

BEFORE THE ADDITIONAL MASTER-II

HIGH COURT, MADRAS

C.S.No. 31 OF 2010

Date : 08.01.2024

Time : 12.40 P.M.

Name : Ghansyam Hemdev (PW1)

PW1 further Cross Examined by Learned counsel for the 3rd Defendant Mr.K.Thyagarajan.

Solemnly affirmed:

Q43: Apart from the Ex.P2 have you obtained any other musical work of the 3rd defendant directly from the producers?

A: Yes.

Q44: How many albums would you have acquired directly from the producers?

A: I do not remember the numbers. But few albums.

Q45: have you ever obtained any legal opinion before entering into the Ex.P2 agreement or any other agreement with the respective producers for acquiring in copyrights in respect of the musical works of the 3rd defendant?

A: I have not. But it has not been needed.

Q46: Are you aware of the provisions of Copyrights Act?

A: Generally Yes.

Q47: Can you say as per the Copyrights Act who is the original owner of the copyrights for the musical works and sound recordings?

A: I do not remember.

Q48: I put it to you that the producers are the owners of the copyrights only in respect of the respective cinematograph films and its sound recordings, but not the sound recordings without accompanied by the visuals?

A: I deny.

Q49: Have you ever paid any royalty to 3rd defendant?

A: No, it has not been necessary.

Q50: Can you explain the statement why it is not necessary?

A: Because we did not have any direct agreement with him to pay any amount to him.

Q51: You mentioned that you did not take any legal opinion how did you come to a conclusion or confirmation that the producers are the owners of copyrights for the musical works and sound recordings?

A: In my 30, 40 years of cinema industry involvement it is always been the producers who assigns these rights.

Q52: Can I take it as it is the practice to obtain copyrights from the producers of the movies?

A: The practice is, it is either from the producers or their assignees who transfer copyrights.

Q53: Previously you mentioned that the name of your entity has been changed as Music Master Audio Video LLP from the earlier name Music Master Audio Video Manufacturing Co. P. Ltd. Have you filed any documents evidencing such name change?

A: Yes, a copy of the LLP name change certificate.

Q54: I put it to you that no such document have been filed before this Hon'ble court till date?

A: I deny.

Q55: I put it to you that you were not vigilant in ensuring the title and copyrights in respect of the schedule mentioned albums before entering into agreements with either the 1st defendant or the respective producers?

A: I deny.

Q56: I put it to you that you have no legal entitlement to exploit the musical works or the sound recordings which are not accompanied by visuals of the 3rd defendant?

A: I deny.

Time: 12.55 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be true and correct and signed before me.

ADDITIONAL MASTER-II