

# Sale Price of all Indian authors and publishers put together = 1 plane ticket

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## (An open letter to all Indian authors and publishers)

*by Siddharth Arya*

The foreign copyright societies of the UK, US, Australia, and Canada have in their possession, money belonging to Indian authors and publishers. These foreign copyright societies have to pay this money, amounting to millions of dollars, to various Indian authors and publishers.

The Publishers Association, a group of few large foreign publishers, which indirectly and unethically controls the copyright societies of these four countries, is hatching a conspiracy with a few corrupt office bearers of the copyright society of India – IRRO. These Indian gentlemen are secretly going to sign an illegal agreement, under which the foreign publishers will pay this money illegally to benefit the corrupt office bearers of the Indian copyright society. Incidentally, these Indian office bearers are occupying the offices illegally. The foreign publishers are doing this as a consideration in order to gain illegal control of the Indian copyright society, and thereby have monopolistic control over the interests of all Indian authors and publishers, nationally.

### **How is this possible?**

- Three publishers have controlled the Indian copyright society, illegally, for the last 10 years.
- They have been able to do this by ensuring the following:
  - Keeping members and the larger industry completely in the dark.
  - Restricting the number of members. (In a publishing industry as large as India's, the sole copyright society, which has existed for 10 years, has only 115 members. Almost the same number as the day it was formed.)
  - They make all decisions in small private meetings. Thereafter, they craftily present the conclusions to the rest of the board, in the apparent best interest of the community.
  - A few members who create dissent from time to time around upcoming elections, are offered other positions on the board and pacified.
  - Authors, for whom copyright societies are primarily created, have been completely sidelined. In addition, there is not a single woman on the board.
- Of these gentlemen, Mr. Shakti Malik has remained the Treasurer, and Mr. Anand Bhushan the Secretary General -- for the last 10 years. This year when they saw that they could not get away with their unethical political fixing, they have not allowed elections to take place at all. This is in complete violation of the rules and regulations and the memorandum of the society – in effect making them illegal occupants of their respective offices.
- Mr. Malik, who is 74 years old, and himself confesses that he cannot hear or understand anything which is said in international conferences, has been undertaking institutionally

sponsored foreign trips every year, for the last five years and longer. His numerous foreign trips have never resulted in anything tangible -- at least for the organisation. However, he does have the benefit of making almost free his annual visits to the Frankfurt Book Fair.

- Mr. Malik is the happiest person in the world when he can extract anything out of anyone for free -- no matter what the collateral damage. In 2010, he has agreed to sign away national interest of all Indian authors and publishers, permanently, for a sponsored trip to Boston, Massachusetts in the USA. A threadbare examination of e-mails exchanged between the FIP office and the copyright society of the UK, and the Publisher's Association -- will easily establish this.
- The third and senior most office bearer of the Indian copyright society -- has known personal business interests with foreign publishers, and is well known in the circle for passing on confidential information to foreign publishers, since before the IRRO was even established.
- These are the same gentlemen who have also controlled the Federation of Indian Publishers (FIP) for more than a decade.

### **What is IRRO?**

- If you are an Indian author or publisher -- and you do not know the answer, you have Mr. Shakti Malik and Mr. Anand Bhushan to thank for your ignorance or disinterest. It has been their relentless effort in the last 10 years at keeping the IRRO to themselves, which has made this possible.
- A copyright society for authors and publishers, also known as an RRO (reprographic rights organisation) -- is an international concept, whereby a national body is formed by authors and publishers, and is given statutory recognition by the government under national law and international treaties.
- This body collects royalties from everyone including educational institutions, corporate bodies, photocopy shops, and anyone else who does photocopying, scanning, digital storage etc of copyrighted material of authors and publishers of that country and all over the world.
- The copyright society of a country enters into a one on one bilateral agreement with each copyright society of every respective foreign country.
- Out of the royalty collections made by the copyright society from its own country, whatever is attributable to its own authors and publishers -- is distributed directly, and whatever is attributable to foreign authors and publishers is repatriated to the respective copyright society of those respective countries. The foreign copyright societies in turn, distribute the royalties received from foreign copyright societies to its members.
- The FIP and the Authors Guild of India (AGI) came together to form the copyright society for India -- the Indian Reprographic Rights Organisation (IRRO) in 2000.
- The activities and the composition of the board of IRRO over the last 10 years have made it obvious that the FIP did not associate with the Authors Guild of India for constructive collaboration, but only to gain credibility and to procure a grant of statutory status as a copyright society by the Government of India under the Copyright Act, 1957.
- For seven years, IRRO did nothing. They did not know what to do.
- Of course, Mr. Shakti Malik travelled to various conferences all over the world -- at the institution's expense.

- In 2007, IRRO approached O.D. Consultants Pvt. Ltd. (ODC), India's only service provider organisation with expertise of running copyright societies -- to take over licensing operations of IRRO. IRRO said they have no money, no knowledge, no idea, and no resources. So the only compensation that IRRO could give ODC was a long-term contract and a percentage of the revenue collected.
- Since there was absolutely nothing in IRRO at that time, except a Certificate from Government of India, ODC set about creating everything including awareness and infrastructure from scratch.
- IRRO was an impossible project. It was flat broke, clueless, resource-less, without leadership and direction.
- Each expense, which has lead to anything tangible or relevant to IRRO, every penny -- ODC has spent from its own pockets. Those who are familiar with even the basics of the business world -- know that no vendor/service provider will ever invest a single penny from its own pocket -- into the business (dead or alive) of a private association.
- After losing more than one and a half crores into the IRRO project, ODC has been paid a grand total of less than Rs.90,000 (including everything) till date by IRRO -- that too as a percentage of revenues of more than Rs.8 Lacs collected by ODC for IRRO from India and abroad.
- For a list of ODC's achievements for IRRO and problems faced, please visit <http://www.odgov.com/irrofiles.html>. These are abridged lists of ODC's achievements at building the credentials, brand, image, and awareness of IRRO. Multiple members of the ODC team have made countless other endeavours on a day-to-day basis over the last three years.
- ODC's team has put in more than 40,000 working hours in the IRRO project. This is just the time put in by the core IRRO project team, excluding time put in by members of other teams, associates, and vendors of ODC. More than 4,000 hours of my personal time has gone into the IRRO project.
- These were despite that ODC's contractual liability is only licensing, and bilateral agreements, nothing else.

### **Selling out Indian authors and publishers:**

- The history of global cartelisation of publishing by a handful of multinational companies is well established. In India, this cartel of foreign publishers is blatantly imperialistic in their behaviour in every sense, especially in the last 10 years. An in-depth investigation into specific behaviour indulged into by them, clearly mirrors those of the East India Company.
- After two years of working, ODC discovered fundamental obstructions in IRRO's legal and business situation. The foreign publisher community in India and UK, which sought to monopolise India's copyright society, had created these obstructions. The obstructions created by them were twofold -- a litigation against recognition of IRRO in India, and obstructing signing of bilateral agreements between IRRO and the copyright societies of four countries -- US, UK, Australia, and Canada. They were able to prevent these agreements, illegally, because they already controlled the copyright societies of these four countries -- in the same way they sought to control the copyright society of India.
- The IRRO board members, who signed the contract with ODC in 2007, knew of these obstructions at the time of signing the contract, but kept silent, and deliberately concealed

these facts from ODC, knowing that no organisation like ODC would take up IRRO's work with knowledge of these flaws.

- To correct these flaws proactively, ODC initiated signing an out-of-court settlement between IRRO and foreign publishers to end the litigation by foreign publishers against IRRO.
- Over the course of negotiations of the terms of the settlement, ODC realised that the foreign publishers are least interested in the effective working of IRRO, and were only interested in ensuring that they controlled it, so that they can protect their monopoly over the book sales business.
- Accordingly, ODC recommended that a settlement was not possible with foreign publishers in view of their nefarious designs to undermine the rights and dues of Indian authors and publishers, to the IRRO board in late 2009.
- Immediately thereafter, the foreign publishers cut off contact with ODC, and threatened to get their way through "other ways."
- In July 2010, out of the blue, Mr. Shakti Malik and Mr. Anand Bhushan started sending concocted letters purporting to terminate contract with ODC. Apart from being full of illegalities, criminal intent, false claims, and lies -- these letters depicted complete lack of competence and imagination even in their falsehoods, in fact they were quite comical.
- On enquiring about the desperation, content and timing of these letters -- ODC found out, as it had already predicted in March 2010, that these 2 or 3 people were doing all this to clear the way for the IRRO and the Association of Foreign Publishers to sign the illegal agreement mentioned in the beginning of this document.
- ODC is not concerned with the bumbling antics of these two gentlemen. Our work and achievements are on record, and our contract provides us with sufficient protection from criminal endeavours like these. We are in the process of filing civil and criminal complaints in appropriate courts of law, against these two gentlemen, and we will do our best to bring them to their logical conclusions.

However, that is not the point of this letter.

- The point is that if any professional community does not stay active, aware, and involved in the nitty-gritty of its varied activities -- of which it is the only beneficiary, then no one can protect them from being taken for a ride.
- The world today is full of ignorant, self-important, manipulative exploiters like the Shakti Maliks and Anand Bhushans, and monopolisers like the association of foreign publishers, and people like CEO of the UK's copyright society and the International Director of the foreign Publisher's Association, who are eager to do anything unethical at the bidding of their masters.
- If you do not watch out for yourself, no one else will.
- We did our best to save Indian copyright owners from the Google Book Settlement earlier this year.
- Now, this time, ODC has brought this upcoming illegal agreement to your notice, because we worked very passionately, innovatively, and creatively for IRRO for 3 years and do not want to see our work of more than 40,000 hours go to waste. That too for one plane ticket for Boston – (economy class, to the best of our knowledge).

We are taking this initiative of informing as many Indian authors and publishers as they can, because we are sure they are unaware of these developments; and their so-called leaders are taking their trust and faith for a ride by selling their basic interests to a cartel of foreign publishers.

Why are we doing this at the obvious risk of mudslinging that is sure to follow?

Because all too often, many of us tend to put our petty interests first, and in our cowardice let our society sink into the gutter. Someone needs to openly point to culprits as culprits, and do the right thing, even if it is not 'productive' or 'relevant' to one's personal interests.

It is all of you who have to take action collectively -- to protect your own interests and put up a united effort to oppose all this.

**As an Indian author or publisher, YOU immediately need to do the following:**

- Become a member of the IRRO:
  - Go to the IRRO website at [www.irro.in](http://www.irro.in), go to the membership page at <http://www.irro.in/membership.php> and fill out the membership form as instructed, to become a member of IRRO.
- Call an emergency General Body meeting.
- Coordinate with us at 9811664040 or [info@irro.in](mailto:info@irro.in) and call an emergency general body meeting, to organise free and fair elections of the society.
- Hold elections -- which are long overdue since November 2009, and are allowing these office bearers to extend their tenure illegally.
- Elect deserving leaders (L-E-A-D-E-R-S).
- Hold an enquiry into all wrong doings including correspondence relating to signing of this illegal agreement with foreign publishers.
- Throw out members found to be working against interests of Indian authors and publishers – as per rules and regulations of the society.
- Hold an enquiry into the specific details of work done or not done by ODC (us).
- Throw out ODC if found to be in breach of contract – as per the terms and conditions of the contract. On the other hand, if you like what we have done, collaborate with us to promote IRRO and the interests of Indian authors and publishers.

**Long Term:**

- Stay involved.
- Stay aware.
- Recognise – why such people are openly able to get away with criminal behaviour for so long – because YOU do not bother to find out 'specific details' / get to the bottom of things.
- Make the effort to read, learn, and understand the important issues that affect your livelihood as an author or publisher.

If you cannot even be bothered to do that, then you deserve the Shakti Maliks of the world.

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*(The author believes that copyright stands for something.)*