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Copyright Infringement Impact in the Digital World: Challenges and Its Solutions

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ABSTRACT

In the digital world, copyright infringement has become a pervasive issue, exacerbated by the ease of replicating and distributing content online. Copyright infringement occurs when an individual or entity uses a work protected by copyright law without the permission of the copyright holder, thereby violating the exclusive rights granted to the creators. The intellectual property right of copyright, which protects the authors expressions in literary, artistic, musical, cinematographic and sound recordings works to foster innovation and creativity. Under copyright well known intellectual property right that regulates the copying of works, a person, group of people, or organizational party that actively present their work in public, such as a broadcaster or performer, may also be given intellectual property rights. Authors, producers, creators, or performers may be given a set of exclusive rights, such as the right to reproduce, distribute, and adapt the work, depending on the nature of the original work. A few of the rights that copyright grants creators to protect their original works include the ability to broadcast, show, create, reproduce, and perform publicly. Protection of copyright has grown importance in the digital age for content producer, publishers and users alike. It has become challenging to stop piracy and copyright infringement due to the simplicity of digital content reproduction and distribution. Furthermore, maintaining ownership and upholding copyright regulations can be difficult and expensive procedure. Some methods created to address these issues include digital right management, watermarking, copyright education, as per law and international cooperation. By taking these steps, you may support the ethical use of materials that are protected by the copyright, prevent theft and copyright infringement, and preserve the rights of copyright owners.

Keywords: *Copyright infringement, owners, creators, digital, technology, intellectual property.*

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I. INTRODUCTION

Copyright law is the backbone to free creativity in the digital age, serving as a guide to ideas and innovation and it maintains equitable standards in the way we interact with literature, music, and technology. It serves as a key balance between creator rights and public access to their work. Copyright is a type of property that is founded on a person's creative skill and labour. Copyright is not a tangible thing. A copyright is a collection of rights that automatically vest to someone who creates an original work of authorship like a literary work, song, movie or software. These rights include the right to reproduce the work, to prepare derivative works, to distribute copies, and to perform and display the work publicly.³

Copyright infringement arises when a third party uses the copyright works without the permission of the rights holder. The right holder could be the author or creator as copyright owner but it could also be the publisher, the broadcast, the music company or even on the case of a deceased creator the estate of the creator. Infringement of copyright includes the reproduction, distribution, public performance, communication to the public and adaptation of the copyright works. The use of the copyright works could be in whole or in part. Copyright, provides exclusive rights to the copyright holder, such as the right to distribute, reproduce, perform or display the copyright-protected work. The usage of copyright-protected work without the authorisation permission of the copyright owner results in copyright infringement.

Thus, copyright infringement means the unauthorised use of someone's copyrighted work for a profit. It results in the infringement of certain rights of the copyright holder, such as the right to distribute, reproduce, perform or display the protected work. As per the Copyright Act, 1957 the use of a copyrighted work without the permission of the owner results in copyright infringement. Infringement occurs when a third person unintentionally or intentionally uses/copies the work of another without giving credit. It is usually classified into two categories, i.e. primary and secondary infringement.⁴

(A) Copyright

Copyright is the legal right of creative artists or publishers to control to use and reproduction of their original works. Copyright law prohibits the unauthorised duplication, adaptation, or distribution of a creative work. For most multimedia projects, copyright laws will come into play when you add music, images, or video clips created by others to your work. If you plan on broadcasting your project publicly, and need to get permission from owner and pay royalties to

³ Intellectual Property Rights – V.K. Ahuja

⁴ Copyright - Definition, What is Copyright, Advantages of Copyright, and Latest News - ClearTax

the copyright owner of any copyrighted material you use. Royalty means payment to the holder of a patent or copyright or resource for the right to use their property. Copyright is protection for intellectual property. Gives a copyright owner the exclusive right to control copying of a writing or recording or picture or electronic transcription. As a copyright owner, you may either allow or prevent anyone else from making copies of your work, making derivation from your work such as a poster made from a photograph, or displaying your work publicly.⁵

Copyrights allows authors to control copies made of their work or how a work is made public. An author can be an individual or a company or someone who is hired to create a work for someone else called a 'work made for hire'. The copyright law allows the holder of a copyright to authorise someone else to make the work public. For example, book authors may allow their manuscripts to be published by a publishing company or dramatists may allow their plays to be performed on stage.

The terms 'intellectual property' refers to works created by an author and 'fixed in tangible form'. In other words, ideas are not copyrighted until they are fixed in a book or painted on a canvas or recorded in digital file. The author's work must be original and not a copy. Examples of copyrighted material include architectural designs, books, song recordings, dramatic works, choreography, sculptures, and movies.

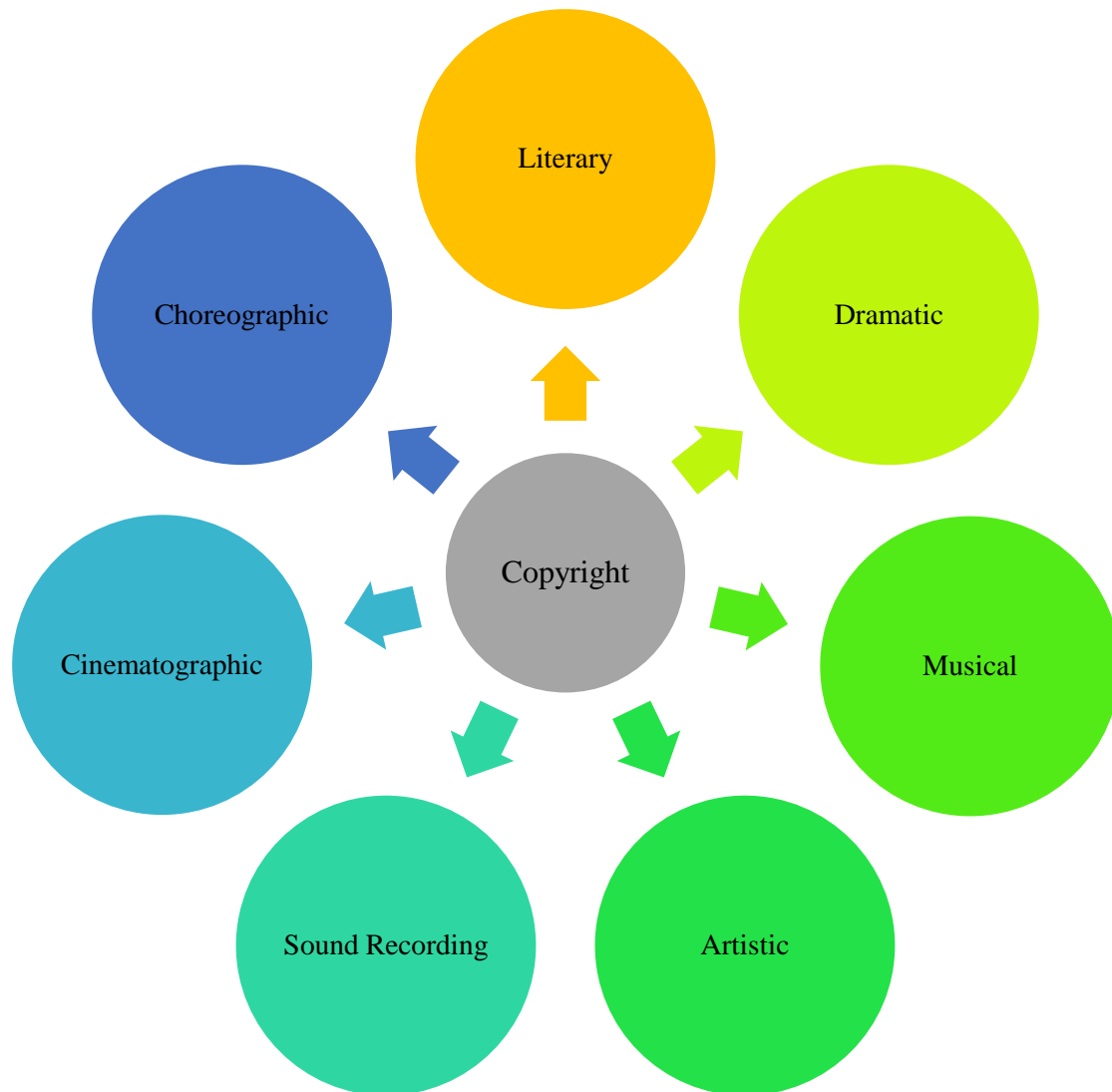
Copyright is a form of intellectual property that protects original works of authorship. In today's global digital economy, artists, authors, and companies have unprecedented opportunities to disseminate their creative works and products to a worldwide audience. They also face daunting challenges from infringement and piracy. To take advantage of these opportunities and to respond to the challenges, creators and creative industries depend more than ever on their ability to protect and enforce their copyrights.

The © 'C in a circle' is the normal copyright symbol and can be applied to most types of work. The ® 'P in a circle', is referred to as the sound recording, phono-records, phonogram or phonographic copyright symbol. Sound recordings have a separate copyright that is distinct from that of the underlying work. The duration of this will typically run from the date of publication of the sound recording and the ® character is used to denote the separate right that exists in the sound recording.⁶

⁵ What is copyright? - Virtuoso Legal, Intellectual Property Specialists

⁶ © ® Copyright symbols and their use :: The UK Copyright Service

II. DIFFERENT TYPES OF COPYRIGHTS



(A) Literary Copyright

This category of copyright encompasses original and distinctive literary compositions. Such creations can range from scripts, novels, biographies, and academic theses to technical manuals and software codes.

The value, style, or literary quality of the work doesn't influence its eligibility for copyright. Holding a copyright for literary creations grants exclusive rights, including:

- Adapting the original work.
- For a public performance of work.
- Distributing copies of the work to the audience.
- Replicating the original composition.
- Translating the work into other languages.

(B) Dramatic Copyright

Theatrical compositions fall under the umbrella of literary creations but have their own distinct characteristics. They encompass scripts prepared for stage performances, mime shows, plays, dance choreography, and any written work intended for live enactment. However, it's essential to note that these do not encompass motion pictures or films. Holding a copyright for theatrical compositions grants the owner specific privileges, such as :

- Adapting or modifying the original piece.
- Replicating or reproducing the composition.
- Sharing or presenting the work to a broader audience.
- Incorporating the piece into any cinematographic film.

(C) Musical Copyright

Musical works, are distinct entities that are eligible for copyright protection. It's important to note that these works focus solely on the musical composition and exclude lyrics or actual sound recordings.⁷

To safeguard a musical composition, one must register it separately with the Copyright Office. Often, sound recordings are intrinsically linked to these musical compositions, but they are distinct entities in the realm of copyright.

The author of music work in India has following exclusive rights:

- The ability to reproduce the composition.
- Sharing or presenting the composition to a wider audience.
- Adapting or modifying the original piece.
- Performing the composition live in front of an audience.
- Distributing copies of the composition to the public.
- Incorporating the composition into sound recordings or films.

(D) Artistic Copyright

Visual creations, commonly referred to as artistic works, encompass a broad spectrum of original creations. Under the Copyright Act of 1957, this category safeguards a diverse range of artworks. This includes, but is not limited to, paintings, photographs, architectural designs, sketches, diagrams, cartoons, engravings, sculptures, graphics, and blueprints. Holding a

⁷ Types Of Copyright: An In-depth Overview // Bytescare

copyright for visual creations in India bestows the owner with specific privileges, such as :

- Distributing copies of the artwork to the broader public.
- Incorporating the artwork into films or other visual media.
- Modifying or creating derivatives of the original piece.
- Replicating the original artwork.
- Showcasing or presenting the artwork to a wider audience.

(E) Sound Recording Copyright

Sound recordings encompass any form of captured sound, regardless of the storage medium used.⁸ This can range from a song featuring vocals with or without instrumental accompaniment, spoken word content like podcasts, or any other form of audible content.

It's noteworthy that while sound recordings can include musical compositions, the original composer's consent is crucial for the copyright protection of the recorded version. Holding a copyright for audio recordings grants the owner specific privileges, such as:

- The ability to sell or lease copies of the recording.
- Broadcasting the audio content to a wider audience.
- Producing derivative works or recordings inspired by the original.

(F) Cinematographic Copyright

Cinematograph films encompass all visual recordings that display moving images. These are creations captured through various methods, whether analog or digital, and they primarily include video films. Essentially, any visual content stored through any medium or technique falls under this category. Owning the copyright for a cinematographic film bestows the holder with distinct privileges, such as:

- The right to rent out, sell, or distribute copies of the movie.
- The authority to present the film to a broad audience.
- The ability to reproduce or create adaptations based on the original film.

(G) Choreographic Copyright

Choreographic works are designed to safeguard unique dance sequences, patterns, and other forms of organised movement. Holding the copyright for such works grants the choreographer

⁸ Types Of Copyright: An In-depth Overview // Bytescare

specific rights, including:

- The privilege to present the choreography to the public.
- The authority to reproduce or create adaptations of the original choreography.⁹

III. IMPORTANCE OF COPYRIGHT IN THE DIGITAL AGE

Copyright protection plays an important role in encouraging enterprise and stimulating economic activity. It provides a vital incentive for the creation of many intellectual works. Without copyright protection, it would be easy for others to exploit these works without paying any royalties or remuneration to the owner of the work. Copyright not only provides protection to the creator's original work but also to the reproduction by various means of all or parts of that work or works. This protection is in the form of two rights known as the Economic Right and the Moral Right.

Copyright protection entitles the creators to control use of their literary and artistic material in a number of ways such as making copies, performing in public, broadcasting, use on-line, etc. and to obtain an appropriate economic reward. Creators can therefore be rewarded for their creativity and investment. Copyright gives the creator the right to prevent others from exploiting the work in various ways, without permission, e.g. copying the work; making the work available to the public; distributing the work; renting or lending it (excluding public lending); and translating, arranging or adapting the work. These economic rights enable the creator to charge a fee, or royalty for the reproduction of the work. An example of the power of economic rights is where an author of a book can also benefit from movie adaptations of their books as well as sales of merchandise associated with the book or movie.

Copyright also gives moral rights to be identified as the creator or author of certain kinds of material (sometimes known as the paternity right), and to object to the distortion and mutilation of it. An author's right to object to the modification or derogatory action in relation to his or her work is most often used to object to any treatment or use of their work by others which the author/creator feels could damage his or her reputation or integrity.¹⁰

IV. COPYRIGHT INFRINGEMENT

Copyright infringement has become a major issue impacting creative professionals and organizations in the digital age. The internet provides unlimited possibilities for sharing information and enables mass copyright violations through the unauthorized distribution of

⁹ Types Of Copyright: An In-depth Overview // Bytescare

¹⁰ Benefits of Copyright Protection - IPOI

protected works.

Determining what constitutes infringement versus fair use or public domain can be complex for content creators and website operators. However, avoiding inadvertent copyright infringement is important to limit legal liability and reputation damages. Individuals and businesses can feel confident that their content strategies adhere to intellectual property laws by learning to handle copyrighted materials properly. Copyright infringement occurs when someone uses or distributes copyright-protected content without permission from the creator. This can include copying written content, images, music, video, software code, and other creative works.

Examples of infringing content include:

- Reposting an article, blog post, or news story without authorization
- Using a copyrighted image on a website without paying for the license
- Sharing copyrighted music files like MP3s without the artist's consent
- Distributing pirated movies or TV shows online
- Performing a copyrighted play or song publicly without obtaining rights
- Selling merchandise with copyrighted logos, characters, or brand names without authorization¹¹

V. CHALLENGES OF COPYRIGHT INFRINGEMENT

(A) Ease of Unauthorized Distribution

Sharing materials with a worldwide audience and copying anything from the internet has become rather simple thanks of course Users of privacy websites, file-sharing systems, and social media can rapidly, usually without consequences share copyrighted content. Many people either overlook or stay ignorant of the rules controlling content use despite copyright warnings.

(B) Difficult in Enforcement

Digital times have made tracking and punishing copyright infringement increasingly difficult. Identifying the source of infringement and acting legally can be difficult if content is distributed over several channels. Many times, infringers hide using VPNs and anonymous accounts, which makes it challenging for copyright owners to respond effectively.

(C) Lack of Awareness

Unknowingly, many people violate copyrights. Typical inadvertent transgressions includes

¹¹ What Is Copyright Infringement? A Complete Guide to Identifying and Preventing Violations | ProfileTree

streaming pirated content, using google pictures without due acknowledgment, or downloading tunes from illegal sources. This problems stems from the view that internet materials are “free to use”.

(D) Rapid evolution of Technology

Technological developments like blockchains and artificial intelligence always alter how material is produced, distributed and consumed. Although these technologies provides possible answers, they also create fresh difficulties for copyright enforcement that call for continuous adaptation from legal agencies and copyright holders.¹²

VI. SOLUTION OF COPYRIGHT INFRINGEMENT

(A) Stronger Digital Rights Management

By regulating access, distributing, and copying of copyrighted material, digital rights managements technology can assist in defending it. Content providers including eBook systems and streaming services often use digital rights managements to stop illegal distribution.

Putting money into robust to digital rights managements systems help procedures protect their creation.

(B) Educating the Public

Two ways to help lower inadvertent infringement includes teaching the public about copyright laws and the need to protect intellectual property. Online tools, clear copyright notices, and instructional efforts can let consumers know about lawful methods of accessing and sharing material.

(C) Improved Content Monitoring Tools

Content recognition solutions driven by artificial intelligence can assist spot and eliminating unauthorized content from internet channels. Many businesses contribute to stopping the dissemination of pirated material by using automated system to identify illegal upload and send takedown alerts.

(D) Legal Action and Policy Improvements

More robust copyright rules and international cooperation help to improve enforcement. Governments and companies should cooperate to create rules that punish infringers and assist copyrights holders in the worldwide protection of their creations.

¹² Copyright Protection in the Digital Age: Challenges and Solutions | Legal Service India - Law Articles - Legal Resources

To sum up, in the digital age copyright infringement offers major difficulties. Creators may better defend their intellectual property rights, nevertheless, by using digital rights managements, public education, sophisticated monitoring technologies, and legal actions.¹³

VII. INTERNATIONAL TREATIES AND CONVENTIONS FOR COPYRIGHT

(A) Berne Convention (1886)

The Berne Convention for the Protection of Literary and Artistic Works, was established in 1886 in Switzerland, is a pivotal milestone in the history of international copyright agreements. It is a foundational treaty for copyright protection which aimed to harmonize copyright laws among participating nations, ensuring that works of authors from member countries were protected in others. The Berne Convention introduced the concept that a copyright exists the moment a work is “fixed”, or manifested into a tangible format, rather than requiring registration.

(B) World Intellectual Property Organization Copyright Treaty (1996)

The WIPO Copyright Treaty (WCT) is a specialized agreement connected to the Berne Convention, focusing on safeguarding digital works and the rights of their creators. It mandates that any Contracting Party, even if not bound by the Berne Convention, must adhere to the substantive provisions of the 1971 (Paris) Act of the Berne Convention.

(C) Universal Copyright Conventions (1952)

The Universal Copyright Convention (UCC) is an international treaty that was established to protect the rights of authors and creators of literary, artistic, and intellectual works. It was adopted by UNESCO (the United Nations Educational, Scientific and Cultural Organization) on September 6, 1952, and came into force on September 16, 1955. The UCC was created as an alternative to the Berne Convention for the Protection of Literary and Artistic Works, which some countries found too restrictive or outdated.

(D) World Intellectual Property Organizations Performances and Phonograms Treaty (1996)

The World Intellectual Property Organization Performances and Phonograms Treaty (WPPT), established in 1996, serves as an international agreement under the umbrella of the World Intellectual Property Organization (WIPO). It plays a pivotal role in complementing existing international copyright treaties, notably the Berne Convention for the protection of performers,

¹³ Copyright Infringement in the Digital Age: Challenges and Solutions - Legal Desire Media and Insights

producers of phonograms, and broadcasting organizations. The WPPT's core mission is to keep pace with the constantly changing dynamics of the global marketplace, technological advancements, and the diverse forms of creative works being produced.¹⁴

It recognizes the need for modernization in copyright treaties and regulations to accommodate the evolving methods of distribution, types of works, and patterns of use, all of which have been greatly influenced by digital innovation.

(E) Beijing Treaty and Audio-visual Performance, 2012

The Beijing Treaty on Audiovisual Performances was established during the Diplomatic Conference on the Protection of Audiovisual Performances held in Beijing from June 20 to 26, 2012. This treaty focuses on safeguarding the intellectual property rights of performers involved in audiovisual productions.

VIII. LEGAL PROVISION OF COPYRIGHT INFRINGEMENT AS COMPARE TO OTHER COUNTRIES

(A) India

Copyright Act, 1957

India's copyright law has evolved from the copyright Act of 1957 to the current copyright Act, which was amended in 2012. The updated aimed to modernize copyright protection in response to technological changes and international agreements.

The Copyright Act of 1957 governs the protection of literary, artistic, dramatic, and musical works in India. The Act includes provisions for authors' rights, moral rights, and fair dealing exceptions. Recent amendments have introduced new provisions to address digital copyright issues and strengthen enforcement.

Infringement penalties:

Civil: Injunction, damages, accounts of profits.

Criminal: Minimum 6 months to 3 years of Imprisonment with Fine of Fifty thousand to two lakhs.

Digital Protection: Internet service providers liability and website blocking mechanisms.¹⁵

¹⁴ BRIEF INTRODUCTION TO INTERNATIONAL TREATIES AND CONVENTIONS RELATED TO COPYRIGHT LAW - Legal Vidhiya

¹⁵ Copyright Act, 1957

(B) United Kingdom**Copyright, Design and Patent Act, 1988**

The UK's approach to copyright protection has its roots in the Statute of Anne (1710), which is considered the first copyright law. The Copyright, Designs and Patents Act 1988 is the primary legislation governing copyright in the UK, providing comprehensive protection for various forms of creative work.

The Copyright, Designs and Patents Act 1988 consolidates and updates previous copyright laws. It covers the rights of authors, performers, and producers, and introduces provisions for moral rights and economic rights. The Act also includes fair dealing provisions for certain uses of copyrighted material.

Infringement penalties:

Civil: Damages and Injunctions

Criminal: Up to 10 years of imprisonment or unlimited fines for wilful infringement.

Digital Protection: Websites blocking orders for piracy sites.

(C) United States**Copyright Act, 1976, The Digital Millennium Copyright Act, 1998**

Copyright law in the United States has evolved significantly since the Copyright Act of 1790. Key milestones include the Copyright Act of 1909, which extended protection to various forms of media, and the Copyright Act of 1976, which established the modern framework for copyright law. The Digital Millennium Copyright Act (DMCA) of 1998 introduced provisions to address digital copyright issues.

The Copyright Act of 1976 is a cornerstone of U.S. copyright law, providing protection for original works of authorship fixed in a tangible medium. The DMCA addresses digital copyright challenges by implementing anti-circumvention measures and establishing a notice-and-takedown system for online infringement.

Infringement penalties:

Civil: Actual damages or statutory damages (\$750 to \$150,000 per work).

Criminal: Up to 5 years imprisonment + fines for wilful infringement.

Digital Protection: DMCA prohibits circumvention of DRM.¹⁶

¹⁶ Copyright Protection in Different Countries - More Laws

IX. CASE LAWS

1. R. G. Anand v. Deluxe Films (AIR (1978) SC 1613)

The judgment of Supreme Court is taken into account a landmark in Indian Copyright Law. It held, within the present case, the play and also the film revolve around an identical theme of „provincialism“ however it's well established that a mere plan can not be the subject matter of copyright. The plot of the film portrayed two issues of provincialism that it's first of all the function of provincialism with regard to wedding and second in regard to dealings out accommodation. Further, it conjointly proscribed the problem of evils of a society dominated by caste and therefore the ills of dowry. The last two problems haven't been dealt within the play by any means. Also, the play was restricted simply to one part of provincialism that is with regard to the wedding between people from totally different states. Thus, in varied views, the story and its depiction square measures terribly totally in different regard to the one within the play. It had been not an instance of infringement of copyright. The similarities were trivial and not a ‘substantial’ or ‘material’ copy of the initial play and therefore the dissimilarities weighed over the similarities.¹⁷

X. CONCLUSION

Copyright in Digital India faces significant challenges, but with targeted strategies and collaborative efforts, it is possible to create a more robust framework that protects the rights of creators. Strengthening enforcement mechanisms, raising awareness, updating legal frameworks, fostering international cooperation, and promoting innovative licensing models can collectively address the multifaceted issues of copyright in the digital age.

Protecting copyright is not merely a legal necessity; it is essential for nurturing innovation and fostering a vibrant cultural landscape in the digital era. By empowering creators and safeguarding their rights, India can ensure that the digital revolution benefits all stakeholders in the creative economy, ultimately contributing to a more inclusive and dynamic society.

protection of copy right in the digital age has faced a lot of difficulties. To help publishers and content creators secure their rights, new tools and technologies are now readily available. The difficulties posed by the digital age can be resolved by putting in place safeguards like digital rights management, watermarking, and educating users on copyright rules. Access and security must be balanced, and emerging technologies and their potential impact on protection of copy right must be closely monitored. We can continue to encourage innovation, creativity, and

¹⁷ R.G Anand vs M/S. Delux Films & Ors on 18 August, 1978

ethical use of protected items in the digital age if the proper safeguards are put in place.

XI. BIBLIOGRAPHY

1. Intellectual Property Rights – V.K. Ahuja
2. Copyright - Definition, What is Copyright, Advantages of Copyright, and Latest News - ClearTax
3. What is copyright? - Virtuoso Legal, Intellectual Property Specialists
4. © ® Copyright symbols and their use :: The UK Copyright Service
5. Copyright Law | Overview, Definition & Rights - Lesson | Study.com
6. Types Of Copyright: An In-depth Overview // Bytescare
7. Benefits of Copyright Protection - IPOI
8. What Is Copyright Infringement? A Complete Guide to Identifying and Preventing Violations | ProfileTree
9. Copyright Protection in the Digital Age: Challenges and Solutions | Legal Service India - Law Articles - Legal Resources
10. Copyright Infringement in the Digital Age: Challenges and Solutions - Legal Desire Media and Insights
11. BRIEF INTRODUCTION TO INTERNATIONAL TREATIES AND CONVENTIONS RELATED TO COPYRIGHT LAW - Legal Vidhiya
12. Copyright Protection in Different Countries - More Laws
13. Copyright Act, 1957
14. R.G Anand vs M/S. Delux Films & Ors on 18 August, 1978
