



EVENT REPORT OF WEBINAR ON
Copyright Protection of Musical Works & Performer's Rights: An Overview

Organised by
Intellectual Property Rights Committee, School of Law
in collaboration with the Department of Performing Arts, Theatre Studies & Music

25th April, 2021 (12 Noon to 2:30 PM)

IPRC

CHRIST
(DEEMED TO BE UNIVERSITY)
BANGALORE · INDIA

Intellectual Property Rights Committee, School of Law
in collaboration with
Department of Performing Arts, Theatre Studies and Music
presents

A Webinar on

Copyright Protection of Musical Works & Performer's Rights : An Overview

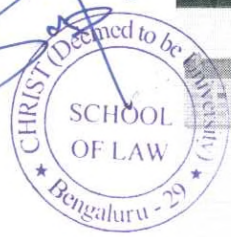
April 25, 2021
12PM-2PM

SCAN TO ATTEND

Dr. Avishek Chakraborty
Assistant Professor, SLCU

School of Law, Christ (Deemed to be University)
Dean: Dr. Jaydevan S. Nair | HOD: Dr. Sapna
Department of Performing Arts, Theatre Studies & Music
Dean: John Joseph Kennedy | HOD: Prabin Villareesh | Coordinator (Theatre Studies): Ashokan O
| Coordinator (Music): R L Tavis Ashton-Bell

- Director: Dr.Fr.Benny Thomas |
- Director:Fr Lijo Thomas |



OBJECTIVE OF THE WEBINAR

Every year April 26th, World Intellectual Property Day is celebrated to learn about the role that intellectual property (IP) rights play in encouraging innovation and creativity. Therefore, on this occasion, Intellectual Property Rights Committee (IPRC) of School of Law, CHRIST (Deemed to be University), Bangalore, organised a webinar on Copyright in Musical Works and Performances for Department Performing Arts, Theatre Studies & Music, CHRIST (Deemed to be University), Bangalore.

The chief objective of this webinar was to demonstrate the ways in which copyright protection is offered to musical works as well as performances. The webinar intended to highlight different rights of the rightsholders, when the rights are considered to be violated by unauthorised uses and the remedies provided in law. Further, the speakers bestowed a special focus on the aspects of use of musical works and performances in the digital world owing to the technological advancements taking place in the current global scenario.

INTELLECTUAL PROPERTY RIGHTS COMMITTEE 2020-2021

The Intellectual Property Rights Committee (IPRC) of School of Law, Christ (Deemed to be University) has its aim in planting seeds of curiosity in the eager minds of budding lawyers. Our year starts with an introductory primer where golden ideas are cast on the stage by experts in this field. We provide various platforms conducive to growth and development in IPR such as National Essay writing competitions, value-added courses and other collaborative activities with Industry experts, think-tanks and law firms. We also promote research among students through *Intellectualis*, a student-run monthly e-newsletter, currently running in its 3rd Volume, on contemporary law and practice.

DEPARTMENT OF PERFORMING ARTS, THEATRE STUDIES & MUSIC

The Department of Performing Arts, Theatre Studies and Music holds the vision of providing 'Integrity through Aesthetic performance'. Its mission is to inspire and mentor the birth and sustained growth of artists who, through cultural ethos, will embody respect, humanity, and discipline. The Performing Arts are a universal language that goes beyond the physical and geographical boundaries of the world. They bring people closer to themselves and a glimpse into the lived experiences of others, and the shared experiences of humanity. The primary aim of the programme is to introduce the students to the possibilities of the art form and help them to gain an integrated sense of it through the application of theory via practical means.

SPEAKERS

1. Dr. Avishek Chakraborty, Assistant Professor, School of Law, Christ (Deemed to be University).

2. Ms. Sahana Pratap Simha, Student, School of Law, Christ (Deemed to be University).
3. Ms. Pooja Kateel, Student, School of Law, Christ (Deemed to be University).

DISCUSSION

Dr Avishek Chakraborty introduced the theme of the webinar with a contemporary legal development between Ilayaraja and S. P. Balasubramanyam. He explained the meaning and basic purpose of copyright and gave examples of different works protected by law of copyright. He deciphered the separate components of a song and explained how copyright protects each separate element alongside explaining who are considered to be authors and owners in respect of each elements of a musical work. The criteria for protection of musical work were explained and the life cycle of a musical work as intellectual property was elaborated. Dr. Avishek illustrated what is understood as a dramatic work for the purpose of copyright protection. He categorically explained the economic and moral rights, guaranteed to the copyright owners with appropriate illustrations. He specially focused on the importance of assignment and licensing of musical works, sound recordings and dramatic works. He demonstrated with relevant examples and illustrations how transfer of copyright happens and the relevance of proper legal consultation in this regard.

Ms. Sahana Pratap Simha presented on the topic of Cover versions and the Indian legal framework regulating the same. She began with a brief introduction about cover versions and gave an example as well. She then discussed the various statutory compliances for making a cover version in India. She explored the examples of karaoke apps - StarMaker and Smule and whether they were operating on the bases of licensing deals. She also discussed examples of cover versions made by bands, of popular Bollywood songs and whether the bands that covered the songs did so before or after the 5-year statutory mandate. She discussed the aspect of alterations in respect of cover versions, if and how cover versions differ from remixes and gave the example of the DJ Marshmello and DJ Arty copyright infringement case in respect of remix rights. She also briefly discussed 'Mashups'. She left the audience to ponder on the question - "Copyright vs. Creativity: What should prevail?" in light of every artists dual role as a creator of work and user of another person's work.

Ms. Pooja Kateel continued the presentation by explaining in detail the concept of Performers' Rights. She initially started by introducing the concepts of Performers and Performance and continued to elucidate the rights that come under the big banner of Performers Rights. Through her presentation, the audience was made to understand how the performers' rights can be exercised and that the moral rights attached to the Performers' Rights cannot be waived off under any circumstance.

Finally, she completed the presentation with a few examples and development in the Performers' Rights area.

Throughout the presentation, creator, performer, lyricist and producer rights were explained and even what limitations are in place for educational institutions, monetised performances and general public use. The domains of music, theatre, dance and performing arts in general were covered in the context of Indian law. The webinar was attended by 250 plus participants, including the students of Department of Performing Arts, Theatre Studies and Music, who keenly asked many relevant questions pertaining to their artistic interests and life as a performing artist within the campus. Overall, it was a resounding success for the first collaborative effort between the School of Law and the Department of Performing Arts, Theatre Studies and Music, the first of many more to come.

Event Date: 25th April 2021

Event Time: 12pm- 2:30 pm

Please find attached the photographs of the events as **Annexure I.**

Please find attached the list of participants as **Annexure II.**

ANNEXURE I

1750359 Sahana Pr...
Cokoni, m...

AVISHK CH...
Recall 11

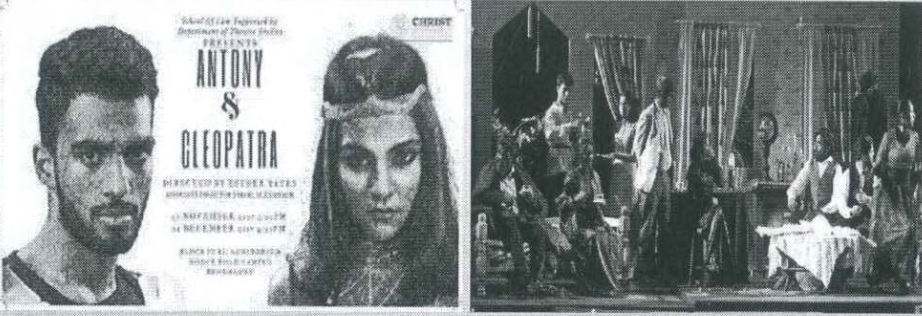
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Meeting Info | Connected

Layout

Viewing AVISHK CHAK...

DRAMATIC WORKS



Unmute

Start video

Participants

Chat


1750359 Sahana Pr...
Cokoni, m...

AVISHK CH...
Recall 11

07- TYLLB-sayali C...

Meeting Info | Connected

BALLET



- Elements – music, story, choreography, scenery and costumes;

Unmute

Start video

Participants


Chat

Cisco Webex Meetings Meeting Info Connected

1750359 Sahana Pr... AVISHEK CH... 07- TYLLB- sayali C...

Viewing AVISHEK CHAK...

Distribution rights – the right of the copyright owner to control the distribution of music



Unmute Start video Participants Chat

Cisco Webex Meetings Meeting Info Connected

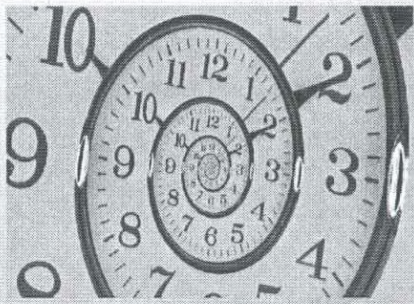
1750359 Sahana Pr... AVISHEK CH... 07- TYLLB- sayali C... 1750561 POOJA KA...

Viewing AVISHEK CHAK...

DURATION OF COPYRIGHT PROTECTION

In **musical works**, copyright runs from the time of creation till **60 years** after the end of the year in which the author dies

In **sound recordings**, copyright lasts till 60 years after the end of the year in which the recording was first made



Unmute Start video Participants Chat


Cisco Webex Meetings Meeting Info | Connected

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AVISHEK CHAK...
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1750561 POOJA KATEEL

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PERFORMERS' RIGHTS

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Participants Chat

Cisco Webex Meetings Meeting Info | Connected

1750359 Sahana Pr...
Cakood, Ind

1750561 POOJA KATEEL


07- TYLLB-sayali C...

Layout

Viewing AVISHEK CHAK...

WHAT IS 'PERFORMANCE'?

'Visual or acoustic presentation made live by one or more performers'



Unmute Start video

Participants Chat

Cisco Webex Meetings Meeting Info 1 Connected

1760359 Sahana Pr...
Cohort, me

1750661 POOJA KATEL

1831101 R.Sidharth...

LIMITATIONS

- Personal use
- Bona fide teaching and research purposes
- Fair dealing

Unmute Start video

Participants Chat

Cisco Webex Meetings Meeting Info | Connected

1750359 Sahana Pr...
Cobleskill, ma

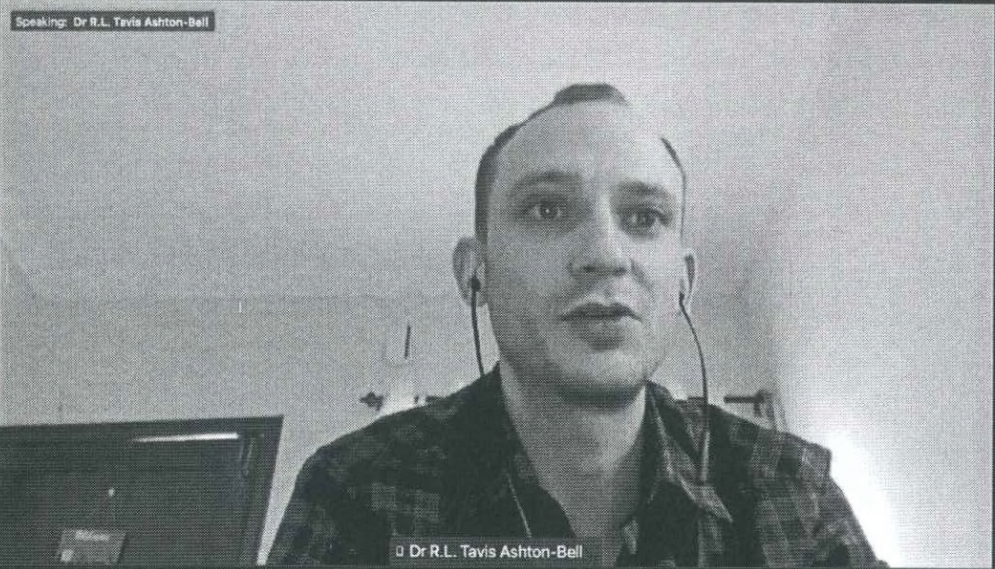
2031201 Adithya S...

1750561 POOJA KA...

1831101 R.Sidharth...

Layout

Speaking: Dr R.L. Tavis Ashton-Bell



Dr R.L. Tavis Ashton-Bell

Unmute Start video

Participants Chat

Cisco Webex Meetings Meeting Info | Connected

1750359 Sahana Pr...
Cobleskill, ma

AVISHEK CH...


ashokan

Layout

Viewing AVISHEK CHAK...

RATIONALE BEHIND ILAYARAJA'S ACTIONS

- When a music composer creates a new composition – Copyright Act automatically creates a copyright in the music
- No registration required
- Copyright Act – performers have a performer's right & not copyright
- SPB (performer) – has to secure necessary copyright permissions from
 - Ilayaraja (composer)
 - Lyricists (owner of copyright in the lyrics)



Unmute Start video

Participants Chat

INDIAN LAW ON COVER VERSION

- Alteration to original composition/lyrics not allowed
 - Can the tempo be changed?
 - Can the rhythm be changed?
 - Can the lyrics be adjusted to the new rhythm?
 - Can the composition be altered to fit the new rhythm?
- Protection of rights vs. Creativity and improvisation – What should prevail?

Creativity

ANNEXURE II

List of Participants

1.	04 SY BLS LLB Laxmi V Bidri	laxmibidri@gmail.com
2.	05-SYBLS LLB- Annapurna gound	nishu_gound.49@yahoo.com
3.	07- TYLLB-sayali Cherfale	sayali.cool147@gmail.com
4.	13-SYLLB Sharmila Helgaonkar	helgaonkar.sharmila@gmail.com
5.	1750145 Ankita Malik	ankita.malik@law.christuniversity.in
6.	1750359 Sahana Pratap Simha	sahana.simha@law.christuniversity.in
7.	1750414 Dhruvo Das	dhruvo.das@law.christuniveristy.in
8.	1750463 Shefali Fernandes	shefali.fernandes@law.christuniversity.in
9.	1750561 POOJA KATEEL	pooja.kateel@law.christuniversity.in

	1831101 R.Sidhartha.Narayana n	narayanan.sidhartha@arts.christuniversity.in
11.	1831105 Akhila Asokan	akhila.asokan@arts.christuniversity.in
12.	1831106 Atrayee Borkotoky	atrayee.borkotoky@arts.christuniversity.in
13.	1831107 Bhabana Sarma	bhabana.sarma@arts.christuniversity.in
14.	1831108 Dakshita Pradhan	dakshita.pradhan@arts.christuniversity.in
15.	1831109 Damini Kulkarni	damini.kulkarni@arts.christuniversity.in
16.	1831110 Gaurvi Jain	gaurvi.jain@arts.christuniversity.in
17.	1831113 Greeshma Mohan	greeshma.mohan@arts.christuniversity.in
18.	1831114 Gunjan Mehta	gunjan.mehta@arts.christuniversity.in
19.	1831116 Leya Mammen	leya.mammen@arts.christuniversity.in
20.	1831117 Lucie Boro	lucie.boro@arts.christuniversity.in
21.	1831121 Neha Kailash Nair	Neha.nair@arts.christuniversity.in
22.	1831123 Nila Cheviri	nila.cheviri@arts.christuniversity.in
23.	1831124 Norah Ann	norah.mohan@arts.christuniversity.in
24.	1831125 Nupur Bansal	nupur.bansal@arts.christuniversity.in
25.	1831126 Poojitha Menon K	poojitha.menon@arts.christuniversity.in
26.	1831128 Ragini Sharda	ragini.sharda@arts.christuniversity.in
27.	1831129 shivali ruhela	shivali.ruhela@arts.christuniversity.in
28.	1831130 Shubhada S	shubhada.s@arts.christuniversity.in
29.	1831133 Anna Thomas	anna.varghese@arts.christuniversity.in
30.	1831134 Alfy Augustin	alfy.augustin@arts.christuniversity.in
31.	1831135 Aninditha M Ashok	aninditha.ashok@arts.christuniversity.in
32.	1831136 Kruthika Mallur	kruthika.mallur@arts.christuniversity.in
33.	1831137 Rinita Davis	rinita.davis@arts.christuniversity.in
34.	1831138 Preet Bohra	preet.bohra@arts.christuniversity.in
35.	1831139 sanjay m s	sanjay.ms@arts.christuniversity.in

	1831139 Sanjay ms	sanjay.ms@arts.christuniversity.in
37.	1831142 Disha Alva	disha.mohandas@arts.christuniversity.in
38.	1831144 liya joy	liya.joy@arts.christuniversity.in
39.	1831145 Nemeesha Bianca Reghelini	nemeesha.reghelini@arts.christuniversity.in
40.	1831146 Sahithya V	sahithya.v@arts.christuniversity.in
41.	1831147 Sujana Chatterjee	sujana.chatterjee@arts.christuniversity.in
42.	1831153 Amarendran	m.amarendran@arts.christuniversity.in
43.	1831154 Anupriya	anupriya@arts.christuniversity.in
44.	1831155 Chethana RS	chethana.srivatsa@arts.christuniversity.in
45.	1831156 Sneha S	s.sneha@arts.christuniversity.in
46.	1831157 Ashwathy A N	ashwathy.an@arts.christuniversity.in
47.	1831158 Madhuvanathi	madhuvanathi.n@arts.christuniversity.in
48.	1831159 Alenka Mullick	alenka.mullick@arts.christuniversity.in
49.	1831203 Levin	Levin.solomon@arts.christuniversity.in
50.	1831205 Abigail John	abigail.john@arts.christuniversity.in
51.	1831209 Aparna Hari	aparna.hari@arts.christuniversity.in
52.	1831226 Vaishnavi Swami	vaishnavi.swami@arts.christuniversity.in
53.	1831233 Megan Jayasingh	megan.jayasingh@arts.christuniversity.in
54.	1831503 CEPHAS	cephas.r@arts.christuniversity.in
55.	1831504 Eben Saji	eben.varughese@arts.christuniversity.in
56.	1831505 Gautam David	gautam.david@arts.christuniversity.in
57.	1831506 Karn Kunte	karn.kunte@arts.christuniversity.in
58.	1831509 Parthasarathy	parthasarathy.h@arts.christuniversity.in
59.	1831510 Roshan Simon	roshan.simon@arts.christuniversity.in
60.	1831511 Samuel Varghese	samuel.varghese@arts.christuniversity.in
61.	1831512 Samyak Jain	samyak.jain@arts.christuniversity.in
62.	1831514 zd.lalsangliana	zd.lalsangliana@arts.christuniversity.in
63.	1831516 Ananya Shanbhag	ananya.shanbhag@arts.christuniversity.in
64.	1831517 Angeline Joanna	angeline.joanna@arts.christuniversity.in

	1831518 Ashmitha P	ashmitha.p@arts.christuniversity.in
66.	1831521 Gowri Lakshmisha	gowri.lakshmisha@arts.christuniversity.in
67.	1831522 Kesandra B	kesandra.b@arts.christuniversity.in
68.	1831527 viha bhosekar	viha.bhosekar@arts.christuniversity.in
69.	1831529 Kimberley Muzeyi	Kimberley.muzeyi@arts.christuniversity.in
70.	1831530 Nancy David	nancy.david@arts.christuniversity.in
71.	1831531 Shwetha A	shwetha.a@arts.christuniversity.in
72.	1831532 David Fernandes	david.fernandes@arts.christuniversity.in
73.	1831533 Caroline Sebastian	caroline.sebastian@arts.christuniversity.in
74.	1831534 Ekta Bafna	ekta.bafna@arts.christuniversity.in
75.	1831537 Shreya Ghosh	shreya.ghosh@arts.christuniversity.in
76.	1831538 Smruthi J	smruthi.j@arts.christuniversity.in
77.	1831539 Sudha Bhujel	sudha.bhujel@arts.christuniversity.in
78.	1831543 Thanushya	thanushya.giridharan@arts.christuniversity.in
79.	1831545Allan	allan.varghese@arts.christuniversity.in
80.	1850549 Mahek Bhatter	mahek.bhatter@law.christuniversity.in
81.	1931101 -Ritesh Sharma	ritesh.sharma@arts.christuniversity.in
82.	1931104_ Anushree	anushree@arts.christuniversity.in
83.	1931104_ Anushree	anushree@arts.christuniversity.in
84.	1931105 Ayushi Mishra	ayushi.mishra@arts.christuniversity.in
85.	1931107 Disha Chauhan	disha.chauhan@arts.christuniversity.in
86.	1931109_ Ishpreet Bhatti	ishpreet.bhatti@arts.christuniversity.in
87.	1931110_ Keerthana Sudheesh	keerthana.sudheesh@arts.christuniversity.in
88.	1931111_ Lakshmi G Pattathil	lakshmi.pattathil@arts.christuniversity.in
89.	1931115_ Prachi Senapati	prachi.senapati@arts.christuniversity.in
90.	1931116 PREKSHA	preksha.bothra@arts.christuniversity.in
91.	1931118_ Rakhi Rakesh	rakhi.rakesh@arts.christuniversity.in

	1931119_Shreya Shri Krishna Agarwal	shreya.krishna@arts.christuniversity.in
93.	1931120_Shruti Varier	shruti.varier@arts.christuniversity.in
94.	1931121_Siddhi Deo	siddhi.deo@arts.christuniversity.in
95.	1931122_Siddhi Harlalka	siddhi.harlalka@arts.christuniversity.in
96.	1931125 Sreeja Chakraborty	sreeja.chakraborty@arts.christuniversity.in
97.	1931129 Gayatri Tulapurkar	gayatri.tulapurkar@arts.christuniversity.in
98.	1931133 _Nitin Bartwal	nitin.bartwal@arts.christuniversity.in
99.	1931140 Rachana Shenvi	rachna.shenvi@arts.christuniversity.in
100.	1931140 Rachna Ramesh shenvi	rachna.shenvi@arts.christuniversity.in
101.	1931141_Sakshi bist	sakshi.bist@arts.christuniversity.in
102.	1931142 - Sanjukta Menon	sanjukta.menon@arts.christuniversity.in
103.	1931148_ Isiri Dixit	isiri.dixit@arts.christuniversity.in
104.	1931201 Abhinav Jaison	abhinav.jaison@arts.christuniversity.in
105.	1931207 Jayasoorya ma	jayasoorya.ma@arts.christuniversity.in
106.	1931230 Athish Pavan B	athish.b@arts.christuniversity.in
107.	1931232 VIGNESH R NAIR	vignesh.nair@arts.christuniversity.in
108.	1931502 Abhishek Mathew Philip	abhishek.philip@arts.christuniversity.in
109.	1931506 Samuel Cecil	samuel.cecil@arts.christuniversity.in
110.	1931507 Yaosh Nowrojee	yaosh.nowrojee@arts.christuniversity.in
111.	1931508 Adrijaa MM	adrijaa.majumder@arts.christuniversity.in
112.	1931510 Akha-o Soni	akhao.soni@arts.christuniversity.in
113.	1931510 Akha-o Soni	akha-o.soni@arts.ch
114.	1931511 Apurva	apurva.ward@arts.christuniversity.in

	Michelle Ward	
115.	1931512 Catherine Dorairaj	catherine.dorairaj@arts.christuniversity.in
116.	1931514 Nitya Saini	nitya.saini@arts.christuniversity.in
117.	1931516 Rachel Joyce	rachel.joyce@arts.christuniversity.in
118.	1931516 Rachel Mary Joyce	rachel.joyce@arts.christuniversity.in
119.	1931523 Keneth Philip	keneth.abraham@arts.christuniversity.in
120.	1931530 Siddharth Soni	siddharth.soni@arts.christuniversity.in
121.	1931531 Aastha Joshi	aastha.joshi@arts.christuniversity.in
122.	1931538 Gayathri Jairaj	gayathri.mavila@arts.christuniversity.in
123.	1950446 Anjali Baskar	anjali.baskar@law.christuniversity.in
124.	2031101 Madhav Hari	madhav.hari@arts.christuniversity.in
125.	2031102 Shree Shravan	shravan.b@arts.christuniversity.in
126.	2031103 Soumarjyoti Bhuyan	soumarjyoti.bhuyan@arts.christuniversity.in
127.	2031104 Yashashwa Singh Rathore	yashashwa.rathore@arts.christuniversity.in
128.	2031105 Abhishruti Baruah	rasikaa.rn@arts.christuniversity.in
129.	2031105 Abhishruti Baruah	abhishruti.baruah@arts.christuniversity.in
130.	2031107 Akshaya PK	akshaya.pk@arts.christuniversity.in
131.	2031108 Aleena Sabu	aleena.sabu@arts.christuniversity.in
132.	2031109 Ananya Iyer	ananya.gurunathan@arts.christuniversity.in
133.	2031110 Ananya Shirali	ananyashirali@gmail.com
134.	2031111 Anjana Vinosh	anjana.vinosh@arts.christuniversity.in
135.	2031112 Anoushka Paliwal	anoushka.paliwal@arts.christuniversity.in

	2031114 Avanthika Babu	avanthika.b@arts.christuniversity.in
137.	2031115 Babhreevee Goswami	babhreevee.goswami@arts.christuniversity.in
138.	2031119 Diyaa P Goudar	diyaa.goudar@arts.christuniversity.in
139.	2031119 Diyaa P Goudar	diyaa.goudar@arts.christuniversity.in
140.	2031120 Dyan Boby	dyan.boby@arts.christuniversity.in
141.	2031121 Dyumna Chhabra	dyumna.chhabra@arts.christuniversity.in
142.	2031122 Ishani Shenoy	ishani.shenoy@arts.christuniversity.in
143.	2031123 kalyani vatsala	kalyani.vatsala@arts.christuniversity.in
144.	2031124 Karishma Biju Bhasker	karishma.bhasker@arts.christuniversity.in
145.	2031125 Upasana Rao	upasana.rao@arts.christuniversity.in
146.	2031126 Megha	megha.rajan@arts.christuniversity.in
147.	2031127 meghanshi kulshreshtha	meghanshi.kulshreshtha@arts.christuniversity.in
148.	2031129 Mythili Nair	mythili.nair@arts.christuniversity.in
149.	2031131 Nithila Ganapathy	nithila.ganapathy@arts.christuniversity.in
150.	2031134 Prapti Mishra	prapti.mishra@arts.christuniversity.in
151.	2031135 Rajshree Singhvi	rajshree.singhvi@arts.christuniversity.in
152.	2031136 Riddhi Khajanchi	riddhi.khajanchi@arts.christuniversity.in
153.	2031139. rudranshi	rudbhati@gmail.com
154.	2031140 Sagarika Rajesh	sagarika.rajesh@arts.christuniversity.in
155.	2031141 Sai Rasikaa	rasikaa.rn@arts.christuniversity.in
156.	2031142 Shayna Leya Sunu	shayna.sunu@arts.christuniversity.in
157.	2031143 Shivani	shivani.meharwade@arts.christuniversity

	Meharwade	.in
158.	2031144 Shradha Rajeevan	shradha.rajeevan@arts.christuniversity.in
159.	2031145 Sindhu V Hegde	sindhu.hegde@arts.christuniversity.in
160.	2031149 AMULYA	subalam.amuulya@arts.christuniversity.in
161.	2031151 Aayushi Bhat Muliya	aayushi.muliya@arts.christuniversity.in
162.	2031152 Brittney Tiara	brittney.tiara@arts.christuniversity.in
163.	2031153 samridhhi subramaniam	samridhhi.subramaniam@arts.christuniversity.in
164.	2031154 Shivani B Subramaniam	shivani.subramaniam@arts.christuniversity.in
165.	2031155 Adarsh Kampli	adarsh.kampli@arts.christuniversity.com
166.	2031156 Yash Dubey	yash.dubey@arts.christuniversity.in
167.	2031157 aishwaria sherine	aishwaria.sherine@arts.christuniversity.in
168.	2031158 Karen David	karen.david@arts.christuniversity.in
169.	2031159 Mariya Martin	Mariya.martin@arts.christuniversity.in
170.	2031160 Purvi V Bhat	purvi.bhat@arts.christuniversity.in
171.	2031162 Sujaya Vijayakumar	sujaya.vijayakumar@arts.christuniversity.in
172.	2031164 Tvisha Shetty	tvisha.shetty@arts.christuniversity.in
173.	2031165 Neha Ramdas	neha.ramdas@arts.christuniversity.in
174.	2031166 Praveena Rajeev	praveena.rajeev@arts.christuniversity.in
175.	2031201 Adithya Suresh	adithya.suresh@arts.christuniversity.in
176.	2031204 Shivam	tep2020@arts.christuniversity.in
177.	2031208 Varun Raj	varun.raj@arts.christuniversity.in
178.	2031213 Shubangi Ganeshan	g.shubangi@arts.christuniversity.in

	2031214 Isha Jain	isha.jain@arts.christuniversity.in
180.	2031216 Snigdha	kanakadandi.snigdha@arts.christuniversity.in
181.	2031218 Maria Catherine	maria.jacob@arts.christuniversity.in
182.	2031221 Rachana.R	rachana.r@arts.christuniversity.in
183.	2031223 Shivani Karthik	shivani.karthik@arts.christuniversity.in
184.	2031224 Shubhangi Goswami	shubhangi.goswami@arts.christuniversity.in
185.	2031227 Supriya Rajnish	supriya.rajnish@arts.christuniversity.in
186.	2031229 Abhishek Banerji	abhishekbanerji@arts.christuniversity.in
187.	2031232 - Lakshana Shankar	lakshana.shankar@arts.christuniversity.in
188.	2031234 ROUNAQ BHAMRA	rounaq.bhamra@arts.christuniversity.in
189.	2031235 Advika Yadav	advika.yadav@arts.christuniversity.in
190.	2031238 Kristen Sequeira	kristen.sequeira@arts.christuniversity.in
191.	2031244 Monisha angeline	monishaangeline15@gmail.com
192.	2031501 Aakarsh Paul	aakarshpaul5@gmail.com
193.	2031503 Biswadip Ghosh	biswadip.ghosh@arts.christuniversity.in
194.	2031504 Caleb Sam Sentic	caleb.sentic@christuniversity.in
195.	2031505 Brahma Putra Singh	brahmaputra.singh@arts.christuniversity.in
196.	2031506 Sabarisha R	sabarisha.r@arts.christuniversity.in
197.	2031507 Shawn Jone	shawn.jone@arts.christuniversity.in
198.	2031508 Srajan Sharma	srajan.sharma@arts.christuniversity.in
199.	2031509 Amisha Swain	amisha.swain@arts.christuniversity.in
200.	2031510 Ananya	ananya.kambhampati@arts.christuniversity.in

	Kambhampati	ity.in
201.	2031512 sri rakshitha	chadalawada.rakshitha@arts.christuniversity.in
202.	2031514 Disha Chakravarthy	disha.chakravarthy@arts.christuniversity.in
203.	2031515 Muriel Franky Dsouza	muriel20dec@gmail.com
204.	2031516 Fiona Faith	fiona.faith@arts.christuniversity.in
205.	2031518 Ibaniewkor Rynjah	ibaniewkor.rynjah@arts.christuniversity.in
206.	2031519 Isha Saxena	isha.saxena@arts.christuniversity.in
207.	2031520 Kareena Elizabeth Mathew	kareena.mathew@arts.christuniversity.in
208.	2031524 Priya	padma.priya@arts.christuniversity.in
209.	2031525 Raina D'Mello	raina.mello@arts.christuniversity.in
210.	2031526 Ruth Isaiah	ruth.isaiah@arts.christuniversity.in
211.	2031527 Akshitha Selvaraj	s.akshitha@arts.christuniversity.in
212.	2031530 Sradha Menon	sradha.menon@arts.christuniversity.in
213.	2031531 Vidhi Bhardwaj	vidhi.bhardwaj@arts.christuniversity.in
214.	2031532 Vidya Samuel	vidya.samuel@arts.christuniversity.in
215.	2031535 Lianne George	lianne.george@arts.christuniversity.in
216.	2031536 Nidhi Samuel	nidhi.samuel@arts.christuniversity.in
217.	2031538 Ronia.R	ronia.r@arts.christuniversity.in
218.	2031539 Sarah Jose	sarah.jose@arts.christuniversity.in
219.	2031540 Susan Andrea Mendonca	susan.mendonca@arts.christuniversity.in
220.	2031541 ANUPAM ARPIT PANNA	anupam.panna@arts.christuniversity.in
221.	2031543 Ourav Ray Banerjee	ourav.banerjee@arts.christuniversity.in

	2031544 Satvik Chenjeri	satvik.chenjeri@arts.christuniversity.com
223.	2031545 Sneha Sharma	snehasharma@arts.christuniversity.in
224.	2031547 Anto Joseph	anto.joseph@arts.christuniversity.in
225.	2031548 Jaden Elijah Johnson	jaden.johnson@arts.christuniversity.in
226.	2031549 Sunaina Garimella	sunaina.garimella@arts.christuniversity.in
227.	2031550 Jeremy Thomas	jeremy.thomas@arts.christuniversity.in
228.	2050125 Pawan SS	pawan.ss@law.christuniversity.in
229.	2050254 Neelanjana Ghosh	neelanjana.ghosh@law.christuniversity.in
230.	2057019 Vasavi L S	vasavi.ls@law.christuniversity.in
231.	28- syllb sayali monde	sayalimonde2011@gmail.com
232.	29-SYLLB-Sukanya	sukanya.l.mi.16@gmail.com
233.	34.TYLLB.Akshay Sawant	akshaysawant555.as@gmail.com
234.	35 - SYLLB - Sunny Parmar	sunnyparmar2024@gmail.com
235.	45 S.Y.LLB. TAUSEEF SHAIKH	shaikhtauseef1996@gmail.com
236.	Ahana Balaji	ahana.balaji@arts.christuniversity.in
237.	Aishwarya Dhumal	aishwaryadhupal156@gmail.com
238.	akash karmakar 1931202	akashmusic10015@gmail.com
239.	akshaya 1831242	r.akshaya@arts.christuniversity.in
240.	Anagha_ 1931146	anagha.a@arts.christuniversity.in
241.	Ananya 1931136	ananya.shankar@arts.christuniversity.in
242.	ANDREY MOROZOV PERFORMING ARTS THEATRE STUDIES	andrey.morozov@christuniversity.in

	AND MUSIC	
243.	anjali thakur	anjalthakur38284@gmila.com
244.	Anshul Dawar	anshul.dawar@arts.christuniversity.in
245.	Aradhana Nair	aradhana.nair@christuniversity.in
246.	Arya Swami	arya.swami@arts.christuniversity.in
247.	Aryan 2031202	aryan.somra@arts.christuniversity.in
248.	ashokan	ashokan.o@christuniversity.in
249.	Ashokan.O	ashokan.o@christuniversity.in
250.	Ashwin Hiran 1831544	ashwin.hiran@arts.christuniversity.in
251.	Atulya D Karalil 1831141	atulya.karalil@arts.christuniversity.in
252.	AVISHEK CHAKRABORTY SCHOOL OF LAW	avishek.chakraborty@christuniversity.in
253.	Bhanu Prakash	pathakunta.reddy@arts.christuniversity.in
254.	BHUVANESHWAR RAI SCHOOL OF LAW	bhuvaneshwar.raai@christuniversity.in
255.	DEBABRATA SAMANTA COMPUTER SCIENCE	debabrata.samanta@christuniversity.in
256.	Dharshini R 2031513	dharshini.r@arts.christuniversity.in
257.	Divya Prakash Arya	divyaprakasharya15@gmail.com
258.	Dr. Aparna Kottapalle	ankottapalle@mplaw.org
259.	Dr. Sopan Ivare	ivare.sopan@gmail.com
260.	Friyan Bajan 1831519	friyan.bajan@arts.christuniversity.in
261.	nivea.nair	nivea.nair@arts.christuniversity.in

	HEMA K SCHOOL OF LAW	hema.k@christuniversity.in
263.	Intellectual Property Rights Committee, SLCU	ipr@law.christuniversity.in
264.	JAY RAJENDRA RAYTHATHA: PERFORMING ARTS THEATRE STUDIES AND MUSIC	jayrajendra.raythatha@christuniversity.in
265.	JAYADEVAN S NAIR SCHOOL OF LAW	jayadevan.nair@christuniversity.in
266.	Jemimah 1831528	jemimah.job@arts.christuniversity.in
267.	Jestar G.J 1931522	jestar.joji@arts.christuniversity.in
268.	Jyotsna Joseph	jyostna.joseph@arts.christuniversity.in
269.	Kasvi Sonkorison 1831134	kasvi.sonkorison@arts.christuniversity.in
270.	khyati tandon 1831523	khyati.tandon@arts.christuniversity.in
271.	Mahesh Narayanan	mahesh.n@arts.christuniversity.in
272.	Meha Mehboob 1831120	meha.mehboob@arts.christuniversity.in
273.	Mitali Rathod	mitalirathod23@gmail.com
274.	Muthalagi	muthalagi.e@arts.christuniversity.in
275.	muthalagi16	Muthalagi.e@arts.christuniversity.in
276.	MUTHULAKSHMI G PERFORMING ARTS THEATRE STUDIES AND MUSIC	muthulakshmi.g@christuniversity.in
277.	Namrata Vinod Warriar	namrata.warrier@arts.christuniversity.in
278.	praveen.n	praveen.n@christuniversity.in
279.	Nicolan Mendes 1931527	nicolan.mendes@arts.christuniversity.in
280.	nikhilangelo1999	nikhilangelo1999@gmail.com

281.	ninadsamadder1394	ninadsamadder1394@gmail.com
282.	Niraj Prakash 1831150	niraj.prakash@arts.christuniversity.in
283.	niyathi	niyathi.karkera@arts.christuniversity.in
284.	philipp	philipp.sulim@christuniversity.in
285.	PHILIPP SULIM PERFORMING ARTS THEATRE STUDIES AND MUSIC	philipp.sulim@christuniversity.in
286.	PRABIN V PERFORMING ARTS THEATRE STUDIES AND MUSIC	prabin.villareesh@christuniversity.in
287.	PRANALI KORLEKAR	pkorlekar8@gmail.com
288.	Rhea Rego1831536	rhea.rego@arts.christuniversity.in
289.	ROBERT LINTON TAVIS ASHTON-BELL	robert.linton@christuniversity.in
290.	Saanvi*K	saanvi.komarla@arts.christuniversity.in
291.	Sachin Kadam	Sachinkadam12587@gmail.com
292.	Saheen Nasreen 2031222	saheen.nasreen@arts.christuniversity.in
293.	Sakshi S Arjunagi 1931150	sakshi.arjunagi@arts.christuniversity.in
294.	Sakshi Sameer Patil	sakshipatil2201@gmail.com
295.	Samrath batra 1831525	samrath.batra@arts.christuniversity.in
296.	Samskruthi K	samskruthi.k@arts.christuniversity.in
297.	Sanya Fernandes 1931533	sanya.fernandes@arts.christuniversity.in
298.	SAPNA S SCHOOL OF LAW	sapna.s@christuniversity.in
299.	sarah nainsukh 1931517	sarah.nainsukh@arts.christuniversity.in

	Sarang Shastri 1931534	sarang.shastri@arts.christuniversity.in
301.	Sasmith Ananth 1931524	sasmith.ananth@arts.christuniversity.in
302.	Sayan Majilya	sayan.majilya@arts.christuniversity.in
303.	Shalaka Bangad	shalaka.bangad@arts.christuniversity.in
304.	SHAMPA I DEV SCHOOL OF LAW	shampa.dev@christuniversity.in
305.	Shelby Stephen	shelby.stephen@arts.christuniversity.in
306.	SHILPI ROY CHOWDHURY SCHOOL OF LAW	shilpiroy.chowdhury@christuniversity.in
307.	Sunilkumar	sunilkumar.mp@christuniversity.in
308.	SUNITHA ABHAY JAIN SCHOOL OF LAW	sunitha.abhay@christuniversity.in
309.	Supriya Rajnish	supriya.rajnish@arts.christuniversity.in
310.	Tanmai 1831152	tanmai.ar@arts.christuniversity.in
311.	Treesa Chacko 1831149	treesa.chacko@arts.christuniversity.in
312.	vaibhav patil	patil.vaibhav3789@gmail.com
313.	vibha	vibhadanawale1@gmail.com
314.	VIDYA ANN JACOB SCHOOL OF LAW	vidya.jacob@christuniversity.in
315.	vidya satre	vidyakadam512@gmail.com
316.	Vishal Gholave	vmgholave2@gmail.com
317.	WELIGODAGE THAMARI NAYANATHARA DE SILVA PERFORMING ARTS THEATRE STUDIES AND MUSIC	nayanathara.desilva@christuniversity.in

	Writika Bhowmick	writika.bhowmick@arts.christuniversity.in
--	------------------	-------------------------------------------

Report Prepared by

Faculty Coordinators of IPR Committee, School of Law

Dr. Avishek Chakraborty

Dr. Aradhana Satish Nair

Faculty Coordinator of Department of Western Music

Dr. R.L. Tavis Ashton-Bell

Student Convenors of IPR Committee, School of Law

Ankita Malik and Maria Grisha Borges

