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**A TAPESTRY REWOVEN: UNVEILING THE GENDERED THREADS OF
MODERN INDIA**

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ABSTRACT

In the complex narrative of India's gender equality, a tapestry woven with ancient traditions and contemporary ambitions unfolds. Despite strides made by women in various domains, subtle barriers persist, intricately crafted from cultural and traditional threads. This research project meticulously dissects these threads, unraveling the constraints and charting pathways towards a more inclusive future. India, steeped in a rich cultural heritage, grapples with traditions that, while culturally significant, pose limitations when viewed through a gendered lens. The pervasive notion of "ideal womanhood," defined by submissiveness and domesticity, erects unseen barriers hindering women from pursuing careers, engaging in public life, or making independent choices. Traditional patriarchal structures further consolidate power in male hands, leaving women with restricted agency.

However, amidst this seemingly static tapestry, a silent revolution is underway. Women across India are challenging cultural norms, breaking free from traditional constraints, and advocating for an equal societal space. This manifests in various forms: female entrepreneurs defying business stereotypes, artists using their craft to challenge societal norms, grassroots activists championing women's educational and economic opportunities, and young girls fearlessly pursuing dreams in traditionally male-dominated fields. This research project seeks to contribute to this transformative momentum by spotlighting the nuanced dimensions of gender inequality in India. Employing a blend of quantitative and qualitative research methods, the project explores diverse women's lived experiences, analyzes perpetuating cultural factors, and identifies socio-economic catalysts for change. Beyond critique, the project aspires to provide actionable insights for informing policy interventions, empowering communities, and inspiring collective efforts to reweave India's social fabric.

Keywords: India, Gender Equality, Cultural traditions, Women empowerment.

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INTRODUCTION

This research investigation provides a critical examination of gender imbalances in the realm of intellectual property (IP) rights, with a specific focus on their repercussions for the involvement of women in creative professions, notably within the domains of film and music. The exploration unfolds against the backdrop of the significance of intellectual property rights in safeguarding the interests of creators and innovators, revealing the challenges that hinder women from attaining rightful acknowledgment and financial remuneration for their creative endeavors. The central objective of the paper is to unearth the fundamental causes behind these imbalances, encompassing societal and cultural influences that perpetuate gender stereotypes and discriminatory practices. The impediments encountered by women in the pursuit of intellectual property rights are manifold, encompassing intricate issues like negotiating the legal system, restricted access to resources, and information disparities. The paper meticulously investigates specific challenges related to copyright, patents, and trademarks, shedding light on the obstacles impeding women's capacity to safeguard and capitalize on their creative outputs.

The inquiry extends beyond individual challenges to scrutinize the broader repercussions of these imbalances on women's representation in creative sectors and the overarching economy, accentuating the imperative for systemic reform. The research underscores the potential for progress and empowerment upon the rectification of these disparities. It advocates for heightened female participation in creative industries as a conduit for cultivating more varied and inclusive creative outputs, thereby fostering innovation and enhanced financial outcomes. Additionally, the paper draws connections between the filmmaking process and IP rights, scrutinizing the interplay between women's engagement and rights in the film industry. Similarly, it probes into the involvement of women in the music domain concerning IP rights, offering a holistic comprehension of gender dynamics within creative professions. The paper accentuates the economic advantages of redressing gender imbalances in intellectual property rights, referencing studies that highlight the correlation between gender diversity in creative teams and heightened innovation and economic prosperity. This research contribution offers a profound analysis of the obstacles and prospects for women engaged in creative professions concerning intellectual property rights. By dissecting the repercussions of gender imbalances, suggesting potential remedies, and underscoring the economic dividends of gender equity in creative sectors, the paper aspires to cultivate a more just and inclusive milieu. Ultimately, the research harbors the potential to guide policy making and contribute to a positive

metamorphosis in the landscape of intellectual property rights and women's involvement in creative professions.

THE UNFAIR GAME: HOW IP LAWS AND INDUSTRY DYNAMICS DISEMPOWER WOMEN IN THE FILM INDUSTRY UNDERMINE THEIR CREATIVE AGENCY AND RECOGNITION IN FILM

The filmic domain, constituting a substantial demographic swath of the cinema-going populace³, continues to grapple with pronounced gender-based incongruities. An analysis of the most fiscally lucrative films of 2019 unveils a glaring paucity, with women occupying a mere 10.7% of directorial roles, 19.4% of writer positions, 24.3% of producer designations, and a paltry 6% of cinematographic duties⁴. A protracted scrutiny spanning from 1990 to 2018 across preeminent film awards and festivals underscores an overarching trend, wherein a staggering 89% of productions manifest a manifestly male-dominated panorama across pivotal on-screen and off-screen roles—encompassing both performative and non-performative realms⁵. The categorical evidence posits a pervasive and enduring gender asymmetry within the global filmic milieu.

An exhaustive review of the cinematic offerings of 2018 accentuates the marginalization of women, encapsulated by their occupancy in a mere 30% of median and 33% of mean ten most pivotal roles within each cinematic oeuvre⁶. Moreover, a stark disjuncture surfaces in the fiscal realm, where the compensation disbursement for preeminent male and female actors discloses a glaring chasm, with men commanding a substantial \$57.4 million in contrast to the paltry \$21.8 million accorded to their female counterparts—an egregious 38% of the emolument allocated to their male peers⁷. This pronounced fiscal and laurel discord betokens an entrenched gender-based inequity, casting a shadow on women's career trajectory and bargaining efficacy within the filmic echelons⁸.

³ Women and Hollywood, *Statistics*, Womenandhollywood.com (2018), <https://womenandhollywood.com/resources/statistics/>.

⁴ Chart: Number of Women in Film Industry Rises Slowly | Statista. <https://www.statista.com/chart/16579/number-of-women-in-film-industry/>.

⁵ The data that reveals the film industry's 'woman problem' - BBC.

<https://www.bbc.com/culture/article/20180508-the-data-that-reveals-the-film-industrys-woman-problem>.

⁶ Dima Kagan, Thomas Chesney & Michael Fire, *Using data science to understand the film industry's gender gap*,

6 Palgrave Communications 1 (2020), <https://www.nature.com/articles/s41599-020-0436-1>.

⁷ Roberto Pedace, *Exploring the data on Hollywood's gender pay gap*, *The Conversation* (2019), <https://theconversation.com/exploring-the-data-on-hollywoods-gender-pay-gap-127414>

⁸ Lauzen, M. M. (2020). *The Celluloid Ceiling: Behind-the-Scenes Employment of Women on the Top 100, 250, and 500 Films of 2019*. Center for the Study of Women in Television and Film. Retrieved from https://womenintvfilm.sdsu.edu/wp-content/uploads/2020/01/2019_Celluloid_Ceiling_Report.pdf.

The extant disparities in remuneration and acclaim among male and female luminaries in Hollywood and the concomitant underrepresentation of women in pivotal roles underscore an imperious need for redressal⁹. The data signifies that women, despite comparable qualifications and proficiencies, encounter prejudicial and disparate treatment, adversely influencing their vocational trajectory and bargaining dexterity.¹⁰ This, in turn, impinges upon the cinematic landscape, truncating the diversity and quality of films as women's narratives confront marginalization and stereotyping at the hands of a predominantly male creative cohort.¹¹ ¹² Urgent interventions are warranted to rectify the entrenched gender pay chasm and foster an environment conducive to greater female participation and excellence in the cinematic domain.¹³ ¹⁴

WOMEN'S POSITION IN THE INDIAN FILM INDUSTRY

The gender dynamics within the Indian film industry serve as a microcosm reflecting the intricate tapestry of wider societal and global gender-based injustices. Female denizens of the filmic realm grapple with multifarious forms of discrimination and violence, encompassing but not limited to pecuniary disparities, circumscribed professional opportunities, ingrained stereotypical roles, sexual harassment, and a dearth of meritorious acknowledgment. This milieu not only transgresses the fundamental rights and dignities intrinsic to womanhood but also dilutes the potential and societal contributions of women within the cinematic panorama.

An investigative report by Ormax Media and Film Companion (2021) unfurls a disconcerting statistic, revealing that women held a meager 8% of the head of department (HOD) roles in

⁹ Lauzen, M. M. (2020). The Celluloid Ceiling: Behind-the-Scenes Employment of Women on the Top 100, 250, and 500 Films of 2019. Center for the Study of Women in Television and Film. Retrieved from https://womenintvfilm.sdsu.edu/wp-content/uploads/2020/01/2019_Celluloid_Ceiling_Report.pdf

¹⁰ Smith, S. L., Pieper, K., Choueiti, M., & Case, A. (2018). Inclusion in the Director's Chair? Gender, Race & Age of Directors across 1,100 films from 2007-2017. USC Annenberg Inclusion Initiative. Retrieved from <http://assets.uscannenberg.org/docs/inclusion-in-the-directors-chair-2007-2017.pdf>

¹¹ Hunt, D., Ramon, A.-C., & Price, M. (2019). Hollywood Diversity Report 2019: Old Story, New Beginning. UCLA College Social Sciences Division. Retrieved from <https://socialsciences.ucla.edu/wp-content/uploads/2019/02/UCLA-Hollywood-Diversity-Report-2019-2-21-2019.pdf>

¹² Economic Times. (2021). Women hold just 8% key HOD positions in Indian film industry. Retrieved from [https://](https://economictimes.indiatimes.com/magazines/panache/women-hold-just-8-key-hod-positions-in-indian-film-industry/articleshow/81387963.cms)

economictimes.indiatimes.com/magazines/panache/women-hold-just-8-key-hod-positions-in-indian-film-industry/articleshow/81387963.cms

¹³ UN Women (2019). Step It Up for Gender Equality in Media: The Role of Media Professionals and Companies. Retrieved from <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/step-it-up-for-gender-equality-in-media-en.pdf?la=en&vs=1446>

¹⁴ McKinsey & Company. (2020). Gender inequality in media and entertainment. Retrieved from <https://www.mckinsey.com/industries/technology-media-and-telecommunications/our-insights/shattering-the-glass-screen>

Indian films during the years 2019 and 2020. A meticulous scrutiny of 56 theatrical productions, spanning linguistic diversity, lays bare a stark reality: not a single film was helmed or edited by a woman. Further exacerbating this gendered disparity, a dichotomy emerges between Bollywood, the Hindi film industry, boasting a relatively more commendable 16% representation of female HODs, and the South Indian cinema industries languishing at an abysmal 1% in terms of gender parity.

Delving into the fiscal echelons, Statista (2021) proffers financial dissonance, wherein the highest-paid actresses, exemplified by Deepika Padukone and Kangana Ranaut, command remunerations of 300 million and 270 million Indian rupees per movie, respectively. However, this pales in comparison to their male counterparts, with luminaries like Akshay Kumar, Salman Khan, and Aamir Khan ascending to financial echelons of 1 billion, 700 million, and 600 million rupees, respectively. This yawning fiscal chasm underscores an inherent gender-based financial inequity.

In tandem, SheThePeople (2019) amplifies the voices of dissent, wherein prominent female actors such as Kangana Ranaut, Deepika Padukone, Priyanka Chopra, Taapsee Pannu, and Richa Chadha vociferously decry the gender pay gap in the film industry. Their collective testimonies underscore the systemic discrimination and bias they endure concerning remuneration, screen time, and the nature of roles bestowed upon them. This collective clamor further substantiates the entrenched gender pay gap and broader inequality permeating both the on-screen and off-screen dimensions of the Indian filmic domain.

Legal Perspective and Examining these matters through diverse lenses, and this perspective elucidates extant legal frameworks buttressing women's rights in the film industry. The Constitution of India, as the bedrock legal instrument, staunchly advocates for gender equality, enshrining principles in Articles 14, 15, 16, 39, and 51A.¹⁵ Legislative measures such as the Equal Remuneration Act, 1976, and the Sexual Harassment of Women at Workplace Act, 2013, ostensibly bolster women's rights within the industry. However, the implementation and enforcement of these statutes encounter manifold challenges, including but not limited to a lack of awareness, reporting avenues, evidentiary support, investigatory rigor, prosecutorial efficacy, convictions, and grievance redressal mechanisms.^{16 17} A concerted Legal Perspective might

¹⁵ Constitution of India. Retrieved from https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf

¹⁶ Ministry of Labour and Employment. (1976). Equal Remuneration Act, 1976. Retrieved from https://labour.gov.in/sites/default/files/equal_remuneration_act_1976_0.pdf

¹⁷ Ministry of Women and Child Development. (2013). The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Retrieved from https://www.indiacode.nic.in/handle/123456789/2104?sam_handle=123456789/1362

proffer recommendations and legal reforms to bridge these lacunae effectively. The web of gender-based challenges within the Indian film industry necessitates nuanced analyses from myriad perspectives—be they legal, social, economic, cultural, or ethical.¹⁸ Confronting these challenges mandates a holistic understanding of the intricate interplay between extant legal frameworks and the stark realities on the ground.¹⁹ The dialectic between constitutional principles and the lived experiences of women within the cinematic realm underscores the imperative for transformative legal reforms and societal recalibration to engender a more equitable and inclusive filmic landscape.²⁰

Social Perspective and the gender pay gap and inequality within the film industry, are entrenched in broader societal and global disparities. Root causes encompass patriarchal norms, perpetuating male privilege and hierarchical gender roles;²¹ gender stereotypes impeding women's choices and opportunities; power dynamics enabling exploitation and limiting women's rights; market forces valuing women based on appearance rather than merit; and social attitudes shaping perceptions and acceptance by industry stakeholders²². The ramifications extend to women's well-being, involving stress, anxiety, depression, low self-esteem, and violence²³. Proposing interventions, this perspective advocates challenging patriarchal norms, transforming biases, altering power dynamics, and reshaping market forces to foster positive social change.^{24 25 26}

cultural landscape Examining this aspect of the film industry from a nuanced perspective entails evaluating the responsibilities of stakeholders—producers, directors, actors, unions, associations, media, and audience—in cultivating a work environment conducive to the safety,

¹⁸ Laghate, G. (2021, March 8). How women can lead the transformation of film industry. The Indian Express. Retrieved from <https://indianexpress.com/article/opinion/columns/scripting-her-change-7806918/>

¹⁹ ET Bureau. (2021, March 8). Women hold just 8% key HOD positions in Indian film industry. The Economic Times. Retrieved from

<https://economictimes.indiatimes.com/magazines/panache/women-hold-just-8-key-hod-positions-in-indian-film-industry/articleshow/81387963.cms>

²⁰ Banerjee, A., & Duflo, E. (2019). Bollywood, Skin Color, and Sexism: The Role of the Film Industry in Perpetuating Gender Inequality and Colorism (Working Paper No. 20-057). Harvard Business School. Retrieved from <https://hbswk.hbs.edu/item/bollywood-skin-color-and-sexism>

²¹ Dwyer, Rachel. (2010). Bollywood's India: Hindi cinema as a guide to modern India. *Asian Affairs*, 41, 381-398. 10.1080/03068374.2010.508231.

²² Koch, E. Jasbir Jain/Sudha Rai (eds.): *Films and Feminism*. Essays in Indian Cinema. *Pub* 48, 368–369 (2003). <https://doi.org/10.1007/s11616-003-0097-2>

²³ Manisha Prakash, *Women in Indian Cinema*, The International Encyclopedia of Gender, Media, and Communication 1 (2020).

²⁴ Roy, A. (2012). The Bollywood Condition: Indian Cinema, Nation and Diaspora. In K. Moti Gokulsing & W. Dissanayake (Eds.), *Routledge Handbook of Indian Cinemas* (pp. 21-31). London: Routledge.

²⁵ World Economic Forum. (2020). More women than ever are working in Hollywood - but not in key roles. World Economic Forum. Retrieved from

<https://www.weforum.org/agenda/2020/02/women-hollywood-starring-role-equality-diversity/>

²⁶ UNESCO. (2019). Mind the Gap: gender equality in the film industry. Diversity of Cultural Expressions. Retrieved from <https://en.unesco.org/creativity/news/mind-gap-gender-equality-film-industry>

respect, and inclusion of women. Noteworthy films challenging gender pay gaps or stereotypes serve as exemplars, while fostering collaboration among academia, civil society, and government becomes imperative to empower women in the industry.²⁷ Globally and in India, women in the film industry confront entrenched gender-based disparities and stereotypes, hindered by issues such as underreported sexual harassment and discrimination, pervasive underrepresentation on and off-screen reinforcing negative stereotypes, and a dearth of opportunities perpetuating exclusion and marginalization. Urgent intervention is warranted. Remedial measures should encompass the implementation of robust grievance redressal systems to combat sexual harassment and discrimination, adherence to gender diversity targets and accountability mechanisms within media corporations, and the provision of mentorship and networking opportunities to facilitate women's professional development. Encouraging women-centric projects, fostering solidarity among women professionals, and celebrating women's achievements through awards and festivals emerge as pivotal initiatives for transformative change.²⁸ Elevating the status of women in the Indian film industry necessitates dismantling structural and cultural barriers hindering their participation. By fostering an inclusive, respectful, and supportive milieu, the industry can harness the untapped talent, vision, and perspective that women bring, ultimately affording them the equal opportunities and recognition they rightfully deserve.

WOMEN IN THE MUSIC INDUSTRY: A TALE OF EXCLUSION AND INEQUITY

Within the music industry, a bastion of influence and affluence, a conspicuous gender divide persists, despite the limelight on triumphant female artists like Ariana Grande, Rihanna, and Taylor Swift. This analysis delineates the numerical incongruity between men and women across roles, spotlighting the pervasive underrepresentation and undercompensation of women, particularly in realms such as songwriting, production, and engineering. Delving into causative factors, systemic issues such as sexism, entrenched patriarchy, dearth of mentorship, recognition, and educational opportunities are dissected. Implications of this gender chasm for women's well-being, dignity, rights, and the broader spectrum of music production and consumption are scrutinized. The discourse culminates in a pragmatic exploration of actionable

²⁷ Balabantaray, S. R. (2020). Impact of Indian cinema on culture and creation of world view among youth: A sociological analysis of Bollywood movies. *International Journal of Media and Information Literacy*, 5(2), 101-109. Retrieved from https://www.researchgate.net/publication/344275832_Impact_of_Indian_cinema_on_culture_and_creation_of_world_view_among_youth_A_sociological_analysis_of_Bollywood_movies

²⁸ Kaushik, Karan. "15 Indian Women Filmmakers And Screenwriters Transforming Indian Cinema." *Lifestyle Asia*, 4 Mar. 2022,

strategies to redress the gender gap, advocating for heightened awareness, representation, solidarity, and empowerment from diverse stakeholders.

The palpable gender imbalance in the music industry manifests starkly in numerical disparities across diverse roles, with men overwhelmingly dominating creative and decision-making spheres. This asymmetry, a manifestation of entrenched structural and cultural impediments, profoundly influences the industry's trajectory and the resultant musical landscape. Alarming statistics from a USC Annenberg Inclusion Initiative study spanning 2012 to 2020 underscore the gravity of this gender disparity. Merely 21.6% of artists, 12.6% of songwriters, and a mere 2.6% of producers were women. Further exacerbating the issue, women of color faced even greater marginalization, constituting only 6.2% of producers and a mere 1.9% of engineers/mixers. Compounding the challenge, efforts to promote gender equality yielded minimal progress, with a decline observed from 2019 to 2020, indicative of persisting systemic obstacles despite industry initiatives²⁹.

Numerical imbalance: A 2023 study by Musician Wave corroborates and updates prevailing gender disparities in the music industry, revealing that women constitute less than one-third of artists, a mere 12.6% of songwriters, and less than 3% of producers featured on charts from 2012 to 2020. With an alarming men-to-women ratio of 3.6:1 among artists and an egregious 36:1 ratio among producers, these statistics underscore the acute underrepresentation and devaluation of women as architects and proprietors of musical compositions. This numerical incongruity, far from being rooted in innate or biological disparities, is a manifestation of entrenched social and cultural factors perpetuating gender inequality within the music industry

Some of these factors include: In the music industry, women confront pervasive gender-based challenges, including discrimination, objectification, and harassment, impacting their confidence, creativity, and career trajectories. A survey by Women in Music reveals staggering figures, with 78% of women reporting sexism and 53% reporting sexual harassment within the industry.

Compounding these issues is the dearth of mentorship and role models, impeding women's access to guidance and inspiration. The USC Annenberg study highlights a mere 21.9% of credited female mentors in music from 2012 to 2020. Further exacerbating disparities, Grammy nominees from 2013 to 2020 showcased a mere 10.4% women across major categories.

²⁹ Research Guides: Legal Research Strategy: Research Overview, Harvard.edu (2018), <https://guides.library.harvard.edu/law/researchstrategy>.

Recognition and compensation disparities persist, with women receiving lower remuneration and visibility. A Berklee College of Music and Women in Music report indicates that women earn an average of \$20.39 per hour compared to men's \$25.68 per hour in music-related roles. Moreover, women face a notable scarcity of awards, exemplified by only two female Grammy winners for Producer of the Year (non-classical): Lauryn Hill in 1999 and Linda Perry in 2020. The paucity of women in the music industry stems not from an absence of talent or interest but from entrenched systemic impediments and biases. Sexism and patriarchy, intertwined oppressive systems, manifest in discrimination, violence, and exploitation, perpetuating a gender-based power imbalance. Gender stereotypes confine women to specific music genres and emphasize appearance over musical prowess, fostering criticism and marginalization for those deviating from these expectations.

Gender socialization and educational disparities further compound the issue, steering women away from pursuits deemed masculine or technical. The consequence of gender inequality extends beyond injustice, adversely impacting the industry's overall vitality. By marginalizing half the population, the music industry foregoes a wealth of untapped talent, creativity, innovation, and diversity that could enhance its artistic output and cultural influence. Furthermore, alienating female consumers, constituting over half the global music audience, results in missed revenue and growth opportunities, underscoring the industry's failure to harness its full potential.

Some of the consequences of gender inequality in the music industry include: music industry's deficiency in recognizing and leveraging women's potential as creators engenders a loss of diversity, quality, innovation, and collaboration, impacting both artistic and economic value. This deficit further results in a loss of justice and peace by disregarding women's rights and dignity. Remedying this gender inequality necessitates multifaceted actions from industry stakeholders, encompassing heightened awareness, equitable representation, strengthened solidarity, and enhanced empowerment.

These actions involve elevating consciousness about gender equality, providing training on topics like unconscious bias and leadership development, ensuring equal access to opportunities, fostering networks that promote mentorship and collaboration, and advocating for women's rights. By empowering women to challenge and transform the prevalent patriarchal

culture, the industry can celebrate their achievements and contributions, thereby fostering a more inclusive and vibrant musical landscape. This synopsis aims to initiate discourse and further exploration of gender inequality in the music industry, recognizing its intricate nature and urging collective efforts toward a fairer and more dynamic musical sphere.

WOMEN'S POSITION IN THE INDIAN MUSIC INDUSTRY

The Women in Music report underscores that a mere 10-15% of annually released albums or EPs in India emanate from female artists³⁰, aligning with the global disparity indicated by the Annenberg Inclusion Initiative, revealing less than 3% of producers and under 13% of songwriters being women.³¹ ³²Chelsea Cutler highlights a prevailing gender divide in the music industry, noting a surplus of male presence in pivotal meetings, urging tangible action for gender equality.³³ ³⁴India's Global Gender Gap Index decline to 140 out of 153 countries in 2021, with women earning a fifth of their male counterparts' income, further accentuates gender disparities across sectors³⁵. The Annenberg study amplifies the global gender ratio of 4.8 male artists to every female artist, with nuanced gains for underrepresented racial and ethnic groups.³⁶ Additionally, Feminism in India's report underscores rampant sexism, objectification, and harassment faced by women in the music industry, leading to their marginalization or sensationalization.

³⁰Women in Music: New initiative addresses gender disparity in India, as on-demand streaming goes big-Entertainment News , Firstpost, Firstpost (2019), <https://www.firstpost.com/entertainment/women-in-music-new-initiative-addresses-gender-disparity-in-india-as-on-demand-streaming-goes-big-7254431.html> (last visited Dec 8, 2023).

³¹Andrea Bossi, *These Are 3 Of The Biggest Drivers Of Gender Inequality In Music*, Forbes, <https://www.forbes.com/sites/andreabossi/2021/03/26/these-are-3-of-the-biggest-reported-drivers-of-gender-inequality-in-music/?sh=464abe766290> (last visited Dec 8, 2023).

³²MSN, www.msn.com, <https://www.msn.com/en-in/entertainment/bollywood/breaking-the-glass-ceiling-female-music-directors-have-had-a-> (last visited Dec 8, 2023).

³³Chelsea Cutler: Still, there are disproportionate amount of men in music industry, Hindustan Times (2023), <https://www.hindustantimes.com/entertainment/music/chelsea-cutler-on-gender-equality-in-male-dominated-music-industry-more-action-needed-women-can-produce-music-too-101681840463222.html> (last visited Dec 8, 2023).

³⁴Record labels, management companies must step up to address gender disparity in Indian indie music scene-Entertainment News , Firstpost, Firstpost (2019), <https://www.firstpost.com/entertainment/record-labels-management-companies-must-step-up-to-address-gender-disparity-in-indian-indie-music-scene-6327331.html> (last visited Dec 8, 2023).

³⁵General information Statista assumes no liability for the information given being complete or correct Due to varying update cycles & Statistics Can Display More up-to-Date Data Than Referenced in the Text, *Topic: Gender inequality in India*, Statista, <https://www.statista.com/topics/9356/gender-inequality-in-india/>.

³⁶Srishti Khare, *Sexism In The Music Industry: Women Are Either Sidelined Or Sensationalised*, Feminism in India (2021), <https://feminisminindia.com/2021/07/13/sexism-in-the-music-industry-women-are-either-sidelined-or-> (last visited Dec 8, 2023).

SOME OF THE FACTORS THAT CONTRIBUTE TO THIS DISPARITY ARE

Patriarchal norms perpetuate gender biases, deeming women unsuitable for roles like sound engineering, music production, and direction, fostering stereotypes that hinder their participation in the music industry. Women encounter discrimination and harassment from male counterparts, superiors, fans, and online trolls, compromising their safety, dignity, and confidence, exacerbating the challenges they face.³⁷ Inadequate representation and visibility of women in the industry, particularly in decision-making roles, award ceremonies, and industry events, contribute to a skewed and exclusionary landscape.³⁸

Gender disparities persist in pay and opportunities, creating a detrimental cycle of inequality for women in the music industry. The gender pay gap in India, standing at 19%, is highlighted by the Monster Salary Index 2019, revealing that men earn Rs 46.19 more per hour than women.³⁹ India ranks 140 out of 153 countries in economic participation and opportunity for women, and 117 out of 153 in wage equality, as per the World Economic Forum's Global Gender Gap Report 2021.⁴⁰ Feminism in India's report accentuates the multifaceted discrimination faced by women at work, encompassing lower pay, limited opportunities, harassment, abuse, and stereotyping. A substantial percentage of women perceive a bias assuming they'll quit after maternity leave, with almost 60% experiencing workplace discrimination.

Occupational segregation confines women to lower-paying sectors, perpetuated by cultural norms dictating domestic roles, limiting mobility, autonomy, and expression, impacting education, skills, and decision-making. Discrimination and harassment from various spheres undermine women's safety, dignity, and confidence, perpetuating biases about their competence, commitment, and reliability, particularly post-marriage or childbirth. Inequity arises from the absence of robust legal and policy frameworks ensuring pay parity, safeguarding against unfair dismissal or wage cuts, providing comprehensive maternity benefits, childcare support, and fostering flexible work arrangements for optimal work-life balance.

³⁷Jem Aswad, Women in Music Industry Still Face "Prevalent" Discrimination, Underpayment and Under-Recognition: "Women in the Mix" Study, Variety (2022), <https://variety.com/2022/music/news/women-music-industry-discrimination-study-1235198396/>.

³⁸Jon Blistein & Jon Blistein, *New Study: Music Industry's Greatest Gender Disparity Is Behind the Scenes*, Rolling Stone (2018), <https://www.rollingstone.com/music/music-news/new-study-music-industrys-greatest-gender-disparity-is-behind-the-scenes-203036/>.

³⁹Rica Bhattacharyya, *Gender pay gap high in India: Men get paid Rs 242 every hour, women earn Rs 46 less*, The Economic Times (2019), <https://economictimes.indiatimes.com/magazines/panache/gender-pay-gap-still-high-women-in-india-earn-19-pc-less-than-men-report/articleshow/68302223.cms>.

⁴⁰Vaishnavi Singh, *Infographic: Gender Wage Gap In India*, Feminism In India (2020), <https://feminisminindia.com/2020/07/22/infographic-gender-wage-gap-in-india/>.

SOME OF THE ACTIONS THAT CAN BE TAKEN TO OVERCOME THIS INEQUITY ARE?

Fortifying the legal and policy framework entails bolstering mechanisms for equal pay, shielding women from discrimination and harassment, offering comprehensive maternity benefits, childcare support, and advocating flexible work arrangements to cultivate optimal work-life balance.⁴¹ ⁴²Addressing gender disparity requires augmenting educational and training avenues for women, particularly in male-dominated sectors with higher pay potential, such as science, technology, engineering, and mathematics (STEM).⁴³ Promoting women's representation and visibility in pivotal roles, award ceremonies, and industry events, along with establishing robust networks and mentorship initiatives, is crucial. Altering cultural and social norms necessitates heightened awareness campaigns challenging ingrained perceptions of women as subordinate, challenging domestic roles, and advocating for enhanced autonomy, mobility, and expression.

SOME OF THE CONSEQUENCES OF THIS INEQUITY ARE

Gender pay disparity in India yields economic inefficiencies, stifling women's potential and incurring a substantial GDP loss, as underscored by the McKinsey Global Institute's report suggesting a potential \$770 billion addition by 2025 through enhanced gender equality. This issue extends beyond economic repercussions, precipitating social and health crises for women and their families due to restricted access to basic necessities. Furthermore, the entrenched pay gap fuels gender inequalities and injustices across political, legal, safety, and cultural domains, perpetuating a deleterious cycle of discrimination and violence against women and girls. Addressing this multifaceted challenge necessitates comprehensive actions, including fortifying legal frameworks, expanding educational opportunities, amplifying women's representation, and challenging ingrained cultural norms, thereby unlocking India's full potential through gender-inclusive practices.⁴⁴

⁴¹Tom Spiggle, *The Gender Pay Gap: Why It's Still Here*, Forbes (2021), <https://www.forbes.com/sites/tomspiggle/2021/05/25/the-gender-pay-gap-why-its-still-here/>.

⁴² Viewpoint: Gender Pay Gap in India - Legal Considerations, SHRM (2020), <https://www.shrm.org/shrm-india/pages/gender-pay-gap-in-india-legal-considerations.aspx>.

⁴³Dagmar Walter & Susan Ferguson, *The gender pay gap, hard truths and actions needed*, UN Women – Asia-Pacific (2022), <https://asiapacific.unwomen.org/en/stories/op-ed/2022/09/the-gender-pay-gap-hard-truths-and-actions-needed>.

⁴⁴ UNICEF, *Gender equality*, UNICEF (2021), <https://www.unicef.org/india/what-we-do/gender-equality>.

INTELLECTUAL PROPERTY RIGHTS: PATHWAY TO ACHIEVING EQUALITY, EQUITY AND DIGNITY FOR ALL

Intellectual property rights (IPR) delineate legal entitlements for creators, granting exclusive usage privileges over their innovative endeavors for a finite duration. Integral to fostering progress, gender equality and diversity in IPR underscore the need for equitable representation, yet certain demographics like women, indigenous communities, and minorities face notable underrepresentation (WIPO, 2022). Equity, a guiding principle, aims to rectify disadvantages or discrimination faced by individuals or groups, ensuring impartial outcomes (UNICEF, 2019). In contrast, equality, treating everyone identically, might not guarantee justice, given diverse starting points and obstacles (UNICEF, 2019). Dignity, closely tied to human rights, asserts inherent worth and respect for every individual regardless of identity, status, or circumstance (OHCHR, 2015). Examining how IPR serves as a conduit for attaining equality, equity, and dignity is imperative. IPR's objective is to strike an equitable balance among inventors, consumers, and public interests, incentivizing innovation and creativity while facilitating knowledge and cultural access (WIPO, 2004).⁴⁵ Creators benefit from IPR through recognition, remuneration, and protection against unauthorized use (WIPO, 2004). Consumers gain access to diverse products and services aligned with their needs, fostering learning and innovation (WIPO, 2004). The public interest reaps societal, economic, and cultural rewards, encompassing advancements in health, education, entertainment, and development (WIPO, 2004).

HOW CAN INTELLECTUAL PROPERTY RIGHTS HELP WOMEN CREATORS IN INDIA AS CREATIVE AGENCY AND OWNERSHIP IS RESTRICTED FOR WOMEN DUE TO CULTURAL OPPRESSION

Intellectual property rights serve as a crucial tool for women creators in India, offering a means of creative agency and ownership, especially in contexts marked by cultural oppression or discriminatory barriers to opportunities and recognition in innovation and creativity. Various avenues illustrate how intellectual property rights can assist women creators:

1. **Legal Safeguards and Recognition:** Granting women creators legal protection and acknowledgment for their works, allowing assertion of moral and economic rights. For instance, patents afford exclusive rights for inventions, while copyrights empower control over reproduction, distribution, and public performance of literary, artistic, or musical works.

⁴⁵ Bridging the Gender Gap in Intellectual Property, [www.wipo.int, https://www.wipo.int/wipo_magazine/en/2018/02/article_0001.html](https://www.wipo.int/wipo_magazine/en/2018/02/article_0001.html).

2. Economic Empowerment: Facilitating income generation from creations and access to financial and knowledge resources, supporting innovation and creativity. Intellectual property rights can be leveraged to license or sell inventions, acting as collateral for obtaining loans or grants. Initiatives like the Women Entrepreneurship and Empowerment (WEE) and Women Scientist Scheme (WOS) provide additional avenues for support.

3. Cultural Identity Expression: Empowering women to express their identity and preserve cultural heritage through creations, especially relevant for indigenous and marginalized groups. Intellectual property rights safeguard traditional knowledge and cultural expressions, enabling creators to challenge misappropriation and misuse while fostering awareness and education on societal issues.

4. Participation and Advocacy: Encouraging women creators' participation in the intellectual property system, influencing its evolution, and fostering collaboration with various stakeholders. Active engagement in forums like WIPO's Standing Committee on Copyrights (SCCR) enables women creators to advocate for gender-sensitive and inclusive IP policies and practices, addressing the unique needs and concerns of women in the creative domain. Collaboration across diverse backgrounds enhances collective efforts toward shared goals and visions.

Intellectual property rights can protect women from exploitation by preventing: WIPO data indicates that merely 16.5% of global patent applicants in 2020 were women, with projected gender parity in this domain anticipated only by 2058.⁴⁶ While women's representation in patent ownership has grown fivefold since 1977, studies suggest a limited 7.7% contribution as primary inventors.⁴⁷ The Intellectual Property Indicators 2022 reveal a rise in women trademark applicants to 33.6% in 2020, from 31.3% in 2019, and 31.2% of industrial design applicants in 2020, up from 29.7% in 2019. Intellectual property rights empower women by offering legal protection, income generation, identity expression, and active participation in IP system development. This extends to safeguarding against exploitation, with IP rights preventing unauthorized use of inventions or works, recognizing women's value, granting moral rights, and challenging misappropriation of traditional knowledge. Studies highlight that women inventors often focus on patents addressing social issues, such as health and education, while employing intellectual property correlates with increased exports, market access, and

⁴⁶ Gender Equality and Intellectual Property, [www.wipo.int](https://www.wipo.int/women-and-ip/en/), <https://www.wipo.int/women-and-ip/en/>.

⁴⁷ How can Intellectual Property Rights Empower Women?, (2019), <https://www.kashishworld.com/blog/how-can-intellectual-property-rights-empower-women/>

revenue for women entrepreneurs. Additionally, IP rights act as a shield, preventing biopiracy and protecting women from exploitation related to traditional knowledge or genetic resources.

WHAT ARE THE ETHICAL AND LEGAL IMPLICATIONS OF INTELLECTUAL PROPERTY RIGHTS FOR WOMEN DIGNITY AND WOMEN RIGHTS

Intellectual Property Rights (IPR), legal frameworks granting exclusive rights to original creators and inventors, wield substantial influence on women's empowerment. Recognizing, rewarding, and fostering economic opportunities and participation in the knowledge society, IPR, championed by entities like the World Intellectual Property Organization (WIPO), undertakes initiatives promoting gender equality and diversity across various domains and regions. However, IPRs also harbor potential challenges, posing threats to women's dignity and rights, leading to exclusion, marginalization, discrimination, and deprivation of essential goods and services. Indigenous women's traditional knowledge or collective innovations of women farmers may be inadequately safeguarded or misappropriated under certain IP regimes. Additionally, IP-protected products like medicines or seeds may be inaccessible or unaffordable for impoverished women, potentially violating their right to health or food. Ensuring that IP regimes are designed and implemented with due regard for women's dignity and rights, along with a broader human rights perspective, necessitates a balanced and inclusive approach that encompasses the diverse needs and perspectives of women as creators, users, and beneficiaries of IP.

THE EXAMPLES THAT SETS A BREAKTHROUGH MOMENTOUS OCCASION FOR WOMEN IN INTELLECTUAL PROPERTY ON ALL FRONTS.

Taylor Swift's protracted struggle over master recordings delves into the intricate dynamics of music industry contractual complexities. Central to the contention are the master recordings, deemed invaluable assets by record labels for their licensable nature.⁴⁸ The dispute traces back to Swift's 2006 pact with Big Machine Label Group (BMLG), where exclusive rights, traded for album promotion, became a source of conflict during her unsuccessful bid for control in 2018. The narrative unfolds with BMLG's acquisition by Scooter Braun's Ithaca Holdings LLC in 2019, intensifying Swift's discontent. Braun's subsequent sale of Swift's masters to Shamrock Holdings for \$300 million,⁴⁹ retaining select licensing rights, spurred Swift's strategic initiative

⁴⁸ Editor OGL, *What Can We Learn From Taylor Swift's Contract Dispute?*, The Law Offices of Odella Goldberg (2020), <https://ogoldberglaw.com/real-estate/what-can-we-learn-from-taylor-swifts-contract-dispute/> (last visited Dec 7, 2023).

⁴⁹ Lucas Shaw, *The End of Taylor Swift's \$300 Million Fight With Scooter Braun*, Bloomberg.com, Nov. 22, 2020, <https://www.bloomberg.com/news/newsletters/2020-11-22/the-end-of-taylor-swift-s-300-million-fight-with-scooter-braun>.

to re-record her initial six albums. This tactical move aimed at securing command over fresh master recordings and asserting dominance over her music's multi-platform usage. Simultaneously, Swift endeavored to spotlight pervasive contractual injustices, aspiring to empower nascent artists in negotiating equitable agreements. The termination of Swift's 2018 BMLG contract empowered her to re-record pivotal albums, including Taylor Swift, Fearless, Speak Now, Red, and 1989. The legal safeguarding of songs as original literary, musical works, or sound recordings proved pivotal, given Swift's dual authorship of lyrics and music. Despite this advantage, the absence of control over master recordings, previously held by BMLG, Braun, and Shamrock, accentuates the intricacies of music recording and distribution. Swift's predicament illuminates the profound ramifications of master recording ownership on an artist's command and sustenance in the industry. It prompts ethical contemplation surrounding the unauthorized sale of an artist's oeuvre and underscores the urgent need for more equitable contracts and industry practices.^{50 51}

Going further the Renowned luminary of the Indian film panorama, Anushka Sharma, lumbers under the fiscal scrutiny of the Maharashtra government, entailing the levying of taxes on her pecuniary gains derived from copyright-guarded advertisements and shows. This fiscal entanglement unveils the intricate tapestry wherein the ascendancy and agency of women in the creative echelons encounter heightened cognizance, accentuating the persistent milieu of gender bias and the asymmetric allotment of resources and prospects. Sharma's predicament serves as a paradigmatic elucidation of the female cohort's adept navigation through the proverbial glass ceiling, epitomizing their prowess in asserting intellectual property prerogatives within domains traditionally dominated by their male counterparts. This conundrum concurrently advocates for a paradigm shift necessitating concerted endeavors and interventions to redress prevalent disparities and predispositions. The imperative mandate encompasses multifaceted initiatives, encompassing mentorship paradigms fostering guidance, financial bolstering of women-centric creative endeavors, and systemic alterations within legal and policy frameworks, collectively cultivating an ambiance of egalitarianism propitious for women to harness intellectual property rights and flourish in their pursuits.⁵²

⁵⁰ Neha Singh, "Better than revenge?": Taylor Swift, Copyright Controversies and her "Fearless" bounce back Strategy!!, The IP Press (2021), <https://www.theippress.com/2021/06/25/better-than-revenge-taylor-swift-copyright-controversies-and-her-fearless-> (last visited Dec 7, 2023).

⁵¹ Monica Mercuri, *Why Record Labels Are Upset With Taylor Swift's Success*, Forbes, <https://www.forbes.com/sites/monicamercuri/2023/11/03/why-record-labels-are-upset-with-taylor-swifts-success/?sh=5b0eb6d75933> (last visited Dec 7, 2023).

⁵² Anushka Sharma owns copyright on shows & ads, must pay tax on income from it: Maharashtra govt, The Times of India, Mar. 30, 2023,

Anushka Sharma and Taylor Swift emerge as paradigmatic embodiments of female triumph within the realms of creativity, juxtaposed with fervent advocacy for intellectual property rights. These stalwart individuals illuminate the path to success with their unwavering determination to challenge existing paradigms, boldly seizing ownership and dominion over their creative oeuvre. Their resolute endeavors transcend individual acclaim, fostering heightened cognizance globally and in the Indian landscape regarding the imperative need for parity and impartiality within creative domains. These luminaries function as veritable milestones in the trajectory of intellectual property rights for women, thereby exemplifying that women not only can but unequivocally should wield influence and possess a substantive stake in their creative manifestations. Anushka Sharma and Taylor Swift's transformative impact extends beyond personal triumphs, catalyzing empowerment for women at large, encouraging the pursuit of creative passions, and championing the safeguarding of their inherent rights and interests.

CONCLUSION

This research delves into the pervasive gender disparities affecting women's intellectual property rights within the creative economy, revealing a disconcerting reality of systemic marginalization despite their substantial and diverse contributions. Rooted in cultural biases, prejudice, and systemic exclusion, this gender gap necessitates comprehensive rectification not solely for ethical reasons but as an imperative for fostering a more inclusive and vibrant intellectual property system and creative economy. Proposing multifaceted solutions, including awareness campaigns, mentorship programs, female empowerment, legal fortification, and collaborative endeavors, the paper envisions a landscape where women attain equitable opportunities and rights within intellectual property and creative industries. Aligned studies, such as "Fracturing the Glass Ceiling" and "The Unfair Game," scrutinize sex disparities in the film industry, underscoring the negative impact of IP laws on women's creative agency. Similarly, "Women's Position in the Indian Film Industry" and "Women in the Music Industry" spotlight gender inequities, emphasizing the imperative for heightened awareness and empowerment initiatives. Conclusively, "Intellectual Property Rights" posits IP rights as a conduit to realize societal equality, equity, and dignity for all, accentuating the pivotal role of equal access in cultivating a just and appreciative milieu for diverse contributions in creative and technological domains.

<https://timesofindia.indiatimes.com/city/mumbai/anushka-sharma-owns-copyright-on-shows-ads-must-pay-tax-on-income-from-it-maharashtra-govt/articleshow/99101818.cms> (last visited Dec 7, 2023).