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Please cite this publication as follows:

Nanayakkara, G. (2016) Hello... it's the singers from the other side: Sinhala Singers' Performers' rights dream. New IP Lawyers Blog.

Link to official URL (if available):

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Hello... It's the Singers from the Other Side: Sinhala Singers' Performers' Rights Dream

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March 2016

Performers, as a group of entertainers, have struggled to be accepted as creators within the intellectual property rights regime. The proprietary approach under intellectual property law, which makes it essential to decide 'who gets what' in a creative work, made the process of identifying what performers get a difficult task to accomplish.

Although performers can be one of the strongest mediums through which an author's literary work can reach a wider audience, the essentially temporal nature of performers' renditions, in a regime that demands the tangibility of a work, has differentiated their creative input from the creativity of the authors and relegated them to a secondary position in the creative hierarchy.

Nevertheless, during a case study carried out into the Sri Lankan music industry a few years ago, it was found that the PRR, as developed internationally, is predicated on a particular understanding of the role of performers and their relationships within the music industry but it is inconsistent with the Sinhala vocalists' position in the local music industry.

Although PRR aims to improve the economic position of those performers whose work can be audio-recorded and reproduced, due to the distinctive situation in the local music industry, the national PRR fails to deliver the improved economic security that Sinhala singers had sought.

They expected the PRR to restrict covering of their songs by others. Although covering is not a practice that is completely alien to Sri Lanka, given its commercial

music industry was founded on mimicked Indian melodies, covering Sinhala songs is significantly limited, frowned upon and resisted by many. The maintenance of such limitation can be due to the strong position the vocalists seem to have been given within the industry.

While various national and international influences have shaped the country's music, the manner in which the commercial music originated and later efforts to create their own music style coupled with the historical industrial practices, seemed to have an impact on carving out singers as individual artists and placing them at a financially better position than the authors in the industry. The transition from a cover-version era, where vocalists were accepted as the more creative and worthy artists in the process rather than the authors, to an era of Sinhala music and songs, does not seem to have affected the historical prominence the vocalists enjoyed. Thus, it seems to have made them, rather than the authors of the songs, the naturally entitled artists to accept/expect belonging to the songs they performed, therefore making them hesitant in accepting cover songs as an acceptable practice.

Although the local vocalists expected the PRR to create a legally secure position in the industry, the regime promoted by the PRR in effect places them lower in the creative hierarchy than the authors. It does not provide the singers with any entitlement relating to covering although it does to authors. Accordingly, it failed to deliver the improved economic security that Sinhala singers expected.