

Artistes' royalties in Bangladesh: Pipe dream or imminent reality?

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could be distributed amongst the cast and other associates. This might make actors start thinking about the quality of their projects, as they can earn more digital revenue, apart from their upfront payments."

Since actors are more receptive to upfront payments at this time, promoting consciousness about IPR might bring changes in the industry. According to Zaker, if the amount they earn from royalty is equivalent to what they would earn from upfront payment, then artists would be motivated.

"Having said that, the concept will always be more beneficial to the lead artistes," he adds. "It will never be equal for everyone. However, ratios can justify the disbursements."

Zaker explained that monetising rights for supporting artistes is a production issue.

Even internationally acclaimed supporting casts do not get paid, to his knowledge.

"If supporting actors agree to the idea of reducing their remuneration, and take a ratio from revenue that generates from post broadcasting, I am sure many of the producers will agree to it," he said.

"We must think rationally, since our profit margins are low, we can't actually demand for something bigger at this state," he adds, presenting a reality check.

The television and film industries are operating on a sub-optimal system, where no fixed regulations are followed. However, the related associations are slowly trying to bring them on track.

Private channels do not have any guidelines of paying for repeat telecasts,



◀ **"We are considered freelancers with no professional benefits that are often provided in a 'secure' job."**

Shahed Ali

even to the producers.

Talking about digital revenues, Chanchal Chowdhury and Shompa Reza shared their personal experiences.

"Many of the songs I have recorded are available on YouTube, and the audio reach is quite good, however, I was completely unaware of the fact that people are earning money from that," says Chanchal Chowdhury.

"There was a time we were overwhelmed when other people uploaded our work on several media. However, we had no idea that the work was generating profits, from which we were being deprived."

"OTT platforms are now more story-driven, they are absolutely not dependent on popular faces," shares director Shankha Dasgupta.

"I have met Jack Boko, DOP of the revolutionary series, Friends. I was quite surprised to learn that he still earns royalties from his previous projects, even today, whenever they are aired," says Shahed Ali. "Royalties will be beneficial for the low-earning crew members even if they get a minimum amount from their productions." He shared that the pandemic was a critical time, as several media workers had to change their professions and many also left the country. They were financially broke, which is a major concern for their

survival.

A cultural movement is needed to fix all these problems, comments Shampa Reza. "We are losing our dignity when we aspire to become just 'entertainers' instead of cultural workers. It is time to wake up. I am glad that the new generation is not only speaking up about these problems, but are also taking attempts to solve them," she says.

Shankha Dasgupta and Tanim Noor agreed that a sense of ownership needs to be established, and that the royalty system will open doors for many.

"We have to consider it as a global race," Dasgupta said. "If we can facilitate the commission and licensing then we can acquire the market properly."

"There will be transparency when there

General for Copyright Society (LCSF) for audio visual works and also a producer, explained the digital implications of Copyright Law.

"For the last 20 years, there have been few officially reported cases regarding copyright," Afrin says. "According to section 15 of the Copyright Act 2000, copyright subsists in original literary, dramatic, musical and artistic works, cinematograph films, and sound recordings. Rightholders, on the first hand, need to raise their voices regarding their exploitation by different parties".

She shared that almost all of the cases are settled outside the court by parties negotiating personally; in some cases even the lawyers are unaware.

"Enforcement of the Copyright Act is a blessing for all the right holders. Producers can safeguard piracy and thus, be encouraged to introduce a profit sharing system."

Highly publicised cases were filed in recent years, including Qazi Anwar Husain's "Masud Rana" series and popular band Shironamhin's music.

However, several highlighted cases, such as singer Dilruba's "Pagol Mon", and some others, were settled personally.

"As a producer, I, too, was unaware of the fact that my work is being uploaded on YouTube, from which revenues are generated. I am set to report it under the ICT Act," Afrin says.

According to her, the case will be resolved through BTRC. She also said that every year, a huge amount of revenue is earned digitally and laundered illegally outside Bangladesh. A little consciousness can help everyone earn the revenues, save the creators and the government to be benefited with these revenues through tax.

She suggested that rightholders should start taking suggestions from experts. "Film producers under copyright act will benefit from royalties for sixty years. Thus, if they get royalties, they will be more interested in sharing the profits with other stakeholders as well".

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"Artistes are in no way, lawfully entitled to get any royalties, since the work is commissioned."

Tanim Noor



▶ **"There was a time we were overwhelmed when other people uploaded our work on several media. However, we had no idea that the work was generating profits, from which we were being deprived."**

Chanchal Chowdhury



will be an established box office," adds Tanim Noor.

Intellectual Property Rights (IPR) is still at an embryonic stage in Bangladesh. Copyright is one of the main pillars of the act. The Copyright Act 2000, as amended in 2005, ensures the protection of the interests of creators by giving them moral and economic rights over their creations against those who reproduce or make any commercial use in which the original work was expressed.

Barrister Wolora Afrin, Secretary

"ALLAH DOES NOT WANT TO PLACE YOU IN DIFFICULTY, BUT HE WANTS TO PURIFY YOU, AND TO BESTOW HIS GRACE ON YOU THAT YOU MAY BE GRATEFUL."

The Quran 05:06