



## Review Article

ICFFL Goa Conference|2025

## Stadium to Screen: Understanding the Complexities of Live Event Broadcasting Rights.

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## Article History

Received: 01.07.2025

Accepted: 20.08.2025

Published: 25.09.2025

## Citation

Braganza, S. J. (2025). Stadium to Screen: Understanding the Complexities of Live Event Broadcasting Rights. Goa Conference 2025 Fit for Life: Empowering Youth Through Physical Education, Sports and Traditional Sports. *Indiana Journal of Agriculture and Life Sciences*, 32-37. Indiana Publications.

**Abstract:** Technology stands evolving at a fast pace, so also is today's lifestyle. No time does not equal to No Passion towards sports. However, the nature of sports information is such that it is time sensitive in nature. It is moment by moment information in reference to ball-by-ball score updates and match alerts. Catering to needs of time starved viewers is 'Real time information' provided by broadcasting organisations of a sport event. Access to "Quick information" or "LIVE" is what technology has ingrained across all sports lovers. Entering this realm of 'real time information' or almost "live" sports information along with broadcasting channels are mobile notifications.

The applicable question that surfaces is, does dissemination of sports information by service providers through live score cards, match updates and score alerts via Short Messaging Service (SMS)/Mobile Value-Added Services (MVAS), without the consent of broadcasting channels constitute free riding or reaping what you've not sowed?

As innovations in technology bring forth live events closer to fulfilling the public right of availing information in the shortest span of time. The Paradigm of "LIVE" in context of sports events keeps shifting and warrant deliberations

This Research article through qualitative analysis examines the intricacies of "Mobile Rights" and "Mobile Activation Rights" through examination of international conventions, Copyright statutes, Indian case laws and archival documents to reveal whether "Live" is really "live"? Consequently, this article examines landmark judgments by Indian courts to answer the question as to what extent live would be within the purview of fair dealing? The paper concludes by proposing a framework for navigating through the complexities of live event broadcasting rights and cooperation among the three stakeholders the broadcasting channels, the government and ultimately the viewers.

**Keywords:** Broadcasting channels, Technology, Live, Fair dealing, Free Riding, Intellectual property rights

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## INTRODUCTION

The Indian sports broadcasting industry has witnessed significant growth in recent years driven by the increasing popularity of sports such as cricket, football, and tennis. Simultaneously the proliferation of mobile devices has enabled sports enthusiasts to access live scores, match updates, and score alerts in real-time. The advent of technology has revolutionized the way sports enthusiasts consume live events. This advancement of technology of mobile devices, providing real-time information has become the norm. However, this raises critical questions about the ownership and dissemination of live sports content. This research article navigates through the complexities of live sports broadcasting rights in India by employing a qualitative analysis to examine the intricacies of "Mobile Rights" and "live streaming" through a review of international conventions, copyright statutes, Indian case laws and technological advancements.

## What is broadcasting?

Broadcasting rights refer to the legal permissions granted to broadcast, transmit, or re-transmit audio visual content, such as sports events, movies, TV shows, or live performances to the public through various media platforms.

Key aspects of Broadcasting Rights is that primarily it offers Exclusivity, meaning only one broadcaster has the right to transmit the content. Secondly it is Territory based, where in broadcasting rights are typically limited to specific geographic territories. Thirdly it is time specific. Broadcasting rights have a specific duration, after which they may need to be renewed. As per Indian broadcasting laws a broadcasting organisation has rights over an event for fifty years. And lastly Broadcasting rights may be limited to specific formats, such as high-definition (HD) or standard-definition (SD).

Broadcasting rights are acquired through various means such as Licensing agreements where Rights holders grant licenses to broadcasters to transmit content. Auctions in modern times more so with sports events are also a popular means of acquiring broadcasting rights where in Broadcasting rights are sold to the highest bidder. Broadcasters may also negotiate directly with rights holders to acquire broadcasting rights.

Broadcasting rights play a crucial role in sports industry, it is a significant source of generating revenue

for rights holders and broadcasters. Broadcasting rights also determine how and where content is distributed thus having control over content distribution. Ultimately leading to Influence consumer access access to content, including sports events, movies, and TV shows.

Entering the market and overtaking the traditional televisions as means of broadcasting is the growth of smartphones and mobile apps. Live game notifications have become increasingly popular among sports fans. These notifications are potentially affecting the broadcasting rights of sports television channels for numerous merits they uphold.

Mobile apps provide real-time updates on live games, including scores, goals, and other crucial events. This reduces the need for fans to watch the game on television, potentially affecting viewership numbers and advertising revenue.

Not everyone has time but for sure all have a passion that never dies for sports Many mobile apps offer highlight clips of key moments in the game. While these clips are usually short, they still reduce the incentive for fans to watch the full game on television.

Mobile notifications also drive traffic to alternative platforms, such as social media, online streaming services, or sports websites. This further fragment the audience and reduces the dominance of traditional television channels. A decreased viewership directly leads to lower advertising revenue, making it challenging for television channels to justify the cost of broadcasting rights.

### **Legalities of broadcasting rights**

The concept of "live" sports broadcasting is complex and has been the subject of numerous court cases in India. The Indian Copyright Act, 1957, grants exclusive rights to broadcasters to transmit live sports events. However, the Act does not explicitly address the issue of mobile rights and mobile activation rights.

The Indian Copyright Act, 1957, grants exclusive rights to broadcasters to transmit live sports events through several sections. Section 37 states that the broadcaster have the exclusive right to broadcast a literary, dramatic, musical, or artistic work, including a sports event. It defines broadcasting as "the transmission of a work, whether by wire or wireless means, for the public reception of the work."

Section 37(3) grants the broadcaster the exclusive right to Broadcast a work, including a sports event, rebroadcast a work, including a sports event, cause a work, including a sports event, to be transmitted to subscribers of a diffusion service

Furthering the rights Section 39 extends the exclusive rights of broadcasters to television broadcasts,

including live sports events. It states that the broadcaster has the exclusive right to Broadcast a television broadcast, including a sports event, rebroadcast a television broadcast, including a sports event, cause a television broadcast, including a sports event, to be transmitted to subscribers of a diffusion service.

In context to the research article pertaining to Infringement of Copyright, Section 51 states that copyright stands infringed when a person, without the permission of the copyright owner, does any of the acts mentioned in Section 51. This includes broadcasting a work, including a sports event, without the permission of the copyright owner.

The Indian Copyright Act, 1957, and its various amendments have always provided a robust framework for protecting the exclusive rights of broadcasters to transmit live sports events. Yet technological advancements override the rights of broadcasters. The modern broadcasting world scenario stands at a point of reaping what one has not sowed for or in legal terms free riding at the cost of broadcasting rights.

### **Understanding free riding**

The provision of live scorecards, match updates, and score alerts via mobile notifications by service providers, without the consent of broadcasting channels, constitutes free riding. The Indian courts have consistently held that the exclusive rights granted to broadcasters under the Indian Copyright Act, 1957, extend to mobile transmission. However, there is a need for cooperation among broadcasting channels, governments, and viewers to ensure that live sports content is accessible to all.

The Bombay High court in 2006 in *Board of Control for Cricket in India (BCCI) vs. Zee Telefilms Limited* held that the BCCI has the exclusive right to broadcast live cricket matches, including on mobile devices. The court ruled that the BCCI's rights under the Indian Copyright Act, 1957, supersede any rights claimed by mobile service providers.

Almost a decade later in the year 2014. in the case of *Star India Private Limited vs. Pinnacle Sports* the Delhi High Court held that the transmission of live sports events on mobile devices constitutes copyright infringement. The court ruled that the exclusive rights granted to broadcasters under the Indian Copyright Act, 1957, extend to mobile transmission.

The debate surrounding the ideal time gap for mobile notifications of sports events in India has sparked intense discussion. On one hand, real-time updates are considered essential for engaging fans who cannot watch the event live. On the other hand, ball-by-ball updates in real-time have been deemed to constitute copyright infringement by courts time and again. The need of the

hour is to overcome the time gap conundrum and balance real-time updates with copyright infringement.

### **To what extent live is live**

With the rapid evolution of technology and lifestyle, people's viewing habits have changed dramatically. Many fans cannot watch sports events in real-time due to various constraints. To cater to this huge demographic, broadcasting organizations provide real-time information, enabling fans to stay updated and connected to the sport event.

In today's fast-paced world, access to quick information has become an essential aspect of daily life, transcending age groups. Technology has ingrained this need for instant updates, making it crucial for broadcasting organizations to strike a balance between providing real-time updates and respecting copyright laws. Broadcasting organizations must ensure that real-time updates do not infringe on copyright laws, potentially leading to legal repercussions.

Providing timely updates is crucial for engaging fans and maintaining their interest in the event. The rapid evolution of technology requires broadcasting organizations to adapt and innovate, finding new ways to deliver real-time information while respecting copyright laws. Ultimately, finding the perfect balance between real-time updates and copyright infringement is a complex challenge. Broadcasting organizations must navigate these competing interests to provide fans with the information they crave while respecting the intellectual property rights of event organizers.

Entering this realm of 'real time information' or almost "live" sports information along with broadcasting channels are mobile notifications. The two rights "Mobile Rights" and "Mobile Activation Rights" are bought from and exclusively assigned by the owner to broadcasting channels that have the rights over the sport event.

The applicable question that surfaces is, does dissemination of sports information by service providers through live score cards, match updates and score alerts via Short Messaging Service (SMS)/Mobile Value Added Services (MVAS), without the consent of broadcasting channels constitute free riding?

However, falling under the ambit of fair dealing there can be no restriction upon mobile notifications to report "noteworthy information of sports events". The judiciary upholds that, "The score of the match when in public domain and can be broadcasted by any channel as a part of its right to report current news and events.

The question that arises than is when does sport information enter into public domain?

The nature of sports information is such that it is time sensitive in nature. It is moment by moment information in reference to ball-by-ball score updates and match alerts. Expecting the entire event to enter into public domain at a specified time, after the entire even is over would be unfair to sports lovers. Thus information emanating from a sport event becomes freely available to public at different moments of time.

Parallels have to be drawn between the different facets of viewers, all cannot claim as a matter of right, access to contemporaneous score updates/match alerts. Those viewers buying tickets at the stadium or who are watching it live on TV pay a premium to get there. The rights of such viewers cannot be equated with recognizing the right to information of the general public to have score updates/match alerts at their convenience on mobile phones via SMS/MAS.

In the realm of such conflicting interests, it would be just and reasonable to make the general public wait, thus rights of two parties would be served. First the public who purchases the right to watch the event live and secondly the broadcasting channels who buy reproduction rights of communicating the event live on television to enable them to earn revenue from the said sport event.

*In Star India Pvt. Ltd. vs Piyush Aggarwal & Ors., 2013* The Delhi High court has held, Those who do not obtain a license from the broadcasting channel may not disseminate the score update/match alert before 15 minutes from the moment such score update/match alert is telecasted/broadcasted by the channel. The contemporaneous dissemination of score updates/match alerts, without payment, but encashing on the labour and expenditure of broadcasting channels would amount to free riding.

Various case laws have attempted to establish a reasonable time gap to avoid copyright infringement. In *Star India Private Limited vs. Pinnacle Sports (2014)* The Delhi High Court held that a delay of 10-15 minutes between the live event and mobile notifications would be considered reasonable. The court stated that this delay would allow the broadcaster to maintain its exclusive rights while also permitting mobile service providers to provide updates to their subscribers.

In the year 2013 in *World Sport Group (India) Private Limited vs. MSM Satellite (Singapore) Pte Limited*. The Delhi High Court held that a delay of 15-30 minutes would be considered reasonable for providing score updates. The court stated that this delay would allow the broadcaster to maintain its exclusive rights while also permitting mobile service providers to provide updates to their subscribers.

Once again the Delhi High court in *ESPN Software India Private Limited vs. Global Broadcast*

*News Limited (2012)* held that a delay of 10-15 minutes would be considered reasonable for providing score updates. However, the court stated that providing detailed commentary or ball-by-ball updates in real-time would constitute copyright infringement.

In the *Board of Control for Cricket in India (BCCI) vs. Zee Telefilms Limited* in the year 2006. The Bombay High Court held that a delay of 30 minutes to 1 hour would be considered reasonable. The court stated that this delay would allow the broadcaster to maintain its exclusive rights while also permitting mobile service providers to provide updates to their subscribers.

Moving south the Madras High court in the year 2002 in *Taj Television Limited vs. Raj Television Network Limited*. The Madras High Court held that a delay of 5-10 minutes would be considered reasonable. The court stated that this delay would allow the broadcaster to maintain its exclusive rights while also permitting mobile service providers to provide updates to their subscribers.

In summary of the various judgments the time gap to be maintained by mobile notifications of a sports event from the live event varies from 5-10 minutes to 30 minutes, depending on the specific circumstances of each case. However, providing detailed commentary or ball-by-ball updates in real-time is considered to constitute copyright infringement.

#### **Understanding the 15-to-30-minute gap rule**

A question that arises is as to why a time lag of only 15 minutes and not 2/3 minutes or 30 minutes or more?

If the time lag is 2/3 minutes, it would be more or less contemporaneous with the live telecast/broadcast of the match. If the time lag is 30 minutes or more, the information would become irrelevant, and it would deprive public of their right to information. But specifying a 15 minute lag ensures that mobile service providers are not providing ball-by-ball or minute-by-minute score updates/match alerts contemporaneously with respect to the live telecast/broadcast of Thus when mobile service providers publish the match information after it comes into public domain, the information arising from the match becomes a fact and stands to acquire the position of news falling within the safety net of "Fair dealing".

This analysis of Indian case laws reveals that courts have consistently held that the exclusive rights granted to broadcasters under the Indian Copyright Act, 1957, extend to mobile transmission. However, the courts have also recognized the need for cooperation among broadcasting channels, governments, and viewers to ensure that live sports content is accessible to all.

#### **Live Streaming Transforming the Broadcasting Landscape**

The tremendous growth of live streaming has revolutionized the way we consume content. offering numerous benefits and positives some key characteristic advantages of live streaming are that it primarily offers increased accessibility by being offered by many social media platforms and online services, making it easy for anyone to access live content. Secondly it offers real-time engagement providing instant interaction between broadcasters and their audiences, creating a more immersive and engaging experience. Additionally, it is also cost-effective since live streaming eliminates the need for expensive equipment and production costs, making it a cost-effective option for content creators. Most importantly it has a global reach enabling broadcasters to reach a global audience, breaking geographical barriers and increasing their reach. Live streaming platforms also offer niche content and targeted advertising, making them attractive to audiences and advertisers alike, and further increasing competition for traditional broadcasters.

Not only broadcasters but the most important of all stake holders the viewers secure benefits from live streaming by having access to exclusive content, such as behind-the-scenes footage, live Q&A sessions, and exclusive interviews. Live streaming also enables viewers to experience events in real-time, creating a more immersive and engaging experience. Viewers can also connect with others who share similar interests, building a sense of community and belonging. Many live streaming additionally platforms offer on-demand access to recorded content, enabling viewers to watch content at their convenience.

#### **Impact of Live Streaming on Traditional Broadcasting**

The rise of live streaming has transformed the media landscape, posing significant challenges to traditional broadcasting. The impact can be seen in three key areas: Decline in Traditional TV Viewing: Audiences are increasingly turning to online platforms for live content, leading to a decline in traditional TV viewing. Changing Viewer Habits: With the proliferation of smartphones and tablets, viewers can now access live content anywhere, anytime, further contributing to the decline of traditional TV viewing. Disruption of Traditional Revenue Streams: Online platforms have disrupted traditional broadcasting business models by offering new revenue streams, such as subscription-based services and targeted advertising.

Traditional broadcasters must adapt and diversify their revenue streams to remain competitive in the changing media landscape. The rise of live streaming platforms has increased competition for traditional broadcasters, making it challenging to retain audiences and attract new ones.

## Future of Live Streaming

The boundaries between traditional broadcasting and live streaming are increasingly blurring, paving the way for innovative and immersive experiences. Emerging technologies like Augmented Reality (AR), Virtual Reality (VR), and 5G networks will revolutionize the future of live streaming landscape.

Social VR platforms will enable fans to connect and watch live sports together in virtual environments, creating immersive and interactive experiences. Extended Reality (XR) technologies will become more prevalent, allowing for more immersive and interactive experiences. The roll out of 5G networks will enable faster data transfer rates, lower latency, and greater connectivity, paving the way for more immersive experiences.

As live streaming continues to evolve, it's clear that it will remain a dominant force in the broadcasting landscape. Its impact on traditional broadcasting will only continue to grow, driving innovation and transforming the way we experience live events. The rise of mobile notifications may prompt television channels to rethink their broadcasting models, potentially shifting towards more interactive approaches.

## CONCLUSION

The convergence of mobile notifications and live sports broadcasting has transformed the sports broadcasting landscape, prompting a reevaluation of traditional television broadcasting rights. This research emphasizes the urgent need for clear guidelines, collaborative frameworks, and innovative strategies to navigate this evolving ecosystem.

To adapt to shifting viewer habits, stakeholders including the Indian government, broadcasting channels, and mobile service providers must adopt proactive measures. Establishing clear guidelines, fostering partnerships, and developing innovative content delivery strategies will enable television channels to maintain relevance in the sports broadcasting industry.

Ultimately, embracing technological advancements and promoting collaboration among stakeholders is crucial for striking a balance between the interests of television channels, mobile service providers, and sports enthusiasts. By doing so, the Indian sports broadcasting industry can continue to thrive, delivering captivating experiences for fans while safeguarding broadcasters' rights.

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