat-related procedural requirements can directly affect the validity or continuation of an interim order obtained without notice to the caveator. The Supreme Court's examination of the Registry process may therefore have implications beyond the present copyright dispute, particularly for parties seeking urgent interim relief in matters where a caveat has been lodged.

Was an IPRS Licence Actually Available?

The second issue concerns the underlying factual question of whether the cable operator providing television services to Hotel Appolo itself holds an IPRS licence.

Hotel Appolo placed on record an affidavit from its Managing Director, together with a letter from its cable operator, Madhurima Brahma. The letter stated that the operator possessed the applicable licences and authorisations, including copyright licences covering its television content services. However, it did not specifically establish whether an IPRS licence was among those licences.

This distinction is important. The existence of general authorisations or copyright licences held by a cable operator does not necessarily establish that the particular rights administered by IPRS have been licensed. The Supreme Court has consequently directed Hotel Appolo to place the actual licences held by its cable operator on record.

The development highlights the importance of examining the underlying licensing documents and contractual chain, rather than relying solely on general assertions that all requisite licences have been obtained. It may also provide greater clarity on the allocation of licensing responsibility between broadcasters, cable operators, hotels and other entities involved in the communication of television content to end users.

The matter was listed for further hearing on 9 September 2026, when the Registrar's report concerning the caveat and the relevant licences held by the cable operator are expected to assist the Court in determining the continuation of the interim stay and the broader licensing dispute.

What this means for broadcasters and media companies: The proceedings reinforce the need for broadcasters and media companies to maintain clear documentation of the copyright licences covering each stage of the content-distribution chain and to verify, where relevant, whether downstream operators possess the specific rights required for the intended use, rather than relying on broad representations of licensing compliance.