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Covering the Cover: Copyright Law and Covering in Sri Lankan Music

Introduction

As we celebrated the 68th Independence Day early this year, a musical rendition of a song performed at a state-organised event, attracted significant attention and discussion, positively and negatively. Yes, I am referring to Kishani Jayasinghe's¹ operatic rendition² of the Sinhala classical song, Danno Budunge. While this rendition paved way for wider conversations (which questioned and focused on one's musical knowledge and taste in classical music and operatic music, the cultural clashes between different musical traditions, continued servility to the former colonisers and the political interests that supported such views) this further opened up conversations surrounding cover versions and their (in)appropriateness in a small music industry like Sri Lanka.

In this particular occasion, the subject matter was Kishani making a cover rendition of Danno Budunge, which was previously performed³ by Pandit Amaradeva⁴ and prior to him by one Hubert Rajapakse.⁵ While the lyrics of this song dates back to 1915, written for 'Sirisngabo' by John De Silva, the musical score is believed to date further back to the period of German composer, Richard Wagner,⁶ who believed (by some) to

¹ <http://www.owenwhitemanagement.com/artist/kishani-jayasinghe/> accessed 05 October 2016.

² <https://www.youtube.com/watch?v=plaKsOtC3b8> accessed 05 October 2016

³ While several classical artists have sung this song, Pundit Amaradeva is mostly prominent for singing this particular song in the contemporary music industry.

⁴ <https://www.youtube.com/watch?v=69cIXNpz6Dw> accessed 05 October 2016.

⁵ https://www.youtube.com/watch?v=_Ds_CMOa3J8 accessed 05 October 2016.

⁶ <http://1960medicalbatchcolombo.blogspot.co.uk/2012/12/danno-budunge-s-jehova-thou-hast.html> accessed 05 October 2016.

have created the melody for a church song while some credit an Indian composer, Vishwanath Lauji with this melody.⁷

While interests surrounding the ownership of this old song resurfaced after about 150 years from the creation of its melody, this article does not aim to engage with such issues of ownership nor the suitability of operatic rendition of classical songs. Instead, the aim is to engage with a phenomenon in the local music industry, which consists of the artists as creators of music and the listeners as consumers of such music, i.e., covering Sinhala songs by another singer.

During an empirical study I carried out⁸ on Sinhala commercial music industry, it was interesting to find that many singers that were interviewed were against other vocalists performing/covering songs they initially performed (base songs). The strong opposition by some listeners relating to Kishani's Danno Budunge rendition also seemed to be inter alia based on the objection to covering Pundit Amaradeva's performance. Such opposition to covering seems to be quite engrained in our society. The country's legislature too seems to share such sentiment where the practice of cover songs was referred to as murdering the national music and, along with it, the national culture.⁹ One government minister maintained the following view during the parliamentary debates relating to the national Intellectual Property Bill in 2003;

Do not murder these songs...Siri Nandana Siri Pada Vandimu Samanala Kande (popular old Sinhala song) Can any one else sing this song? Should we let another sing this song [and] destroy a nation? Destroy local music? That song is a very meaningful song by A.J.Karim. We must not let other

⁷ T. Rodrigo, 'Danno Budunge- Authenticity, Cultural Freedom and Evolution' The Island, 12/03/2016, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=141865 accessed 05 October 2016.

⁸ During 2012-2014

⁹Alhaj A.H.M. Azwer, Hansard Official Report, 23 July 2003, 1089.

people sing this song. If they create their own ones that is fine. Why do they have to copy these? ¹⁰

Accordingly, this paper by relying on the empirical findings will attempt to assess the reasons behind the varying views surrounding covering in Sri Lankan music with the aim of understanding its impact on artists and suggest recommendation in that regard.¹¹

Covering in the Sri Lankan music industry

The recording of cover versions is not a practice that is completely alien to Sri Lanka. The commercial music industry itself in Sri Lanka was founded on mimicked Indian melodies, which were reproduced by Sri Lankan vocalists. Thus, it is correct to say that the foundation of the local commercial music industry was exclusively based on cover versions of Indian songs. Although the local music genre emerged in the 1950s cover versions of foreign songs are not entirely absent in the contemporary music industry. Nevertheless, covering Sinhalese songs, in comparison to foreign songs, is not widely seen.

This is an interesting characteristic of the cover version practice in Sri Lanka. Even given the limited occasions when Sinhala cover songs are made, some of the initial vocalists ¹² who participated in this study have not hesitated to express their displeasure towards it.¹³ Unlike in the West or even in the neighbouring country,

¹⁰ *ibid.*

¹¹ For a detailed discussion on PRR and Copyright Law in Sri Lankan music, see G. Nanayakkara 'Performers' Rights Regime in Sri Lanka: Singers' Melancholia' (PhD thesis, University of Kent 2016)

¹² To avoid ambiguous term of 'original singer', the term 'initial singer' is used. The use of 'original singer' could suggest that subsequent singers who make versions of base songs may be inferior in their aesthetic abilities and skills.

¹³ Interviews with P4, P14 and P3.

India, the Sinhalese cover practice has not been widely exercised enough for it to become a substantial part of the local music market. Although it is not very clear as to why a cover version market for Sinhalese songs has not become prominent, it can be argued that the strong resistance from the vocalists and the need to engender local music genre, which predominantly involved reproving the mimicking of Indian and English songs, may have had an impact on it, at least to some extent.

Out of the few Sinhala cover renditions, the majority of these seem to have been primarily used for the purpose of embarking on a performer's journey into the music industry, while some of them may have been made with the intention to introduce versatile versions or reinterpretations of the base song. Thus, budding artists, who, to a certain extent, mimic the initial vocalist, to attract popularity and lay the foundations for becoming an established vocalist, mainly practise cover versions. One would rarely hear an established vocalist making cover versions of another artist in Sri Lanka.¹⁴ Most artists¹⁵ who were once budding performers making cover versions would not continue on with such practice.¹⁶ The norm seems to be that, once they build up their repertoire, they would limit themselves to performing their own base songs. There appear to be a certain level of stigma attached to performing cover versions in Sri Lanka, as that would indicate that a particular artist is either an amateur in the industry or does not have any of their own songs to sing.¹⁷ These views seem to suggest and implicitly accept that, once an initial vocalist performs a base song, the subsequent performances of that song ought to belong to that initial singer.

¹⁴ Exception to this is Bhathiya & Santhush, a modern established duo who perform cover songs along with their own creations.

¹⁵ Nirosha Virajini, Nanda Malini and Champa Kalhari.

¹⁶ This could also be due to their desire to promote their songs rather than continue to promote cover songs that were sung by another artist, initially.

¹⁷ N Diddeniya, Arumasi Gee Sara, (S Godage and Brothers 2002).

It seems that there is a silent agreement among the majority of artists in Sri Lanka, where they do not cover songs by other singers and therefore expects the other singers not to cover their songs in return. This can be seen as an agreement, albeit not expressly spelt out, to accept and respect the attachment to the songs the vocalists initially perform. Nevertheless, with the introduction of many singing competitions in Sri Lanka, carried out in a similar fashion to The X Factor and American Idol, not just conversations about cover versions of Sinhalese songs, but also a market for such cover versions seem to have been emerging during the last few years.

The law relating to covering

According to Sri Lankan Intellectual Property Act No. 36 of 2003, the copyright of a song is divided under two categories, while the lyrics is protected as a literary work under Section 6(1)(a) of the Act, the musical score is protected as a musical work under Section 6(1)(e) of the Act. As Section 14 provides, the lyric writer and the composer as the authors of the lyrics and the musical score, respectively, will be entitled for copyright and therefore possess the authority to allow someone (a singer) to perform their song.

The singer as the carrier of the song is only entitled for performers rights, as stipulated under the Performers Rights Regime (PRR) incorporated under Chapter II of the same Act. The singer as the performer is only entitled for rights over the live and recorded renditions of their performances. This allows the singer to authorize the broadcasting of her performance, the recording of her live performances and further allow the reproduction of such recording (Section 17(1) (a), (b) and (c) respectively). She however does not get any claim over the song itself nor any authority over deciding whether another can be permitted to sing the same song.

Accordingly, the authority to permit covering lies in the authors' domain. While the lyric writer and the composer can authorize and provide license to any singer to make a cover rendition of their song, failure to obtain such licensing will breach the authors' copyright over the song. The following section will examine the varying views relating to how covering is perceived musicologically, culturally and sociologically.

Covering as a Musical Practice

Western musical theorists view covering songs in various ways. Challenging views, relating to covering, take varying perspectives, such as covers lacking musical creativity or being used as an easier way of making money¹⁸ by not having to spend on new lyrics and composition. Contrary to the above views, some see the practice of cover versions as an important method of learning various musical skills from the base song,¹⁹ or 'an opportunity to engage in a dialogue with music other on their "own" and with other performers who have been involved in "covering" that or similar music'.²⁰ Regardless of how cover versions are viewed musicologically, it has been argued that cover songs have 'always been an integral, multifaceted, attribute of popular music'.²¹

¹⁸ D Horn, 'Some Thoughts on the Work in Popular music' in M Talbot (ed), *The Musical Work: Reality or Invention*, (Liverpool University Press 2000) 30 as referred to in J Butler, 'Musical Works, Cover Versions and Strange Little Girls' (2010) 7(1) *Volume ! La revue des musiques populaires* 6.

¹⁹ H S Bennett, 'The Realities of Practice' S Frith and A Goodwin (eds), *On Record: Rock, Pop and The Written Word* (Routledge 1990) and M Bayton, 'How Women Become Musicians' S Frith and A Goodwin (eds), *On Record: Rock, Pop and The Written Word* (Routledge 1990); D Horn, 'Some Thoughts on the Work in Popular music' in M Talbot (ed), *The Musical Work: Reality or Invention*, (Liverpool University Press 2000) 30 as referred to in J Butler, 'Musical Works, Cover Versions and Strange Little Girls' (June, 2010) 7(1) *Volume ! La revue des musiques populaires* 6.

²⁰ D Horn, 'Some Thoughts on the Work in Popular music' in M Talbot (ed), *The Musical Work: Reality or Invention*, (Liverpool University Press 2000) 30.

²¹ G Plasketes, 'Re-flections on the Cover Age: A Collage of Continuous Coverage in Popular Music' (2005) 28(2) *Popular Music and Society* 137, 144.

Proponents of cover versions argue that the cover phenomenon can be viewed as a ‘manifestation of rampant recontextualisation in music as artists revisit, re-interpret and re-examine a significant cross section of musical styles, periods, genres, individual records, and other artists and their catalogue of works’.²² The reinterpretation of one artist’s version is regarded as the most widely discussed concept of cover songs, where a sufficiently well-known base song is used in this regard. When such cover versions become more popular than the previous version, the new interpretation may become a base song for further reinterpretations.²³ Inter-language parodies, another form of covering, are common in India and Indonesia, where it can be argued that cover songs ‘could be seen as revitalising and empowering regional cultures’,²⁴ as the most popular songs are made available in various other languages apart from the dominant one, to facilitate its enjoyment by other regional cultures.

Opponents of cover versions also raise varying arguments. The main criticism of covering is lack of authenticity and originality, on the basis that cover versions are mere repetitions and, therefore, effecting cultural exhaustion due to lack of new songs and excess of imitations.²⁵ Other concerns seem to revolve around issues of ownership and morality; taking someone else’s creation and being disrespectful to the artists who created the base songs are considered as unacceptable practices.²⁶ These

²² G Plasketes, ‘Like a Version’ in G. Plasketes (ed), *Play it Again: Cover Songs in Popular Music* (Ashgate Publishing 2010) 2.

²³ Kurt Mosser, ‘“Cover Songs”: Ambiguity, Multivalence, Polysemy’ <<http://www.popular-musicology-online.com/issues/02/mosser.html>> accessed 10 September 2014; In *Good Copy Bad Copy* documentary, it is shown how the song ‘Crazy’ being re-interpreted through sampling by artists in Brazil, and that Barzilian recording later becomes a base song for a further sampled recording back in the USA. ‘Good Copy Bad Copy’ <<http://www.youtube.com/watch?v=ByY6j0qzOyM>> accessed on 04 March 2014.

²⁴Peter Manuel, ‘The Cassette Industry and Popular Music in North India’ (1991) 10(2) *Popular Music* 189, 198 referring from P Yampolsky, ‘Hati Yang Luka, an Indonesian Hit’ (1989) 47 *Indonesia* 1.

²⁵Plasketes, ‘Like a Version’ (n 55) 2.

²⁶ibid.

concerns relate to the notions of intellectual property law, which promotes and regulates the maintenance of ownership, originality and authenticity of authors' or creators' work.

Borrowing practices, such as cover versions, challenge the ambiguous and legally forged concepts of originality and ownership. The imposition of these concepts ignores the 'existence of practices of copying in the premodern West, in the margins of Western culture, and in non-Western cultures... and the fact that different societies have had attitudes to copying that differ radically from [one's] own'.²⁷ It can be argued further that 'culture, being an interdependent phenomenon, requiring each such act of dependency to render an accounting, which copyright law demands [interalia in borrowing practices], would destroy the very synergy on which cultural life rests'.²⁸ The consequences of such destruction is described by Coombe, who argues that these dialogic practices that involve borrowing 'come into tension with the monologism of a modern legal discourse that bestows monopolies over meaning under the authority vested in the form of property'.²⁹

As discussed above, various culturally, anthropologically, musically and sociologically strong arguments welcome the practice of cover versions, although arguments challenging such views are also present. While supporting views focus on the freedom of creativity, opposing views focus on the protection of the creativity of authors more strongly and the protection of the public from inferior copies to a lesser extent. Nevertheless, when examining the wider impact of covering, it is safe to

²⁷ Such as China, where it is considered a great honour to be copied faithfully by a good artisan. It shows off the skill of the workman, and it also shows off his sense of respect for those who came before him. M Boon, *In Praise of copying* (Harvard University Press 2010) 6-7.

²⁸ W Gordon, 'On owning Information: Intellectual Property and the Restitutory Impulse' (1992) 78 *Virginia Law Review* 149, 168 as referred to in Rosemary J Coombe, *The Cultural Life of Intellectual Properties: Authorship, Appropriation and the Law* (Duke University Press 1998) 68.

²⁹ Rosemary J Coombe, *The Cultural Life of Intellectual Properties: Authorship, Appropriation and the Law* (Duke University Press 1998) 68.

conclude that the positive cultural impact surrounding covering does outweigh the negativities.

Perceptions and implications of covering in the Sri Lankan music industry

As discussed in the previous section, covering in the Sri Lankan music industry is distinctive, since foreign songs are covered without much hindrance but Sinhalese covers are highly contested. Thus, this section of the paper attempts to explore the underlying reasons behind such contestations.

Talking to the interviewees, a clear division of views emerged regarding the practice of cover versions. While the majority of singers were not in favour of cover versions, all of the authors and the majority of the singer–songwriters were in favour of the practice of cover versions. Some of them disliked what they perceived as the arbitrary manner in which the practice is carried out by some artists in Sri Lanka, where they do not seek the permission of the authors. It must be noted that, although authors and singer–songwriters were not against making cover versions, most of them currently do not receive any financial benefit from this practice.³⁰

According to one author, ‘They [singers] think this [the song] belongs to them after singing it, no one else has any rights to it. That is singers’ sentiment.’³¹ The response from one of the singers confirmed this position: ‘I strongly object to people singing *others’* songs in order to earn money...Why can’t they [cover singers] do good new songs and let our songs be?’³² The attachment this singer maintains towards the songs he initially performs is clearly visible when he refers to his initially-performed songs as ‘ours’ and the practice of cover singers as ‘singing others’ songs’.

³⁰ The only exception was P13 who said that he has a mechanism in place where he signs agreements with new artists and let them perform his songs for a small fee. Interview with P13.

³¹ Interview with P5.

³² Interview with P14.

When considering the various opposing views of the vocalists with regards to cover versions, it seems that their discontent revolves around two main concerns. Firstly, the singers seemed to have a sense of attachment towards the base songs they performed. Since some of the interviewed vocalists seemed to have contributed to the very creation of the song and/or become the driving force behind the popularisation of the song, they seemed to have created emotional connection with the songs. They therefore seemed to be contesting any act by a subsequent singer that would disconnect them from their songs. Secondly, vocalists wish to receive optimum remuneration from the songs they perform. Some interviewed artists maintained that, as a result of covering, the initial vocalists were replaced by the covering artists, limiting the remuneration opportunities for the initial vocalists significantly. These issues of belonging and loss of revenue, as effects of covering, will be explored further in the following sections.

Belonging as the Singer of the Song

This connection that singers feel towards the songs they perform should be understood in light of the cultural practice of creating a song in the Sri Lankan context. Although many songs may be created as a result of the invitation of a recording company, or by a simple request by a singer, some interviewees indicated that there is still a group of artists who take the song-making process very personally and passionately.³³

³³ Interviews with P11 and P4.

As one artist stated:

I personally get involved in the creation of my songs. I would go in search of a particular lyric writer and spend time with them explaining the type of song I need written. The same with music compositions. I particularly love Professor Sunil Ariyaratne as a lyric writer. Although he sometimes says that he is too busy, I would still go to him and with much craving get a song from him. I remember one of the lyric writers was a Health Officer working in Galle (Southern Province) at the time. I was not even married then. I took an intercity bus from my home in Ratmalane (Western Province) to Galle. It is quite a distance. I think I sent him a postcard earlier, about coming to see him. There were no phones in the 90s. He was waiting for me at the bus stop. Then we discussed about the songs and with him I went to meet another lyricist in Galle. We had lunch at their house. I connected with everyone on a personal level. I remember one of Nilar's [popular lyricist] songs, he wrote, he could not find an appropriate vocalist to sing it. He wanted someone with courage to sing his song. I said 'I will sing it'. I recommended Master Kemadasa as the best person to compose music for that song. So we both went to meet Master at his house and staying with him got the music composed. It took a lot of effort and commitment to make my songs...³⁴

Labelling this process as commissioning could undermine this personal aesthetic journey of an artist. Conversations about money, according to many interviewed artists, rarely takes place in these dealings.³⁵ As another vocalist mentioned, 'It didn't

³⁴ Interviews with P11, P3 and P4.

³⁵ Interviews with P14, P11 and P3.

cost us anything to get songs created those days. If you go to Clarence Wijewardene [popular singer–songwriter] and tell him that you would like to sing a song, he would invite you to come and write the lyrics and the music for you then and there and would not charge anything from you.’³⁶

Another artist’s experience relating to covering was explained as follows:

One of my songs that I sang for a teledrama where I was also acting in, another artist stole that song. When Clarence Wijewardene [popular singer-songwriter] died, he [cover artist] went and tactfully bought all his songs by paying Clarence’s wife. My song was also in them. That song was written for me by Clarence. I am the artist. Sometimes this song goes on the radio and the presenter says my name but it is the other singer’s recording. I privately hate him for what he did and think of him as a song-thief. Singer does not own the song... [but] the viewers got used to that song through my voice. It was through my voice they enjoyed the song and my performance as the character in the drama. It is not right when sung in a different voice. I have an objection to that.³⁷

Thus, for such artists, their songs are more like a part of themselves, very carefully and selectively created and nurtured. They feel that they possess a certain level of ownership towards those songs and therefore object to any breach of that connection through covering. Even monetary gain for a singer would not seem to justify the breach of that attachment, as this artist indicated:

³⁶ Interview with P3.

³⁷ Interview with P4.

My songs can be sung by anyone in this world. Because they are my fans. I have sung other artists' songs for pleasure. But never on stage for pay. I am against artists who cover songs for monetary gain. It is wrong... If I wish to make a cover song of Maestro Amaradeva, I will have to trace all copyright owners to obtain permission. Why would one go through all that hassle when they can make their own songs? Initial rendition is the best. It is the foundation of that song. I am strongly against covering even if it ensures payment for the initial artist.³⁸

Thus this vocalist maintains a strong sense of attachment with the songs they initially performed, and objects to any appropriation of such songs through covering. For singers, it seems that covering breaches that all-important connection they created and maintained with the songs they initially performed, as they believe that the cover artist creates a new connection, replacing the initial attachment.

This relationship of belonging between the singer and the song sometimes, as discussed earlier in this section, seems to commence even before the song is written, as the initial idea for the song may only be in the mind of the singer. The vocalist then, as discussed above, makes an effort to carefully select the best lyricist and the best composer who can do justice to the song that he/she needs creating. The involvement in this process at a personal level and the important creative decision-making by a singer inevitably creates an emotional attachment to the song that is ultimately conveyed to the viewers through the singer's rendition. Such attachment, as some academics argue, can be about feeling a sense of belonging.³⁹ This may be why

³⁸ Interview with P14.

³⁹S Keenan, 'Subversive Property: Law and the Production of Spaces of Belonging' (PhD Thesis, University of Kent 2010) 19; D Cooper, *Governing Out of Order: Space, Law and the Politics of Belonging* (Rivers Oram Press 1988) 16; E Grabham, "'Flagging" the Skin: Corporeal Nationalism and

the vocalists refuse to feel disconnected from their base songs as a result of covering. In the Sri Lankan singers' situation, belonging seems like an ongoing relationship between a singer and a song they work on, in order to introduce and deliver it in the most artistic way to music listeners, in each of their renditions. Thus, for singers, the base songs they performed belong to them. That is where those songs belong. That is their proper place. That is where they fit: with that particular singer.

Nevertheless, such a relationship of belonging does not have room within copyright law and PRR, where all the property rights of a song are recognised and exclusively awarded to the authors. Such selective foundations of property rights under copyright law do not allow an alternative narrative of a singer's belonging to be registered within this regime. While copyright law recognizes the lyric writer and the composer as owners/copyright holders of a song, PRR is limited in recognising only the vocal renditions of a singer, that is the connection between the singer and the rendition but fails to acknowledge the singers attachment to the song. As a result, under copyright law, it is acceptable to replace the singer and, along with her, the rendition from a particular song but not the authors. This ignores the aesthetic and emotional relationship of belonging that the singers engender with their base songs. Thus the copyright law and PRR are unable to recognise the singers' relationship of belonging with a song and, accordingly, be able to address the cover versions problem for singers in Sri Lanka.

the Properties of Belonging' (2009) 15(1) *Body and Society* 63; Nira Yuval-Davis, Kalpana Kannabiran and Ulrike M Vieten, 'Introduction' in Nira Yuval-Davis, Kalpana Kannabiran and Ulrike M. Vieten (eds), *The Situated Politics of Belonging* (Sage 2006) 2.

Loss of Revenue

The next theme regarding covering, the remuneration, is raised by the majority of the vocalists interviewed. Some interviewees indicated that new performers get contracted to perform cover versions for media companies and, more importantly, at live shows, both locally and internationally, and, as a result, the initial singer sits at home losing out on his/her potential income.⁴⁰ In a small musical industry, where performers are predominantly vocalists rather than singer-songwriters, and the majority of them with a limited musical repertoire,⁴¹ such competition could result in a significant loss of opportunity to perform at live shows, where the vocalists gain a substantial proportion of their revenue.

Sometimes the initial vocalist has to compete with cover performers.⁴² As one vocalist stated:

There was a group of singers going for an overseas show. There were established artists as well as newcomers. There had been a certain new performer, who makes cover versions of an established senior artist, and they were both going for the same show. The new artist had told the senior artist, while on the plane on their way to an overseas musical show, that she was planning on singing some of the senior artist's songs and therefore asked her not to sing them. The senior artist had got very angry with her and

⁴⁰ Interviews with P14 and P3.

⁴¹ 'WIPO Report Based on Consultation with Stakeholders and Detailed Examination of Current Copyright and Related Rights Protection System in Sri Lanka' (World Intellectual Property Organisation February 2009); Interview with P13.

⁴² Interview with P11.

basically asked her to get lost. Those are her [veteran artist's] songs, no?

How dare these newcomers say things like that?⁴³

This incident shows that the initial performer may be required to compete with a new and younger performer, who sings versions of the songs that the initial performer performs.

On another level, as some participants pointed out, new artists have managed to earn significantly more by covering the base songs that have been performed by a senior artist for decades.⁴⁴ As one of the participants explained:

One of the new singers who became popular through a singing competition by performing a particular prominent artist's songs, even after winning the competition continued to sing songs of that prominent artist.[The new singer's voice resembled the voice of the prominent artist.]I heard that while the prominent artist charged Rs.5000/- for a performance, the new artist charged about Rs.40,000/- to cover the same songs. Still the new artist managed to get more offers to perform. The prominent artist was not pleased.⁴⁵

The practice of cover versions therefore seems to have negatively affected the income generation of certain vocalists whose base songs have now been covered. Accordingly, the concern of cover versions has created significant animosity among vocalists in Sri Lanka.

As noted earlier, the emergence of media-backed national singing competitions has somewhat challenged the settled industrial practice relating to covering, where the

⁴³ Interview with P11.

⁴⁴ Interviews with P8 and P14.

⁴⁵ Interview with P14.

finalists in these competitions carry on performing covers even after the competition has ended. This situation seems to have had an impact on the wider music industry and covering, as more artists now attempt to try out covering than before. Nevertheless, the displeasure towards it does not seem to have subsided yet.

As this discussion reveals, the practice of cover versions affects the artists in the music industry in various different ways, which can predominantly be seen as relating to broader themes of belonging and remuneration. The ultimate concern, however, is whether the Sri Lankan copyright law and PRR take such differing impacts and concerns into account in their provisions.

Conclusion

Under the Sri Lankan IP Act, cover versions can be authorised by the copyright owner, along with various other economic rights granted under the Act. The copyright owners may not necessarily be the authors; most often they will be the recording companies, as the tendency is to transfer all the rights of the authors to the recording companies. In light of the lack of a proper royalty scheme and the recording companies obtaining rights over the songs, authors in Sri Lanka do not derive any remuneration from cover versions. Vocalists, who are significantly restricted in terms of their revenue as a result of the practice of cover versions, are a concern that seems to have been overlooked by the copyright regime and PRR. On the same vein, issues surrounding the justifiability of removing the opportunity that these once-performed songs provide the budding performer, as well as hindering the audience's opportunity to enjoy the reinterpretations of base songs, make the cover issue an even more difficult dilemma to resolve.

In conclusion, I wish to make a recommendation for a potential solution for the cover issue. In this regard, I believe an appropriately drafted contract between the authors and the initial singer would be helpful and beneficial to both parties concerned. While a contract may not go against the existing copyright laws by preventing covering completely when the authors are willing to provide licenses, considering the underlining reasons for vocalists' disapproval, perhaps such a contract could have a clause where covering could be limited for a reasonable period of time, which would allow the initial vocalists the opportunity to exclusively perform the songs (maintain belonging) and generate revenue (remuneration) during that period. While this would still mean that the authors' entitlement under copyright law is restricted for that period, considering the fact that many authors were significantly under remunerated for many decades, ensuring a remuneration share from each performance of their songs would perhaps, make the situation more agreeable for them.