

Without Prejudice

THROUGH REGISTERED POST AD/EMAIL

Ref: IRM/Col/101

Date: 30.04.2024

To,
Sun Pictures,
Rep. by its Managing Director,
Murasoli Maran Towers
73, MRC Nagar Main Road,
MRC Nagar, Chennai - 600 028
Tamil Nadu, India.

Sub: Reg: Unauthorized usage and unauthorized alteration/modification/adaptation/distortion/mutilation of Musical Work and sound recording of Dr. Ilaiyaraaja;

Dear Sir/Madam,

We have been instructed by the legendary Creator, Music Composer, Padma Vibhushan recipient, Dr. Shri. Ilaiyaraaja, having his office at Ilaiyaraaja Studios, 137, Kodambakkam High Road, Chennai 600017 ("our Client") to write to you as under;

1. Our Client is famously known as Isaignani, Maestro Dr. Ilaiyaraaja, a legendary and celebrated creator and Music Director of Indian Cinema and an internationally recognized and acclaimed creator. It is an undisputed and established fact that he is the creator, author and first owner of all of his musical works of several thousands of film songs and background music scoring and compositions, in many languages in India since 1970's. He has a world record of composing the greatest number of film songs, penned lyrics and having sung songs in excess of 1000's in many languages which is unparallel and incomparable by any standards. The Works that he had created over the last 4.5 + decades (and still continue creating) obviously placed him among the world's top music composers of all time, by all critics

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and industry veterans. The Taste of Cinema web site, has positioned our Client at No. 9 in the global ranking of top 25 Film Composers ever.

2. You are aware and it is admitted fact that our Client, is the creator, author and the first owner of all of his original musical Work(s) and each of such original musical Works has been created on a principal to principal basis. As such, our Client is holding absolute right(s), including moral rights, over all his original musical Works. It is also a well-known fact that several broadcasters, public networks, producers and creators are using/publishing some of the original musical Works composed/created by our Client as part of their commercial ventures and projects and for commercial exploitation(s) with due authorization/permission and after effecting the royalty/license fee to our Client.
3. It is settled position of law under the statute and its rules that where a person is using an original musical Works of an author/creator/music composer for commercial benefit, exploitation and other business gains, and communicating to public in any other form other than in the form of cinematograph film, such person is legally obliged and bound to acquire necessary and appropriate permission/license from the author/ owner of such original musical Works, (i.e. our Client in the present case) for usage/adaptation of the original musical Works of our Client, and in the absence and failure of the same, such unauthorized usage/modification/adaptation without any license/permission from our Client, would amount to infringement and unauthorized usage of copyright of the original Work of our Client. Any violation in this regard is impermissible, unlawful and would attract appropriate legal actions by our Client including that of infringement.
4. Our Client is shocked, surprised and concerned to notice that you have, without obtaining to authorization and permission, exploited the musical work/song of our Client Disco, Disco portion of the vaa vaa pakkam vaa" song from the Tamil cinematography film 'Thanga Magan' and used the portion of the song which would also amount to distorted version of the musical work, in your cinematography film "Coolie" without obtaining proper consent/permission of or payment of royalty fee from our Client for the usage of the original/adapted/modified/alterd version. You may also please take note that our Client has never been approached and obtained any



permission or consent, either expressly or impliedly, for using original musical Work in the teaser of your cinematography film "Coolie" as could evidently be seen from the teaser of the film and are widely reported as well.

5. While our Client preserves all his statutorily protected right, it is pertinent to mention and bring to your attention that the director of this cinematography film "Coolie" have been repeatedly indulging in unauthorized exploitation/usage of the musical works of our Client intentionally. Some of the musical works of our Client have been exploited without authorization in his earlier films namely 'Vikram-2' (song-'vikram vikram..'), 'Fight Club' (song-'en jodi manja kuruvi..') and now in the upcoming cinematography film 'Coolie', all without payment of consent and/or royalty or license fee of any nature, knowing very well, that our Client has not authorized any person/entity including that of Sony or IPRS and that our Client is directly collecting the royalty/licensee fee for him and that is prejudicial to his reputation and original creations.
6. Our Client being the creator, author and original owner of all of his original musical work "vaa vaa pakkam vaa" song, is holding all the legal, moral and special rights over his original musical Works and in so far as the sound recording is concerned, the legal issue is *sub-judice* and pending for final adjudication. As such, our Client has preserved and continue to preserve the right to initiate appropriate legal actions for such improper and unauthorized modification/alteration/adaptation/distortion of his original musical Works of our Client in the said cinematography film.
7. It is a well settled position of law that the Copyright Act, 1957, (as amended from time to time) protects and guarantees the rights of the author/original owner/musical composer/producer and does not permit and authorize an original musical Work being altered/modified/distorted/adapted in any form by any third party without the specific consent. Pertinently, such original musical Works cannot be altered/modified/adapted/distorted without the express consent of the author of the original musical work and without payment of due consideration for such modification/alteration/adaption and as a result, unduly enriching commercially and gaining publicity.



..4..


Therefore, you are hereby called upon to either obtain proper permission/consent from our Client for utilizing the distorted/remastered (version) portion of the song "Disco, Disco" of "vaa vaa pakkam vaa" or to remove the said musical work from your upcoming movie 'Coolie' failing which our Client preserves and shall be constrained to initiate appropriate legal actions under the relevant statutes, holding you liable for all the costs and consequences arising thereof. Our Client shall also be constrained to treat your actions as intentional breach of his valuable rights and to seek urgent remedies, civil and criminal, against each of the party indulging in such willful infringement and/or abetting infringement of our Client's rights under the Copyright Act, 1957.

Copy of this notice has been retained by our offices for record purposes and for further actions.

All the lawful rights and remedies of our Client are expressly reserved.

Regards,

For MATHS LAW ASSOCIYATES


K. Thyagarajan
(Partner)