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Copyright and the Film Streaming Industry: Licensing, Piracy, and Exclusivity

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ABSTRACT

This research investigates how copyright laws interact with film streaming businesses through the research of essential elements including licensing agreements and piracy issues along with exclusive rights systems. The establishment of global streaming platforms Netflix along with Amazon Prime and Disney+ triggered industry-wide changes that produced novel legal conflicts and regulatory concerns. The research evaluates licensing agreements by identifying the conflicts between exclusive and non-exclusive contracts and explains territorial licensing as the main obstacle for worldwide distribution.

Digital piracy receives analysis through an assessment of its various types including camcording, torrenting and unlawful streaming and their associated economic and legal consequences. The study examines both the strategies adopted by streaming platforms and enforcement agencies regarding their anti-piracy initiatives. The analysis examines these arrangements since they give platforms strategic advantages yet cause content dispersal and user selection constraints.

Through a combination of doctrinal legal analysis and real-world case studies, the dissertation investigates landmark copyright disputes, anti-piracy enforcement actions, and the growing concerns around anti-competitive practices. The author ends his work with a call to create unified international laws together with adjustable policy solutions which should address the new requirements of modern digital media structures.

Keywords: *Copyright together with Film Streaming, Licensing Agreements, Digital Piracy, Exclusivity and Anti-competitive Practices forms the basis of research which includes Netflix, Amazon Prime, Disney+, Territorial Licensing, Enforcement, Intellectual Property Law and OTT Platforms, WIPO, TRIPS, and Legal Analysis.*

I. INTRODUCTION

Digital technology has transformed film distribution and consumption because users now choose streamed entertainment content mainly through online services. Users enjoy convenient legal access to large content libraries from these platforms but the platforms create substantial difficulties because of copyright issues and licensing problems and exclusive market control.²

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² Jane C Ginsburg, 'Copyright and Control Over New Technologies of Dissemination' (2020) 43(1) *Columbia*

The streaming industry meets copyright law in the digital market to create fundamental issues about ownership rights of content along with financial distribution systems and protection of intellectual property assets.

The research analyzes three fundamental elements of copyright legislation in film streaming through licensing regulation and piracy challenges and market restraining policies. Licensing regulations control the distribution networks for content together with piracy acts as a constant threat which puts financial stability at risk for streaming platforms alongside their content providers. Major platforms employ exclusivity as their competitive method to sway consumers through marketplace dynamics yet this practice raises questions about content accessibility fairness. This investigation employs legal and policy perspectives to examine these problems with the purpose of contributing to existing debates about effective streaming-era copyright law adjustments that sustain creator and distributor and consumer interests.

II. BACKGROUND AND CONTEXT

Traditional content distribution systems no longer dominate the film industry because digital streaming platforms have displaced cinema releases along with DVDs and television broadcasts during the last twenty years. Through Netflix and Amazon Prime³Video together with Disney+ and HBO Max companies have transformed content availability by providing on-demand streaming of broad film collections. Digital content accessibility has dramatically increased through this transformation yet it creates fresh copyright protection challenges for legislators and regulators.

The purpose of copyright laws evolved to safeguard creative material while maintaining fair payment for creators and distributors of intellectual property. Historically, copyright laws were designed to protect creative works and ensure that content creators and distributors receive fair compensation for their intellectual property. Digital streaming platforms have introduced complicated challenges to established copyright practices because they conduct global content licensing negotiations which led to problems about region-based restrictions and licensing expenses and copyright enforcement standards across international territories. Due to its digital format streaming content becomes an easier target for online piracy that occurs through unauthorized websites and peer-to-peer sharing and cyber locker services.

Streaming services currently face a major problem because they obtain unique rights to stream specific movies and shows either by creating original content or by using limited distribution

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³ Jessica Litman, 'Copyright Law and Its Challenges in the Digital Age' (2017) 115(6) *Michigan Law Review* 901.

agreements. The business practice of exclusivity enables streaming platforms to separate themselves from rivals but creates consumer market fragmentation since people need multiple subscriptions to obtain specific content. This business practice transforms consumer concerns because it affects competition regulation while harming consumer interests and potentially endangering the streaming industry's longevity.⁴ This dissertation investigates the application of copyright law in film streaming service models and performs an evaluation of piracy impacts on enforcement besides analyzing how exclusivity agreements influence industry markets. A thorough study of legal structures and specific case examples along with policy responses enables this investigation to deliver recommendations about structured copyright enforcement that addresses digital streaming needs.

III. RISE OF FILM STREAMING PLATFORMS

The world of entertainment has undergone a dramatic shift because film streaming platforms expanded their presence globally. Digital streaming services now provide instant access to large content libraries because they have replaced or added to traditional film distribution channels which included theatrical releases and cable television and DVDs.⁵ Developments in internet technology together with rising smartphone and smart TV availability and user preference toward immediate streamlined video content with no advertising and subscription plans have fuelled this transformation.

Several streaming giants including Netflix alongside Amazon Prime Video have the same status as Disney+ and HBO Max as well as Hulu present a complete transformation of the way we consume content. These systems deliver enhanced streaming capabilities combined with individual user suggestion features and various subscription frameworks that give customers superior advantages relative to standard TV broadcasts and physical media purchases. Streaming services demonstrated significant expansion by developing original productions which they heavily invest in as these create their distinctiveness against market competitors.⁶

The streaming industry uses global features to let customers watch shows and films in localized versions across international borders. This worldwide content access comes with multiple legal challenges because of the control systems used for copyright enforcement and territorial licensing regulations.⁷ The distribution of legal content across multiple jurisdictions requires

⁴ World Intellectual Property Organization (WIPO), *Streaming and Copyright: How Online Platforms Are Transforming the Film Industry* (WIPO 2021).

⁵ Ramon Lobato, *Netflix Nations: The Geography of Digital Distribution* (NYU Press 2019).

⁶ Stuart Cunningham and David Craig, *Social Media Entertainment: The New Intersection of Hollywood and Silicon Valley* (NYU Press 2021).

⁷ David Waterman, Roger Sherman and Seung Wook Ji, 'The Economics of Online Video Entertainment' in Simon

streaming platforms to obey numerous copyright rules together with licensing pacts.

While streaming platforms experience success they encounter multiple problems consisting of increasing competition together with fragmented content and unauthorized piracy. Subscription fatigue emerged because consumers now face expensive choices due to having to subscribe to numerous services for accessing special content. The simplicity of digital content distribution enables online piracy to continue because online users obtain copyrighted films for free through sites that provide unauthorized streaming and torrenting content. These activities damage revenue streams for both streaming services and content creators.⁸

Given these developments, the role of copyright in the film streaming industry has become more critical than ever. Copyright laws must balance the interests of content creators, streaming platforms, and consumers, ensuring that creative works are protected while also promoting fair access and innovation in the industry.

(A) The Role of Copyright in the Digital Age

Prior developments make copyright protection more vital for the film streaming sector than it has ever been. The legal framework of copyright requires suitable solutions which protect creative content besides fostering accessibility and innovation throughout the entertainment market.⁹

Copyright functions as the legal protection system which gives authors and filmmakers and production companies possession of their intellectual property rights. Copyright law safeguards the digital rights of film content through licensing and user access systems which protect content from unauthorized distribution in this current digital environment.¹⁰ Digital streaming has changed conventional copyright frameworks which has resulted in novel legal problems facing policymakers. Several essential features which form copyright law within the streaming industry include:

1. Licensing and Distribution

Through licensing agreements copyright controls how studios distribute their TV shows along with movies to licensing agencies at international scales. Streamers reach agreements with production companies to obtain complete streaming rights and rights to broadcast select content

P Anderson, Joel Waldfogel and David Strömberg (eds), *Handbook of Media Economics* (vol 2, Elsevier 2020) 547.

⁸ Statista, 'Global Subscription Video-on-Demand (SVOD) Market Size and Growth' (Statista, 2023)

⁹ Paul Goldstein, *Copyright's Highway: From Gutenberg to the Celestial Jukebox* (Stanford University Press 2019).

¹⁰ Peter K Yu, 'Digital Copyright and the Global Film Industry' in Giancarlo Frosio (ed), *The Oxford Handbook of Online Intermediary Liability* (Oxford University Press 2019).

in particular geographic segments. Copyright laws implement territorial restrictions which generate content blocking strategies that restrain viewers from accessing specific films across nations.

2. Piracy and Copyright Infringement

Because streaming is digital content it remains susceptible to unauthorized copying by piracy websites and other unauthorized streaming services and distribution platforms. Costumed rights owners fight piracy by using anti-piracy laws coupled with DRM systems and legal enforcement actions. Struggling to enforce copyright laws stems from the challenges associated with powerless regulations in international jurisdictions as well as the concealed structure of unauthorized piracy networks operating on the internet.

3. Exclusivity and Competition

The exclusive content rights acquired through copyright law enable streaming services to compete in the market but this practice sometimes restricts subscribers from accessing certain content. Exclusivity agreements that restrict market entry mechanisms for both platforms and individual creators come under antitrust law and fair competition regulations.¹¹

4. Fair Use and Public Interest

The law of some nations permits limited educational critical and scholarly use of copyrighted works through fair dealing or fair use provisions. The digital entertainment sector needs to achieve equilibrium between copyright preservation and access to educational and cultural resources available for public viewing.¹²

5. International Copyright Treaties and Digital Rights Enforcement

Current copyright standards established by three major international agreements include the Berne Convention (1886) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) together with the WIPO Copyright Treaty (WCT). Numerous jurisdictions apply different severities to copyright laws since some enforce stricter protocols than others do.¹³

(B) Research Problems

Digital transformation together with film streaming platforms changed how both film distribution and watching pattern function. The unprecedented availability of content through

¹¹ WIPO Copyright Treaty (adopted 20 December 1996, entered into force 6 March 2002) 2186 UNTS 121.

¹² Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market [2019] OJ L130/92.

¹³ US Copyright Office, *Copyright and Digital Streaming: A Legal Overview* (US Copyright Office 2022).

these platforms generates substantial legal difficulties which mainly impact copyright legislation and licensing control and piracy protection and exclusivity terms. Traditional media copyright laws face difficulties in adapting to digital distribution complexities because they were developed for previous media formats which leads to doubts about present legal efficiency.

The research establishes three principal research problems that need examination:

1. The regulation of film streaming industry licensing agreements through copyright laws encounters operational obstacles when transmitting content across national borders.
2. Digital piracy creates what kinds of legal troubles and economic problems for online streaming services and content producers and also affects the entire film industry sector.
3. Exclusivity agreements within the film streaming industry make their way both through existing competition regulations while altering market reach plus diminishing user rights.
4. existing copyright laws alongside their enforcement systems prove sufficient for handling piracy as well as licensing problems and exclusivity matters within streaming platforms.

The dissertation evaluates copyright law while studying major streaming platforms along with international regulatory actions which focus on answering the presented questions. The research investigates how streaming services together with content producers along with regulators and consumers copyright policies across the digital era.

(C) Research Objectives

This research studies the legal relationship between copyright regulations and film streaming operations by analyzing industry regulations pertaining to licenses and piracy issues and market restrictions. This study aims to achieve the following particular research goals:

- a. The research examines the copyright challenges present in streaming services industry

This investigation assesses the way copyright regulations control the film licensing activities on digital distribution networks. Assess the problems which arise from area restrictions and license expenses as well as geo-blocking restrictions. The present copyright laws must be evaluated regarding their ability to protect author rights along with their capacity to provide content accessibility to stakeholders.

- b. A study investigates the ways that piracy influences the operations of the film streaming business

Understand the principal digital piracy practices which consist of unapproved streaming platforms and torrent systems and Virtual Private Networks that help bypass limitations. The study evaluates the economic and legal penalties that affect creators of content alongside streaming services and the complete movie industry because of piracy activities. Current anti-piracy strategies based on digital rights management (DRM) and international copyright protection protocols and domestic enforcement procedures should be examined for their overall effectiveness.

- c. This section analyzes the effects which exclusive agreements have on the streaming industry.

This research investigates how exclusive partner deals between streaming companies influence their industry competition dynamics. The research investigates the impact of exclusivity agreements upon consumer reach and industry market dominance together with viewer burnout effects. The research evaluates if exclusivity agreements comply with competition laws through an assessment that leads to identifying potential solutions against market monopolies.

This research addresses important objectives to enhance existing discussions about striking balance between copyright protection and market competition alongside consumer rights within the transforming digital environment.

(D) Methodology Overview

The dissertation studies the copyright subject using both legal and quality methods that explore legal documents, case studies, and expert publications. This research follows a specific analysis plan.

1. Legal Analysis: The research investigates national and international copyright regulations which include:
 - The Berne Convention (1886) and the WIPO Copyright Treaty (1996) for international copyright standards.
 - National copyright laws, such as the Digital Millennium Copyright Act (DMCA) in the U.S. and the EU Copyright Directive (2019).
 - The research looks at legal procedures from streaming industry cases about copyright misuse and licensing battles as well as anti-competitive conduct.
2. Doctrinal Research
 - The research includes a study of intellectual property laws along with copyright fair

use rules along with licensing agreements and digital rights management concepts.

- An assessment of how courts interpret copyright and how both courts and legislators shape film streaming procedures and how they handle piracy and maintain exclusive rights in the entertainment sector.

3. Case Study Approach

- A review of Netflix, Disney+, Amazon Prime Video and HBO Max cases shows how copyright laws together with licensing and exclusivity affect streaming platforms in real-world situations.
- A review of legal battles that fight Internet piracy against unauthorized streaming platforms.
- We examine all relevant rules and antitrust actions about exclusivity agreements from multiple countries.

Our research design shows both legal and academic methods to investigate copyright problems in streaming services and shows what needs to change in our present copyright controls.

IV. CONCEPTUAL FRAMEWORK: COPYRIGHT IN THE DIGITAL AGE

The main protection system for creative works functioned through copyright law to grant authors along with filmmakers and content creators exclusive rights. Streaming has created historic obstacles for copyright law since media such as films are instantly copied and transmitted across worldwide borders.

Life changed forever with the creation of film streaming services which now supply unlimited content directly to viewers seeking immediate access. The change in movie delivery methods created new intricate legal problems about rights authorization together with unauthorized distribution of content while retaining exclusivity rights. Streaming platforms which operate globally need traditional copyright frameworks to adapt and accommodate the necessary changes in digital content distribution.¹⁴

Copyright has taken on a central position in digital licensing agreements as one of the main features of contemporary copyright management. Streamers depend on copyright licenses to obtain content that establishes their rights to distribute and monetize and grant access to films across different geographic areas. Modern streaming agreements differ from traditional

¹⁴ Jane C Ginsburg, 'Copyright and Control Over New Technologies of Dissemination' (2020) 43(1) *Columbia Journal of Law & the Arts* 1.

broadcasting since they establish complex multijurisdictional contracts with territorial limitations as well as exclusive rights clauses. The system of territorial exclusivity in licensing has created problems including geo-blocking because content gets blocked in particular countries. Rate Certain copyright laws try to protect content owners but these protections raise issues about customer access alongside increasing market concentration mainly because large streaming platforms obtain exclusive film rights.

The digital revolution has produced massive piracy activities which make it difficult for copyright protection systems to enforce their functions properly. Users who stream content without cost through unauthorized websites and peer-to-peer connections and download files illegally create financial damage to creators and streaming platforms. DRM technologies alongside DMCA takedown procedures have proven ineffective at stopping piracy which continues to be a major problem. It becomes difficult to pursue legal action against piracy websites because they commonly function within jurisdictions which prove slow to enforce copyright laws. Online copyright enforcement becomes more difficult because users employ Virtual Private Networks (VPNs) that enable them to bypass geo-blocking restrictions. The control of digital piracy and protection of intellectual property rights in the global entertainment market presents problems because existing copyright laws seem inadequate.

Exclusivity agreements in the copyright realm earn substantial prominence in the modern digital age because they affect both market competition and consumer choice options. The main strategy used by streaming platforms is to lock in exclusive content rights to top productions as well as original programming which enables them to gain more subscribers. The content investment strategy incites production of top-quality material yet it raises industry control issues and challenges viewer reach. The exclusive rights held by different platform services forces subscribers to pay for multiple subscriptions which results in both exhaustion from too many subscriptions and increased expenses. Various jurisdictions conduct antitrust examinations of exclusivity contracts since they evaluate whether such deals put artificial challenges before new platforms and independent content creators.

Streaming industry growth requires copyright law to maintain three equal priorities which protect creators alongside marketplace fairness and public access to cultural and creative works. Scholars and policy experts increasingly discuss how current copyright structures can address digital distribution challenges through necessary reforms.¹⁵

Global digital piracy problems have emerged because modern copyright enforcement methods

¹⁵ WIPO Copyright Treaty (adopted 20 December 1996, entered into force 6 March 2002) 2186 UNTS 121.

have proved ineffective in the digital age. Users who stream content without cost through unauthorized websites and peer-to-peer connections and download files illegally create financial damage to creators and streaming platforms. DRM technologies alongside DMCA takedown procedures have proven ineffective at stopping piracy which continues to be a major problem. It becomes difficult to pursue legal action against piracy websites because they commonly function within jurisdictions which prove slow to enforce copyright laws. The enforcement of copyright becomes harder because users exploit Virtual Private Networks (VPNs) for avoiding geo-blocking restrictions. The existing copyright laws face doubting ability to fight digital piracy along with protecting intellectual property rights because of the growing presence of globalization in the entertainment industry.

In the digital era exclusivity arrangements between copyright holders have become crucial because they create important challenges regarding market competition as well as consumer preference choices. Subscribers are drawn to streaming services through their exclusive rights to obtain the most popular films and original productions. The content investment strategy incites production of top-quality material yet it raises industry control issues and challenges viewer reach. The exclusive rights held by different platform services forces subscribers to pay for multiple subscriptions which results in both exhaustion from too many subscriptions and increased expenses. Various jurisdictions conduct antitrust examinations of exclusivity contracts since they evaluate whether such deals put artificial challenges before new platforms and independent content creators.¹⁶

The streaming industry growth requires copyright law to create equilibrium between safeguarding content creators while fostering competition as well as guaranteeing open access to cultural and creative material. Systematic evaluations concerning copyright laws' fit for the modern digital distribution environment are actively being conducted by both lawmakers and legal academics.

Digital technologies have made it harder for authorities to enforce these rights because unlicensed copying and unregulated streaming spread extensively throughout the digital domain. The Digital Millennium Copyright Act (DMCA) in the United States and EU Copyright Directive (2019)¹⁷ establish legal tools against copyright infringement by using digital rights management (DRM) systems and providing procedures to take down illegal content.¹⁸

¹⁶ WIPO Copyright Treaty (adopted 20 December 1996, entered into force 6 March 2002) 2186 UNTS 121.

¹⁷ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market [2019] OJ L130/92.

¹⁸ Peter K Yu, 'Digital Copyright and the Global Film Industry' in Giancarlo Frosio (ed), *The Oxford Handbook of Online Intermediary Liability* (Oxford University Press 2019).

Copyright laws operate on a territorial basis which grants national jurisdictions the power to implement copyright protection. Geographic limitations become major barriers for modern streaming distribution networks since content requires different copyright alignment for every country it serves. Streaming platforms need to establish different licensing deals by geographic areas which leads them to implement geo-blocking systems that deny users access to specific content regions. National copyright compliance ensures through this practice yet the approval system also triggers arguments about territorial limitation of digital content access for consumers. Law professors endorse the transformation of copyright rules through innovative and unified worldwide licensing procedures designed for present-day internet content management.¹⁹

The core principle of copyright law maintains equity between intellectual property rights of creators and accessibility of works to the public. Under copyright law authors and film studios receive exclusive rights but at the same time limitations and exceptions like fair use doctrine work as per U.S. law or fair dealing operates as per UK and India and Canada and Australian statutes. Specific conditions including criticism, education, research and news reporting enable the lawful use of copyrighted material without authorization. Streaming platforms face modern relevancy in the digital era because they must determine if users can use content in non-commercial ways despite holding copyright.²⁰

The popularity of YouTube and TikTok places additional complications before copyright holders because they try to protect their material while users wish to experience free creative engagement with media content.

1. Evolution of Copyright Law in Digital Media

Copyright law has experienced fundamental changes because digital media created new problems which needed resolving. The intellectual property rights protection mechanism called copyright law has evolved because technology changed from printed formats to internet networks and digital content distribution methods. Throughout the history of print media and digital streaming the legal structure of copyright law relocated to accommodate changed methods of content use as well as unauthorized duplication and licensing systems. The development of copyright law in digital content proceeded through official legislation combined with major international agreements and deciding court rulings which form the present

¹⁹ Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886, last revised 28 September 1979).

²⁰ US Copyright Office, *Copyright and Digital Streaming: A Legal Overview* (US Copyright Office 2022).

regulatory structure.²¹

a. Early Copyright Laws and the Emergence of Digital Challenges

Copyright laws originated for controlling unlawful reproduction of books and music along with protecting motion pictures and television shows. The Berne Convention for the Protection of Literary and Artistic Works (1886) laid down international copyright foundations during which it provided foundational concepts about automatic protection together with national treatment systems and moral rights provisions.²² Copyright frameworks established previously encountered difficulties in adapting to the quick evolution of media digitization caused by technological progress.

The late 20th-century invention of personal computers alongside digital storage devices introduced fresh copyright problems for the society. Digital content could be perfectly duplicated without loss through the creation of digital copies which enabled music films and books to spread freely over the Internet. Through P2P platforms such as Napster and LimeWire and BitTorrent networks which rose late in the 1990s and early 2000s copyright protection faced a direct threat to its enforcement system.²³ Online users on these platforms freely distributed copyrighted content which led to major revenue losses for content creators while circumventing established distribution channels. Copyright law interventions became essential because they needed to tackle digital reproduction in an unregulated manner and prevent online copyright infringement.²⁴

2. The Digital Millennium Copyright Act (DMCA) and Its Global Influence

The Digital Millennium Copyright Act (DMCA) of 1998 proved to be a major legislative solution against digital piracy in the United States. The Digital Millennium Copyright Act established its two core features to update copyright legislation: these were anti-circumvention provisions and safe harbor protections for online service providers.²⁵

The anti-circumvention provisions under this legislation outlawed any attempt to bypass security technologies known as Digital Rights Management (DRM) that secured protected content. The encryption mechanisms used in digital content restricted owners who possessed legal copies since they were forbidden from breaking the encryption to modify or duplicate

²¹ Mark A Lemley, 'The Constitutional Foundations of Intellectual Property' (2012) 93 *Texas Law Review* 783.

²² Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886, last revised 28 September 1979).

²³ Sam Ricketson and Jane C Ginsburg, *International Copyright and Neighbouring Rights: The Berne Convention and Beyond* (2nd edn, Oxford University Press 2006).

²⁴ Lawrence Lessig, *Free Culture: The Nature and Future of Creativity* (Penguin Books 2004).

²⁵ Digital Millennium Copyright Act 1998, 17 USC §§ 512-1201 (United States).

content.²⁶

Online platforms obtained protection against copyright liabilities through Section 512 of the DMCA as long as they fulfilled takedown notice requirements. The DMCA protected YouTube and Facebook alongside other platforms by making them responsible only for promptly removing infringing content after users submitted requests.

Section 512 of the DMCA became the foundation for international copyright regulations that inspired copyright frameworks throughout India (2012)²⁷ and Europe (2019) including Australia (2018).²⁸

One of the most significant legislative responses to digital piracy was the Digital Millennium Copyright Act (DMCA) of 1998 in the United States. The DMCA was designed to modernize copyright law for the digital age by introducing anti-circumvention provisions and creating a safe harbor for online platforms.

3. The Rise of Streaming Platforms and New Licensing Models

Copyright enforcement adjusted in the digital age when digital users moved from illicit file-sharing to subscription-based streaming services during the early 2010s. Platforms including Netflix and Hulu as well as Disney+ and Amazon Prime Video changed the content distribution landscape through licensed streaming services to their subscribers.²⁹ Users gained lawful access to huge content collections through subscription plans that required monthly payments.

The industry evolution produced several novel copyright licensing concepts which eventually became:

- Users subscribe to SVOD services to obtain streaming content by paying recurring fees such as Disney+ and Netflix.
- Users enjoy Transactional Video on Demand (TVOD) through Apple TV and Google Play Movies by purchasing single movies or episodes.
- Users of Advertising-Based Video on Demand streaming platforms (AVOD) encounter free content which generates revenue through presenting ads on YouTube and other networks like Tubi and Pluto TV.

The expansion of streaming services cut down piracy in selected regions yet generated worries

²⁶ Rebecca Tushnet, 'The DMCA Safe Harbors and Their Controversies' (2019) 51 *Columbia Journal of Law & the Arts* 147.

²⁷ Copyright Amendment Act 2012 (India).

²⁸ Copyright Amendment (Online Infringement) Act 2018 (Australia).

²⁹ Netflix, 'Netflix Annual Report 2023' (Netflix, 2023)

about exclusive arrangement between licensors and streaming platforms that blocked content from various streaming services. The complexity of licensing agreements triggered geographical blocking systems that deny viewers in particular nations access to particular content due to copyright exclusivity.³⁰

4. The European Copyright Directive and Its Impact

The European Union developed the Copyright Directive (2019) as an updated legislation for digital economy copyright regulations. Article 17 (previously Article 13) stands out among all directives because this provision shifts online platform responsibility from being passive copyright infringement observers to proactive infringement prevention agents.³¹

Highlights of the directive encompass following elements:

- The law compels video platforms operating on YouTube to employ proactive content detection systems that identify and eliminate copyrighted substances.
- Online platforms need to establish a system that guarantees content creators including artists and filmmakers as well as content owners receive just remuneration for their work.
- Proponents of the directive warn that it might diminish user-generated content because users could encounter limitations when producing memes along with remixes and commentary videos using fair use provisions.

5. Challenges and Future of Copyright in Digital Media

Digital media maintains its ability to generate new copyright-related problems that advance beyond legal improvements.

- The copyright rights of human creators come into question regarding such content generated by AI since it produces films and music through artificial intelligence systems.
- Several companies test blockchain systems which use smart contracts to make automatic copyright licensing administrative processes and royalty payment systems operate without third parties.³²
- Cross-Border Copyright Enforcement suffers from the territorial nature of laws which

³⁰ William W Fisher III, 'Digital Music Distribution and the Law' (2004) 10 *Harvard Journal of Law & Technology* 45.

³¹ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market [2019] OJ L130/92.

³² WIPO, *Blockchain Technologies and IP Ecosystem: Challenges and Opportunities* (WIPO, 2021).

prevents a global digital licensing system from forming because it creates content access gaps and enforcement obstacles.³³

The digital media world demands decision-makers from policy branches along with scholars and industry representatives to maintain healthy equilibrium between IP defenses and user rights together with new innovations and worldwide distribution capability. Broad copyright law reform efforts in the future are expected to unite international licensing standards while enhancing anti-piracy mechanisms and manage new developments from AI and blockchain systems.³⁴

V. KEY INTERNATIONAL TREATIES AND LEGISLATIONS ON COPYRIGHT

The film streaming industry receives its copyright protection through international treaties and each country maintains its own national legislations for protecting creative works that extend across borders. New technologies during the digital period have required treaties to adapt and evolve through time.³⁵

Three main international agreements for intellectual property protection are the Berne Convention for the Protection of Literary and Artistic Works (1886) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (1994) together with World Intellectual Property Organization (WIPO) Copyright Treaties (1996). The frameworks create a single international framework which maintains copyright security past national borders to manage global issues regarding infringement together with licensing and digital rights management.

1. The Berne Convention for the Protection of Literary and Artistic Works (1886)

The Berne Convention represents the longest standing and most powerful international instrument that shapes copyright law policies. The treaty first came into existence in 1886 and went through revisions until WIPO established its latest version in 1979. By virtue of administration from World Intellectual Property Organization (WIPO) the convention grants automatic copyright defence beginning the moment a work is produced even without official registration.³⁶

³³ Andres Guadamuz, 'Artificial Intelligence and Copyright: Can AI Be an Author?' (2020) 41 *European Intellectual Property Review* 205.

³⁴ Morten Hviid and Sofia Izquierdo Sanchez, 'The Impact of Streaming Services on Copyright and Market Competition' (2021) 39 *Oxford Journal of Legal Studies* 73.

³⁵ Sam Ricketson and Jane C Ginsburg, *International Copyright and Neighbouring Rights: The Berne Convention and Beyond* (2nd edn, Oxford University Press 2006).

³⁶ Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886, last revised 28 September 1979).

National treatment stands as an essential Berne Convention principle which ensures that member countries extend identical copyright protection to works produced from each member nation as local laws would provide. International film distribution and streaming becomes possible through this rule which stops member states from discriminating against copyright owners from abroad. Signature countries must under the minimum protection standard extend exclusive author rights such as reproduction rights and distribution rights and rights to adapt and publicly perform.³⁷

Through the Berne Convention writers gained moral rights that safeguard the integrity of their works as well as provide them with credit for their creations. In the current digital era streaming platforms alongside, online distributors must abide by legal requirements that pertain to both content alteration and the unapproved use of copyrighted material. The Berne Convention does not have clear digital copyright enforcement rules thus other agreements such as the WIPO Copyright Treaty became necessary.³⁸

2. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (1994)

Signed through the World Trade Organization in 1994 the TRIPS Agreement represents one of the most extensive international documents about intellectual property rights along with copyright. TRIPS stands apart from the Berne Convention because it places greater emphasis on economic rights and implementation tools thus remaining highly pertinent for copyright issues surrounding film streaming.³⁹

TRIPS maintains the principles from Berne Convention though its provisions strengthen enforcement through supplemental measures. Members of countries obligated by TRIPS must build proper copyright enforcement systems through criminal and civil penalties for infringement combined with border control procedures against counterfeit products along with methods to rectify copyright violations. The solution has proved vital in tackling digital piracy alongside illegal streaming sites that capitalize on national copyright law vulnerabilities to broadcast unauthorized content across the world.⁴⁰

TRIPS introduced an essential element when it compelled all World Trade Organization member countries to adopt its copyright regulations thus becoming an initial universal copyright

³⁷ Lionel Bently and Brad Sherman, *Intellectual Property Law* (6th edn, Oxford University Press 2023).

³⁸ Graeme B Dinwoodie, *International Intellectual Property Law and Policy* (2nd edn, LexisNexis 2008).

³⁹ Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299 (TRIPS).

⁴⁰ Carlos M Correa, *Trade-Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement* (2nd edn, Oxford University Press 2020).

accord. The unification of copyright laws brought by this standard has minimized prior discrepancies that made piracy networks survive. Several observers contend that the Trade-Related Aspects of Intellectual Property Rights (TRIPS) primarily serves developed nations with robust copyright sectors besides creating challenges for developing countries who encounter difficulties in enforcing stringent copyright regulations.⁴¹

3. The WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT) (1996)

Modernized copyright laws emerged because of digital technology growth so the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) appeared in 1996. The WIPO Internet Treaties combined into a single group specifically protect copyright ownership in digital environments thus being highly applicable to the film streaming business model.⁴²

Through the WCT the Berne Convention receives particular protection for digital content as it provides enhanced rights for copyright owners in digital environments. Alone among its pivotal sections lies the "making available" right which empowers authors to rule over their digital work dissemination rights online. VOD services rely on this basic provision to require platforms obtain necessary licenses before distributing copyrighted films.⁴³

The WPPT protects performers together with producers of sound recordings by safeguarding their fair compensation throughout broadcasted or streamed online performances. Streamers who offer musical performances and audio-visual content must maintain proper royalty sharing systems through licensing agreements because this provision stands essential for their streaming business model.

Digital piracy receives protection from the WIPO Internet Treaties thanks to their vital anti-piracy role. Through these agreements the treaties establish rules to stop unauthorized activities that break Digital Rights Management (DRM) protection systems for copyrighted works. The United States has implemented these anti-circumvention provisions through the DMCA and the European Union added them to the EU Copyright Directive which several countries have included as part of their national laws to fight illegal downloads and unauthorized streaming.⁴⁴

4. The European Union Copyright Directive (2019) and Other Modern

⁴¹ Peter Yu, 'The Objectives and Principles of the TRIPS Agreement' (2009) 46 *Houston Law Review* 979.

⁴² WIPO Copyright Treaty (adopted 20 December 1996, entered into force 6 March 2002) 2186 UNTS 121 (WCT).

⁴³ WIPO Performances and Phonograms Treaty (adopted 20 December 1996, entered into force 20 May 2002) 2186 UNTS 203 (WPPT).

⁴⁴ Stef van Gompel, 'The Making Available Right in the European Union' (2015) 40 *Columbia Journal of Law & the Arts* 79.

Regulations

The European Union (EU) Copyright Directive (2019) acts as a primary enforcement mechanism that updates copyright legislation for online platforms along with digital streaming services. Article 17 (formerly Article 13) imposes substantial copyright monitoring responsibility upon YouTube and other online platforms as well as Netflix and Spotify. This measure demands platforms to install automated mechanisms which scan content to find unauthorized copyright material before upload occurs.⁴⁵

Same approaches under new copyright frameworks emerged when nations established contemporary policies to handle digital usage issues.

- The Digital Millennium Copyright Act (DMCA) (United States) gives online platforms protected status yet maintains firm policies against pirating content.
- An update of Indian copyright laws through the Copyright Amendment Act (2012) brings the country into alignment with WIPO Internet Treaties and TRIPS specifications.⁴⁶
- The Copyright Modernization Act (2012) (Canada) established a graded infringement protection protocol online.

The regulations face continuous change through emerging technological advancements as well as streaming practices and user-produced content platforms which brings additional uncertainties about fair use rights and content ownership and digital accessibility.⁴⁷

The legal structure of the film streaming sector depends heavily on international copyright legislations and treaties. The Berne Convention laid down core copyright principles which were later strengthened by TRIPS and WIPO Treaties to extend legal protection for online distribution of films together with audiovisual content. Technology advancement coupled with streaming service growth produces ongoing difficulties about piracy prevention together with reasonable licensing agreements and digital rights access. The future of copyright law must strike a proper equilibrium between creator protection and streaming platform needs together with audience access to protect this legal framework in the present digital era.⁴⁸

⁴⁵ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market [2019] OJ L130/92.

⁴⁶ Christina Angelopoulos, 'The Myth of European Safe Harbors for Online Platforms' (2019) 36 *Computer Law & Security Review* 16.

⁴⁷ Martin Kretschmer, 'The EU Copyright Directive: Its Implications and Controversies' (2020) 42 *European Intellectual Property Review* 89.

⁴⁸ Lionel Bently and Tanya Aplin, 'Liability of Online Platforms in EU Copyright Law' (2021) 43 *European Intellectual Property Review* 523.

VI. LICENSING IN THE FILM STREAMING INDUSTRY

1. Overview of Licensing Agreements in the Film Streaming Industry

Content distribution in the film streaming industry relies on licensing agreements that establish its legal framework. Streaming platforms utilize licensing agreements to obtain broadcast rights of movies and TV shows under specific contractual terms which maintain copyright holder oversight of digital distribution. The rigid territorial and time-based licensing methods of traditional television and cinema no longer work in the digital streaming distribution industry which now offers flexible content licensing approaches for immediate regional viewing. Licensing agreements have progressed from straightforward distribution arrangements because they now entail extensive contracts that incorporate both proprietary rights and geographic limitations together with revenue allocation frameworks.⁴⁹

When content owners from production houses and film studios establish contractual arrangements with streaming platforms such as Netflix and Amazon Prime Video and Disney+ the resulting agreement becomes a licensing agreement. The licensing agreements determine both the platform's duration of content hosting rights and the areas where the content is accessible and whether rights are kept exclusive or shared with rival services.⁵⁰ Both streaming industry licensing agreements exist as exclusive and non-exclusive types which deliver unique advantages along with special difficulties for platform companies and content creators.

The rules that divide geographic regions for content distribution operate as a major element in film licensing systems since their historical inception. Streaming services operate globally but various films and TV shows remain bound to geographic licensing agreements throughout different regions. Geo-blocking technology has become prevalent because streaming platforms use it to restrict content access through regional distribution controls because of their contractual agreements. Market demand for VPN solutions and other geographical bypass methods has grown directly from territorial licensing restrictions in the streaming industry yet this trend raises questions about license system fairness in the digital marketplace.⁵¹

A key element of content monetization yet licensing stands as one of the most complicated aspects that streaming companies strongly oppose. Streaming platforms encounter various deficiencies in licensing content from studios because marketplace competition becomes intense while major studios choose to create their own streaming platforms. Major

⁴⁹ Shubha Ghosh, *Licensing Intellectual Property: Law and Applications* (West Academic 2022).

⁵⁰ Lionel Bently and Brad Sherman, *Intellectual Property Law* (6th edn, OUP 2023).

⁵¹ William W Fisher III, 'Theories of Intellectual Property' in Stephen Munzer (ed), *New Essays in the Legal and Political Theory of Property* (CUP 2001).

entertainment companies became more interested in content ownership than licensing when Disney pulled away from Netflix and brought Disney+ into operation. Amazon Prime Video along with Apple TV+ now depict a combination of licensed material and their self-produced original content while offering viewing options as rentals with advertisements integrated into their streaming service.⁵²

Rising content licensing expenses forced numerous streaming services to spend their funds on producing original content since they needed to depend less on external programming. Digital platforms continue to create "streaming exclusives" because they merge content licensing with internal funding and production in order to establish both short-term and long-term viewer retention and revenue streams. The industry shift from third-party licenses to proprietary content ownership now inspires greater importance of copyright law in digital streaming along with vital licensing negotiations for its future. This section outlines exclusive and non-exclusive licensing differences and examines territorial licensing complexity together with analyses of global streaming platform barriers and real-world examination of Netflix Amazon Prime Video and Disney+ market trends.

2. Exclusive vs. Non-Exclusive Licenses

The film streaming market has two main types of licenses which are exclusive or non-exclusive but they operate toward separate strategic business goals. These classification schemes control the content distribution network while defining access capabilities together with determining the level of streaming platform competition in the market. Exclusive licenses grant sole rights to a single streaming service, restricting other platforms from hosting the same content, whereas non-exclusive licenses allow multiple streaming services to distribute the same content simultaneously. Both models play a crucial role in shaping the competitive landscape of the streaming industry, influencing consumer choices, content availability, and revenue generation.⁵³

- **Exclusive Licenses: Market Differentiation and Competitive Edge**

With an exclusive license one streaming service becomes the sole distributor of film or TV programs across a specified time and particular geographic area. This model offers platforms maximum differentiation power because it enables them to present exclusive content which

⁵² Ian Hargreaves, *Digital Opportunity: A Review of Intellectual Property and Growth* (HM Treasury, 2011) 30-35.

⁵³ Roberta Rosenthal Kwall, *The Soul of Creativity: Forging a Moral Rights Law for the United States* (Stanford UP 2010).

other streaming services cannot offer.⁵⁴ Original programming such as Netflix originals alongside Disney+ and Apple TV+ exclusives has surged because platforms make these shows through exclusive licensing agreements which let them obtain rights along with financing original series and films.

The exclusive rights to content allow streaming platforms to create enthusiastic subscriber loyalty since their subscribers receive content available only through their service. The 2015 deal Netflix made to become exclusive world distributor of Friends brought in tens of millions of new subscribers desiring non-stop access to the famous television series. The HBO Max purchase of exclusive Friends rights in 2020 led to Netflix losing its highly popular show which confirms how content ownership directly affects platform user base.

Users must pay increased costs because platforms need to pay content owners to compensate them for earnings lost through other distribution channels. The duration of time-based exclusive rights contracts determines when platforms will lose their exclusive control over films or series which then become available through renewal or wider distribution. The practice of exclusive content licensing primarily occurs with significant motion pictures and vital TV programs since providing exclusive release dates helps build initial user numbers and grow platform subscriber rates.⁵⁵

A risk exists alongside all benefits provided through exclusive licensing. The platform that pays an excessive amount for exclusive content maintains sole responsibility for any unsuccessful content distribution through its platform. Additionally, exclusive licensing can lead to fragmentation in the streaming industry, as users must subscribe to multiple services to access all their favorite content, often leading to subscription fatigue and increased piracy rates.

- **Non-Exclusive Licenses: Wider Accessibility and Flexible Monetization**

Multiple streaming platforms gain access to content through non-exclusive licenses because this arrangement lets different platforms share the same content materials across their services. Older films and syndicated television shows as well as third-party content depend on non-exclusive licensing because this format ensures broader content availability without limiting value creation through exclusivity. Non-exclusive licenses work for catalogue content since their main purpose is to expand audience reach beyond one streaming service.⁵⁶

⁵⁴ Mark Lemley, 'Intellectual Property and Shrinkwrap Licenses' (1995) 68 *Southern California Law Review* 1239.

⁵⁵ Daniel Gervais, *The TRIPS Agreement: Drafting History and Analysis* (4th edn, Sweet & Maxwell 2012).

⁵⁶ Jane C Ginsburg, 'The Exclusive Rights of Authors in Traditional and Digital Contexts' (2001) 27(2) *Columbia-VLA Journal of Law & the Arts* 311.

The long-lasting films *The Godfather* and *Pulp Fiction* exist on multiple streaming services at once since licensing them to multiple platforms yields higher returns than allocating them to one service only. *The Office* alongside *Friends* served as syndicated television programs that distributed content to multiple platforms so content owners could acquire income from various licensing agreements. The major film studios together with streaming platforms now restrict their premium content with exclusive agreements which has limited non-exclusive licensing options.⁵⁷

Non-exclusive licensing provides content owners with enhanced financial adaptability since they maintain the ability to give platform access to multiple distributors of their same content thus boosting overall earnings. Independent filmmakers together with production studios find non-exclusive deals particularly advantageous because they lack sufficient marketing strength to secure exclusive offers from major streaming services. This model helps smaller streaming platforms obtain content with multiple options since exclusive agreements would be too expensive.

Non-exclusive licensing deals present some disadvantages to companies. Multiple services enabling content availability hinders platforms from acquiring new subscribers by using the content as a signup incentive. The absence of competitive advantages turns non-exclusive titles into a challenge because they cannot establish unique selling points that help services stand apart from competitors. Furthermore, non-exclusive agreements often involve shorter licensing durations, leading to content frequently shifting between platforms, which can confuse and frustrate viewers who are unsure where to find their favorite shows or movies.⁵⁸

▪ **Balancing Exclusivity and Accessibility**

Businesses should choose between exclusive and non-exclusive licensing by assessing their content strategies and audience demand besides financial objectives. Exclusive agreements provide competitive advantages yet brand identity protection while maintaining subscriber base but their implementation means expensive financial burdens and increases market-related dangers. The practice of non-exclusive licensing provides expansive market access along with monetization flexibility but does not establish competitive differences at the same level. The streaming industry expansion leads services toward amalgamated content strategies which unite exclusive programming with non-exclusive licensed content to maintain cost-effective

⁵⁷ Jonathan Taplin, *Move Fast and Break Things: How Facebook, Google, and Amazon Cornered Culture and Undermined Democracy* (Little, Brown 2017).

⁵⁸ Michael D Smith and Rahul Telang, *Streaming, Sharing, Stealing: Big Data and the Future of Entertainment* (MIT Press 2016).

operations and consumer loyalty and earn revenues.

VII. TERRITORIAL LICENSING IN THE FILM STREAMING INDUSTRY

The film streaming industry arranges its content distribution system through territorial licensing methods which control streaming rights between global geographical locations. Copyright owners use the licensing strategy to provide content to streaming platforms on an area basis which permits some territories to access selected content while blocking others. Traditional film distribution models directed the sale of different rights across territories for theatrical screenings as well as DVD sales and television broadcasts. The global nature of digital streaming has not reduced the power of territorial licensing since content availability remains subject to multiple legal and economic and contractual obligations.

The main purpose of territorial licensing exists to divide markets and optimize profits between different revenue streams. Content owners benefit from territorial divisions because they receive various licensing deals from distributors across regions which optimizes their revenue generation. A major Hollywood blockbuster exists solely on Netflix networks within U.S. borders while Amazon Prime Video serves Indian territories and Sky Go serves British markets according to regional licensing agreements. Each market generates higher profits for content owners through their territorial licensing approach because local streaming services must fight for national rights to streaming content. Additionally, territorial licensing enables studios to price content differently based on regional market conditions, taking into account factors such as subscription costs, advertising revenues, and consumer demand.⁵⁹

The practice of territorial licensing generates mounting controversy in present times since it stands opposing to the boundaryless expansion of digital streaming platforms. The borderless nature of streaming enables providers to operate across the globe thus making territorial content restrictions more obvious and troublesome for their customers. The main result of territorial licensing practices includes geo-blocking which blocks users from specific content depending on their geographic location. The practice of geo-restrictions has triggered mass consumer disappointment which caused many people to workaroud restrictions through Virtual Private Networks (VPNs) to view foreign content. The streaming platforms Netflix and Disney+ have taken steps to prevent VPN usage yet customer methods to bypass digital barriers persist since users discover new methods to circumvent these barriers.⁶⁰

⁵⁹ WIPO, 'Territoriality of Copyright and Its Impact on the Exploitation of Works in the Global Market: A Study of National and International Solutions' (2011)

⁶⁰ Daniel Gervais, *The TRIPS Agreement: Drafting History and Analysis* (5th edn, Sweet & Maxwell 2021) 323-329.

Territorial licensing creates technical and legal obstacles which negatively affect the operation of worldwide streaming platforms together with frustrating their user base. Streaming giants including Netflix Amazon Prime Video and Disney+ face multiple legal barriers from international copyright laws and local laws alongside contractual restrictions while acquiring content because they do not work within established market areas like traditional media firms. Digital Single Market regulations from the European Union work to increase digital content accessibility across EU states while many content licensing agreements continue imposing border restrictions. Broadcasting streaming content in India alongside China and Latin America is hindered by both their local censorship rules alongside their government licensing demands and cultural regulations.

The worldwide growth approach of Netflix demonstrates significant difficulties which arise from territorial licensing practices. The shift of Netflix from being a US-based streaming service to a worldwide platform created obstacles for obtaining global content rights because of territorial broadcasting agreements with local distributors. The rights to broadcast popular titles from Friends and The Office remained with broadcaster networks in different regions which prevented Netflix from providing them to their subscribers. The increase in original content creation by streaming services like Netflix has become a major business strategy because it enables them to distribute their content freely across the world without contracts with regional broadcasters. The production of original content by streaming platforms gave birth to "Netflix Originals," "Amazon Originals," and "Disney+ Exclusives" which enabled platforms to produce content straight from the source while retaining worldwide distribution authority.⁶¹

The method of territorial licensing functions as a crucial financial mechanism for content revenue generation whether studios use it or regional film distributors need it to secure business revenue streams. Certain industry professionals indicate that eliminating territorial licensing would probably decrease content producer revenue streams because platforms would opt for less expensive worldwide rights instead of more expensive regional agreements. Industry experts propose that a combination approach to content distribution through regional exclusivity alongside global sharing of popular content would achieve the best outcome between earnings and viewer access.⁶²

The streaming industry faces unpredictable circumstances for territorial licensing models in

⁶¹ Gustavo Ghidini, *Innovation, Competition and Patent Law: A Handbook of Contemporary Research* (Edward Elgar 2017) 189-192.

⁶² Martin Senftleben, 'From Flexible Territoriality to Multiterritorial Licensing: The Hidden Track of Harmonization' (2019) 50(2) *IIC - International Review of Intellectual Property and Competition Law* 131, 134-137.

future stages of development. The EU's cross-border content portability rules struggle to overcome territorial restrictions in media licensing because the financial structure and technical agreements of streaming platforms involve territorial limitations. With the rise of global streaming services, VPN usage, and consumer demand for unrestricted access, it is likely that pressure will continue to mount on policymakers and content owners to reform territorial licensing practices to better align with the digital-first world.

VIII. CHALLENGES IN LICENSING FOR GLOBAL PLATFORMS

Global platforms Netflix, Amazon Prime Video and Disney+ and HBO Max encounter substantial hurdles while pursuing and handling licensing agreements because the film streaming market continues to grow in size. The distribution of content across numerous countries presents streaming services with obstacles that traditional broadcasters do not have to deal with because they operate within defined national borders. The territorial structure of copyright laws together with regional licensing agreements Provides multiple barriers to worldwide content delivery which Technology Made possible. Streamers encounter multiple critical barriers stemming from complex legal scenarios combined with regulatory difficulties and conflicts about revenue sharing and content restrictions that affect platform content delivery areas.⁶³

1. Legal and Regulatory Complexities

Global streaming platforms encounter two main obstacles while handling numerous content regulations together with various copyright laws within different geographical areas. Each national territory maintains its own copyright laws which require licensing agreements to follow their regulations. Platforms encounter major legal barriers whenever they try to provide their content across international borders. Despite the European Union's Digital Single Market Directive that supports cross-border content access European streaming services continue content restrictions on selected EU countries because earlier agreements limit their ability to adapt.⁶⁴

Content regulations exist in multiple distinct formats between different international nations. Indian and Chinese governments enforce tight censorship regulations on platforms which demand content modifications or content removal of political elements and cultural unsuitable material before streaming. Dissimilarly the United States and United Kingdom maintain relaxed

⁶³ Lionel Bently and Brad Sherman, *Intellectual Property Law* (5th edn, OUP 2018) 215-218.

⁶⁴ Mira Burri, 'The Regulation of Content in Online Video Services: A Comparative Analysis' (2018) 5(3) *Journal of World Intellectual Property* 87.

content regulations while their copyright enforcement requirements apply strict protocols that results in frequent content takedown reports for streaming platforms. GDPR implements additional regulatory hurdles for global streaming operations because European businesses must honor user data privacy rules combined with local content compliance regulations.⁶⁵

A legal challenge occurs when content creators or studios finalize multiple geographical agreements for licensing the same productions like movies or TV shows. Such licensing agreements stop streaming platforms from showing identical content throughout all their markets. Networks in different regions enforce unique content restrictions on Netflix because pre-existing agreements between broadcasters and cable operators obstruct its ability to have synchronized streaming materials across countries.⁶⁶

2. Revenue-Sharing Models and High Licensing Costs

Global streaming platforms negotiate complicated splitting arrangements for content licensing between content owners and distributors as well as streaming services. Streaming platforms navigate different challenges because they need to obtain multi-region and worldwide rights from content owners at higher prices than conventional distribution through territorial sales. The major studios alongside production houses and independent creators request large licensing fees from platforms preventing them from obtaining premium content across multiple regions financially.⁶⁷

The acquisition of Friends streaming rights for Netflix cost a reported \$100 million in U.S. territories until HBO Max took over for \$425 million worldwide rights during 2018. The hefty licensing expenses create obstacles for emerging and minor streaming platforms that seek to contend against big industry competitors. Content owners choose to sell their rights through regional arrangements rather than worldwide licenses because they want to use market-specific price structures. The content distribution rights networks of worldwide platforms remain inhibited by this particular strategy.⁶⁸

The revenue-sharing dilemma includes all aspects of royalty payment distribution as well as profit distribution. Streaming platforms adopt three main business models which include subscription plans at Netflix and Disney+ as well as ad-supported services provided by

⁶⁵ Lucie Guibault and Bernt Hugenholtz, 'The Future of Territorial Copyright in the EU Digital Single Market' (2016) *European Intellectual Property Review* 195, 200-204.

⁶⁶ World Intellectual Property Organization (WIPO), 'Study on the Right of Communication to the Public' (2016) SCCR/30/7 https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=341748 accessed 10 February 2025.

⁶⁷ Patrick McNally, 'Streaming Revenue-Sharing Models: The Battle Between Creators and Platforms' (2021) 33(4) *Entertainment Law Review* 126.

⁶⁸ European Audiovisual Observatory, 'The Role of Subscription-Based Video on Demand in Financing European Audiovisual Productions' (2020) <https://www.obs.coe.int/en/web/observatoire/home> accessed 10 February 2025.

YouTube and Pluto TV and hybrid models such as Hulu and Amazon Prime Video. Content owners and independent filmmakers find it challenging to receive fair compensation in streaming revenue distribution models since their compensation stands lower than traditional box office earnings and TV syndication deals.⁶⁹

3. Exclusivity and Competition Among Platforms

Global platforms face substantial difficulties when trying to acquire exclusive rights because of competitive pressure in licensing agreements. Streaming services achieve customer acquisition through their exclusive content relationships which serve as uniqueness factors for the platforms. Platforms spend large amounts of time and funds on competitive bidding and long-term contract negotiation of region-specific rights when pursuing exclusive licenses.

The launch of Peacock by NBCUniversal resulted in the company obtaining exclusive streaming rights for *The Office* that previously belonged to Netflix which had ranked as one of their most popular shows. Disney took all entertainment content from Netflix before establishing Disney+ to consolidate its intellectual property under its own streaming service thus demonstrating how competitive control of content formats industry dynamics. The exclusive licensing practices force content to be spread across numerous platforms which require users to subscribe to multiple services for accessing their preferred titles. Users experience both fatigue and piracy problems because they try to find legal or illegal ways to obtain content due to this trend.

The strength of local market presence enjoyed by regional streaming services like Hotstar in India and iQIYI in China restricts global platforms from obtaining licensing rights because these platforms easily access regional content. Plenty of content gaps force platforms to put tremendous financial resources toward both original content development and local partnership investments for content supply.

4. Geopolitical and Censorship Barriers

The process of global licensing becomes more difficult due to continuous tensions between geopolitical states and governmental content distribution rules. Various nations have imposed rules to restrict which content foreign streaming providers can both obtain and release at local levels. The Chinese government controls media access through strict regulations which stops Western streaming platforms from working in China leading Netflix and Amazon Prime to provide content licensing to Chinese services Tencent Video and iQIYI rather than direct

⁶⁹ Randy Finch, 'Revenue-Sharing in Streaming Services: A New Copyright Approach?' (2020) *Journal of Digital Media Law* 87.

service options.⁷⁰

The implementation of political sanctions along with trade regulations affects the terms of licensing agreements. Major studios alongside streaming platforms in Russia encountered two distinct outcomes after the Ukraine conflict because studios either withdrew completely or got placed under significant regulatory limitations which impacted content licenses. Foreign streaming services face total restriction in Iran and North Korea which prevents these streaming operators from expanding worldwide.

Governments of accessible markets demand streaming platforms to show homegrown media products as a mandate through their local content quota system. The European Audiovisual Media Services Directive (AVMSD) compels streaming platforms to maintain at least six European productions in their content library which creates added scope of licensing for non-European platforms.

(A) The Future of Global Licensing

Internet streaming platforms actively transform their content licensing methods to obtain world-class distribution rights. Media services now prefer owning content directly through original production rather than continuing with third-party agreement-based content relationships. Streaming services connect with production studios from India and Korea to overcome territorial limits on licensing while they build their content portfolios.

The future of licensing in the streaming industry will likely involve greater flexibility in licensing agreements, a shift towards more global rights acquisitions, and increasing pressure on policymakers to address territorial licensing barriers. As technology and consumer demand push towards a more borderless digital entertainment ecosystem, streaming platforms must find innovative legal and financial solutions to balance content accessibility with licensing profitability.

(B) Legal and Regulatory Complexities in Licensing for Global Platforms

The main struggle in online film streaming platform licensing involves managing copyright and distribution rules that apply differently across international territories. Due to their aim of worldwide distribution streaming platforms face endless difficulties in meeting the copyright law requirements of various nations in addition to regional rules and international agreements. The ability for people to access content without borders through the digital revolution collides with territorial copyright laws because licensing agreements need individual country-based

⁷⁰ Begoña Gonzalez Otero, 'Revenue-Sharing and Copyright in the Digital Streaming Economy' (2021) 53(3) *IIC - International Review of Intellectual Property and Competition Law* 89.

legal framework compliance. Streaming services face substantial administrative burdens together with funding and operational challenges when they try to secure and distribute content throughout worldwide markets.

Separate licenses for different geographical territories typify copyright laws whereas streaming platforms need to procure distinct licenses for each specific region rather than a global single license. License agreements between other broadcasters or streaming services prevent a particular film from appearing on Netflix in the United States but allows it for customers in the United Kingdom. The territorial nature of copyright laws intensifies the problem leading to different regional restrictions of content availability across countries. The EU Copyright Directive (2019) seeks European harmonization in copyright laws despite member states keeping their own interpretations of fair use and content usage restrictions.⁷¹

Streamlining services encounter substantial challenges because they must obey censorship rules and content restrictions established by regional authorities. Multiple national authorities enforce content control rules that force streaming platforms to edit their content then remove specific material in advance of market entry. The Chinese government forces foreign streaming platforms to work with local partners such as the iQIYI agreement for licensing Netflix content while the platforms must obey strict policies that bar content with political sensitivity or cultural controversies. Digital content in India falls under the authority of Ministry of Information and Broadcasting because streaming platforms must perform their own censorship on content that might disrespect local religious or cultural traditions. The noncompliance of these regulations results in legal fees and possible bans which restricts global platforms from continuous operation across different territories.⁷²

The enforcement of DRM systems with geo-blocking technologies generates obstacles for platform operators who want to license content internationally. Streaming platforms use geo-blocking technology to prevent users from accessing licensed content since they need to restrict platform usage according to regional licensing agreements. The usage of Virtual Private Networks (VPNs) as well as proxy servers by consumers creates legal conflicts with streaming services and content owners who face contractual disputes because of unauthorized content access. Streaming services like Netflix and Amazon Prime Video together with Disney+ have implemented measures to stop VPN use yet user defeats these restrictions and finds fresh

⁷¹ Mira Burri, 'The Regulation of Content in Online Video Services: A Comparative Analysis' (2018) 5(3) *Journal of World Intellectual Property* 87.

⁷² Lucie Guibault and Bernt Hugenholtz, 'The Future of Territorial Copyright in the EU Digital Single Market' (2016) *European Intellectual Property Review* 195, 200-204.

methods to bypass territorial copyright rules.

Global copyright protection and enforcement receive their framework through national copyright laws and three important international treaties beginning with the Berne Convention (1886) followed by the TRIPS Agreement (1994) and finally the WIPO Copyright Treaty (1996). Streamers need to develop specific licensing frameworks according to how different countries translate their copyright laws into practice.

For example, while the Berne Convention mandates automatic copyright protection for creative works, some countries enforce stricter licensing rules that require streaming services to register and obtain additional distribution permits before making content available in their markets.

Under DSM programs the European Union advances rules which eliminate territorial limitations on digital content so people can maintain access to their streaming services across EU nations. This approach stands against established licensing structures because content owners keep their regional licensing agreements as a financial matter. The United States holds the Digital Millennium Copyright Act (DMCA) as their law which requires streaming platforms to instantly remove copyright-infringing content after providers notify them. Transportation platforms face potential legal risks when their content detection and removal services are slow because they did not remove unauthorized content quickly enough.⁷³

Streaming platforms experience extra difficulty because various countries establish requirements which enforce content producers to include specified amounts of domestic local content across their platform offerings. Under the European Audiovisual Media Services Directive (AVMSD) streaming services need to display European-made content for at least 30% of their offered content while providing encouragement to regional productions yet restricting access to international programs. The licensing agreements between global platforms and local industries become more complicated because Brazil along with Canada and South Korea have created cultural content policies that include investment obligations for international content providers.

IX. REVENUE-SHARING MODELS IN THE FILM STREAMING INDUSTRY

Content licensing in the film streaming industry follows revenue-sharing models to establish profit distribution rules between content creators and production studios and distributors and streaming platforms. The digital streaming market functions with intricate revenue sharing systems since it uses subscription-based along with ad-supported and hybrid payment

⁷³ Ysolde Gendreau, *An Emerging Intellectual Property Paradigm: Perspectives from Canada* (Edward Elgar 2021) 204-210.

structures. The revenue-sharing structures in streaming businesses depend on service types along with content restrictions involving stakeholder negotiating power. The financial sustainability of content licensing agreements depends heavily on adequate comprehension of streaming platforms' revenue-sharing protocols because these platforms currently lead the entertainment industry.⁷⁴

1. Subscription-Based (SVOD) Revenue-Sharing Models

Users choose Subscription Video on Demand (SVOD) services to obtain unlimited access to an on-demand library through monthly or yearly subscription fees which has become the main revenue-sharing pattern in streaming media. The main business model of platforms Netflix, Disney+, Amazon Prime Video alongside Apple TV+ employs SVOD systems through which content owner license terms establish the distribution of subscription payment amounts.⁷⁵

The main business arrangement under this model entails streaming services and entertainment entities reaching fixed payment agreements through both initial payments and royalties which derive from metrics like user consumption and viewer popularity patterns. When Netflix licenses content from owners it obtains definite payment that covers certain streaming timeframes which enables the platform to show the material everywhere the rights extend or in particular geographic areas. The payment method offers content creators dependable income although it restricts their capability to earn more money from the actual popularity of their content.

Some SVOD revenue-sharing agreements include performance-based bonus payments for certain circumstances. The retention patterns and audience engagement metrics which streaming services monitor help decide how much extra payment content owners will receive. The platform will provide supplementary revenue-sharing advantages to content owners whenever their licensed creations deliver exceptional performance with high subscriber acquisition or extended viewer time. Private negotiations determine most agreements and they differ among various markets and regions.⁷⁶

2. Advertising-Based (AVOD) Revenue-Sharing Models

The Streaming industry uses Advertising Video on Demand (AVOD) to share revenue by offering free content due to advertising revenue streams. The AVOD revenue-sharing model

⁷⁴ Patrick McNally, 'Streaming Revenue-Sharing Models: The Battle Between Creators and Platforms' (2021) 33(4) *Entertainment Law Review* 126.

⁷⁵ Patrick McNally, 'Streaming Revenue-Sharing Models: The Battle Between Creators and Platforms' (2021) 33(4) *Entertainment Law Review* 126.

⁷⁶ Randy Finch, 'Revenue-Sharing in Streaming Services: A New Copyright Approach?' (2020) *Journal of Digital Media Law* 87.

supports platforms like YouTube as well as Pluto TV and Tubi and Amazon's Freevee by sharing advertising revenue between content owners and the platforms.

The main revenue source in AVOD models stems from advertising which leads streaming platforms to divide ad revenue shares between content creators according to viewer statistics and advertising display metrics. Platforms have different revenue sharing models where creators receive 55% of the earnings while platforms keep 45% except for cases where custom agreements exist due to exclusive content and large viewer numbers. YouTube's earning share disbursement splits ads 55% to the creator and retains 45% within its own system. User revenue-sharing agreements on certain platforms become complicated because subscribers can select between watching ads to access free material or paying for ad-free content.

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Streaming platforms using the AVOD model generate revenue primarily from advertising which they distribute to content creators entitled to payment regarding both viewer metrics and advertisement display numbers. Pay scales from platforms differ greatly since some platforms give 55% to content creators while allocating 45% to them but others create exclusive deals for content specific to viewership numbers. YouTube's earning share disbursement splits ads 55% to the creator and retains 45% within its own system.⁷⁷

One difficulty in AVOD revenue-sharing originates from changes in advertising revenue that result from seasonal marketing effects and viewer demographics adjustments as well as ad-blocking practices. Streaming platforms need to improve their methods of placing

⁷⁷ UK Competition and Markets Authority, 'Market Study on the Music and Film Streaming Industry' (2022)

advertisements together with their monetization approaches to keep providing regular income to themselves and their content providers. User revenue-sharing agreements on certain platforms become complicated because subscribers can select between watching ads to access free material or paying for ad-free content.

4. Hybrid Revenue-Sharing Models

Modern streaming platforms merge three revenue-producing methods such as SVOD with AVOD together with TVOD to attract numerous audiences while optimizing profits. Subscribers of Hulu HBO Max and Peacock can select between ad-based plans and advertising-free plans in addition to paying for premium content on a rental basis.⁷⁸

For example, Hulu offers:

- An ad-supported subscription (\$7.99/month) with advertisement-based revenue-sharing for content owners.
- The pay-for-ad-free subscription service costs \$14.99 per month to generate licensing revenue through subscription fee payments only.
- The revenue distribution between Hulu and its third-party partners for premium add-ons splits according to subscriber numbers of the premium content.

The implementation of hybrid revenue streams lets platforms pursue various income sources accordingly with market shifts though this strategy leads to intricate content owner negotiations about pay distribution among various revenue streams.

(A) The Future of Revenue-Sharing in Streaming

The rapidly intensifying streaming market forces revenue-sharing models to revamp continuously thus enabling streaming platforms to maintain profitability alongside fair studio creator financial compensation. Platform services such as Netflix and Disney+ and Amazon Prime Video now produce their own original content in order to lower their reliance on third-party materials and gain full control of their monetary gains. Streaming platforms adopt advertising-based and hybrid models to find new approaches for profit maximization together with the delivery of diverse content choices to their audiences. Future revenue-sharing systems will employ artificial intelligence alongside data analytics to enable platforms to establish flexible performance-based revenue collaborations for content monetization.⁷⁹

⁷⁸ Paul Goldstein and Bernt Hugenholtz, *International Copyright: Principles, Law, and Practice* (3rd edn, OUP 2019) 189-194.

⁷⁹ Patrick McNally, 'Streaming Revenue-Sharing Models: The Battle Between Creators and Platforms' (2021) 33(4) *Entertainment Law Review* 126.

X. PIRACY: A PERSISTENT THREAT TO STREAMING PLATFORMS

Digital streaming platforms revolutionized entertainment distribution ways by providing audiences with legitimate and convenient streaming of movies and TV shows. The changing entertainment landscape created new forms of digital piracy which endanger copyright owners together with their streaming partners and the content producers. The internet age introduces advanced forms of piracy beyond file sharing and unlicensed DVD sales through illegal streaming sites and torrent networks and IPTV services that deliver unauthorized premium content to users. Illegal streaming platforms spread their operations throughout various jurisdictions creating difficulties for legal authorities to enforce laws.⁸⁰

The unauthorized disbursement of copyrighted material has resulted in massive economic losses according to industry assessments which amount to billions of dollars. The consumer practice of obtaining pirated content results in financial loss for legal content suppliers but creates adverse effects for artistic production spending and entertainment industry staffing and industry sustainability. Streaming companies Netflix, Amazon Prime and Disney+ fight content piracy by using multiple security measures which include digital watermarks and AI tracking and blockchain-based verification. Piracy remains a dynamic threat because illegal streaming services operate by using geo-spoofing and encrypted streaming and decentralized hosting systems to avoid detection and shutdowns.⁸¹

The illegal activities of piracy achieve more than financial losses because they present significant legal risks in their path. Enforcing copyright legislation in modern times demands worldwide collaboration due to the fact that piracy network activities happen outside national legal boundaries. The anti-piracy frameworks gained strength from WIPO Copyright Treaty (WCT) alongside Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) however tackling piracy in practice proves to be challenging. The practice of consumer behaviour supports the continuation of piracy through the combination of expensive subscriptions and limited access to content across different regions which leads people to illegal streaming options.⁸²

The streaming industry took two approaches to tackle piracy through enhanced legal actions while developing partnerships with enforcement agencies and regulatory authorities to combat big-scale operations. The recent law enforcement measures against unlawful IPTV services and

⁸⁰ Ian Hargreaves, *Digital Opportunity: A Review of Intellectual Property and Growth* (Independent Report, UK IPO 2011)

⁸¹ Peter Yu, 'The Escalating Copyright Wars' (2017) 82 *Brooklyn Law Review* 1.

⁸² Jessica Litman, *Digital Copyright* (2nd edn, Prometheus Books 2017).

torrent networks show streaming companies heavily invest in intellectual property protection. Digital piracy will persist unless organizations implement technological advancements, enhanced legal protections and public education programs to stop piracy threats in the long-term.⁸³

The streaming industry took two approaches to tackle piracy through enhanced legal actions while developing partnerships with enforcement agencies and regulatory authorities to combat big-scale operations. The recent law enforcement measures against unlawful IPTV services and torrent networks show streaming companies heavily invest in intellectual property protection. Digital piracy will persist unless organizations implement technological advancements, enhanced legal protections and public education programs to stop piracy threats in the long-term.

1. Understanding Digital Piracy

Copyrighted digital content distributed illegally by unauthorized means through digital platforms falls under the category of digital piracy along with illegal downloads as well as streaming websites and peer-to-peer file-sharing networks. The growth in film streaming industry roughly parallels the development of different ways to access pirated content. Traditional piracy used to involve bootleg DVD distribution but the current digital threats are instant and decentralized at scale thus making them harder to supervise for copyright owners.

The modern streaming piracy industry consists of complicated components that include torrent networks together with cyber locker services as well as illegal IPTV subscriptions along with mirror websites which duplicate premium content platforms. Because piracy businesses operate between multiple jurisdictions law enforcement becomes complex because national copyright regulations differ from each other. The availability of high-definition pirated content through service interfaces that duplicate legal delivery platforms has become possible through illegal advertising and cryptocurrency payment systems that hinder tracking of owners.

Digital piracy growth mainly occurs due to consumers' continuous interest in content combined with convenient access to pirated material. Audiences choose to access illegal content because of high subscription costs and content availability limitations which restrict how and when they can access streaming content. The stream-ripping phenomenon has worsened the problem by let users take content from authorized sources to redistribute without permission. The financial decline of streaming platforms because of piracy extends to creators as well as investors and lawful distributors of content which establishes piracy as a core problem for the entertainment

⁸³ William Patry, *Moral Panics and the Copyright Wars* (OUP 2009).

sector.⁸⁴

2. Types of Piracy: Camcording, Torrenting, Illegal Streaming

Different advanced forms of digital piracy emerged to create specific new barriers for the film streaming industry. The three primary illegal methods of copyright violation include camcording and torrenting and unlawful streaming which combine to reduce both creator revenue and streaming business profits. The rise of resilient piracy networks demonstrates their ability to bypass security measures implemented by platforms because of modern technological features.⁸⁵

a. Cam cording

Digital consumers engaged in cam movie recordings continue to pursue this ancient form of piracy by using handheld devices to capture screen shows from theater screens. Recordings of movies are transported to stolen movie websites and distributed through networks of computer-to-computer sharing. Modern cinema security systems including night-vision cameras, watermarking and audio encryption have failed to stop cam cording from continuing across countries with weak enforcement policies. The poor quality of cam cording does not diminish its status as the first illegal variant of new films that immediately becomes accessible online after theater premieres. The Film Theft Prevention Act of the United States along with the Cinematograph Act in India enforce harsh punishments against cam recording but authorities struggle to execute these laws effectively.⁸⁶

b. Torrenting

Users rely heavily on torrenting for digital piracy since this method allows decentralized networks to facilitate copyrighted content sharing and download operations. Through The Pirate Bay and RARBG and YTS platforms users can easily spread copies of copyrighted content including films and television shows. Torrent users obtain data through decentralized platforms which break files into fragments before distributing them between multiple users thus making it challenging for authorities to identify or eliminate the distribution source. Regulatory authorities periodically shut down torrent sites but the sites return using alternative domain names and mirror clone websites. Netflix and Amazon Prime along with copyright enforcement agencies fight against torrenting however the easy availability of VPNs and proxy servers prohibits full elimination of this practice. The BT technology remains legal since it brings

⁸⁴ Jörg Reinbothe, *The WIPO Treaties on Copyright: A Commentary on the WCT and the WPPT* (OUP 2015).

⁸⁵ David S. Wall, *Cybercrime: The Transformation of Crime in the Information Age* (Polity Press 2007).

⁸⁶ Michael D. Smith and Rahul Telang, *Streaming, Sharing, Stealing: Big Data and the Future of Entertainment* (MIT Press 2016).

advantages to software distribution although unauthorized copyright use remains as a pressing matter.⁸⁷

c. Illegal Streaming

Modern piracy suffers from illegal streaming as its primary destructive format which directly targets mainstream streaming services. Illegal streaming provides the ability to view copyrighted content right away through instant streaming rather than the file downloading process during torrenting. Websites like 123Movies and Putlocker and FMovies gain millions of users through the display of pop-up ads and malware delivery and cryptocurrency money transactions. These websites locate themselves in jurisdictions which do not strictly protect copyright rights making it hard for law enforcement to take crucial actions against them. The market for illicit IPTV platforms continues to present a major problem for copyright owners because they offer premium content such as live sports along with new movie releases at much lower than official prices.⁸⁸

Financial entities and streaming platforms now use automated content detection tools together with digital watermarking and blockchain verification systems to fight against illegal streaming activities. The constant evolution of anti-piracy protection generates parallel progress among piracy operations resulting in a persistent war between streaming services and online pirates.

3. Economic and Legal Impacts of Piracy

Multiple stakeholders within the film streaming industry experience wide-reaching effects as a result of piracy which creates both economic and legal complications between content creators and streaming platforms and production studios while involving governments. Digital piracy methods have evolved rapidly which produces complications for content control thus creating substantial monetary losses and intricate legal problems.

a. Economic Impacts of Piracy

Streamworks along with production facilities together with content creators suffer the most damaging effect as a result of piracy when their earnings disappear. Electronic piracy of copyrighted content drains billions from the global entertainment industry's economy in a yearly basis according to research from the Motion Picture Association (MPA) which harms both major entertainment companies along with self-employed content creators who earn money through legal streaming platforms. The free distribution of copyrighted materials across the

⁸⁷ Jessica Litman, *Digital Copyright* (2nd edn, Prometheus Books 2017).

⁸⁸ Lawrence Lessig, *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity* (Penguin Press 2004).

internet decreases consumer interest in subscriptions resulting in diminished market potential for Netflix Amazon Prime and Disney+ along with reduced profitability.⁸⁹

Piracy has two detrimental effects on advertising revenue streams while it reduces the competitive landscape of markets. The availability of illegal streaming sites directs viewers away from YouTube and Hulu which leads to a decrease in their advertising income that depends on subscriptions. The reduced income caused by content piracy means streaming services must lower their budgets for original productions and they experience jobs losses that result in reduced government tax revenue. The development markets experience heavy impacts because of piracy since illegal platforms deliver content without charging customers while legal services struggle to compete successfully.

b. Legal Implications of Piracy

Piracy creates law enforcement difficulties because digital copyright infringements occur across international borders. Different national jurisdictions have varying enforcement levels despite the existing frameworks for copyright protection outlined in IP laws including TRIPS Agreement and Berne Convention along with WIPO Copyright Treaty. The operational bases of most piracy websites exist within jurisdictions which make it difficult to enforce copyright protection laws.

Streaming platforms have achieved important victories over piracy operators through court decisions such as *Universal City Studios v Reimerdes* that defended legal protection of unauthorized decryption of copyrighted materials. The legal struggles against digital piracy become evident in *Twentieth Century Fox Film Corp v Harris* alongside *Capitol Records, LLC v ReDigi Inc.*⁹⁰

The Digital Millennium Copyright Act (DMCA) in the US along with European Union Copyright Directive enable copyright holders to order website blocking and issue takedown notices. The anti-piracy measures of evolved piracy networks include VPNs combined with mirror websites and blockchain-based platforms to maintain operational secrecy.

The decentralized structure of digital piracy makes legal enforcement measures less effective while authorities step up their efforts to combat this issue. Streaming platforms join forces with enforcement agencies through automated detection tools and AI monitoring systems while working with law authorities to break down piracy operations. The entertainment industry faces permanent difficulties because technological progress creates new piracy methods.

⁸⁹ WIPO Copyright Treaty (WCT) (adopted 20 December 1996, entered into force 6 March 2002).

⁹⁰ *Twentieth Century Fox Film Corp v Harris* [2013] EWHC 159 (Ch).

4. Revenue Loss Due to Piracy

The film streaming sector encounters serious financial problems because digital piracy activities result in billions of dollars in annual lost profits. Illegal distribution of copyrighted materials results in diminished legitimate subscriber numbers for streaming platforms which negatively affects the revenue streams of production studios along with content creators and distributors as well as streaming platforms. Modern piracy exists as an alternative to traditional bootleg DVD and download piracy methods through illegal torrent and streaming platforms together with IPTV services that allow users to obtain content without payment.⁹¹

According to data from Frontier Economics commissioned by the Motion Picture Association (MPA) in 2019 digital content piracy in the film and TV industry causes losses exceeding \$29 billion per year at a global level. The MUSO 2023 report indicated that piracy websites accumulated 141 billion user visits in the surveyed year thus illustrating their vast scope. Studios experience declining profits because of lost revenue so they must reduce their budgets for new content by cutting jobs in the entertainment sector.⁹²

5. Impact on Streaming Platforms

Subscription-based streaming services like Netflix and Amazon Prime alongside Disney+ need regular subscriber increases together with content licensing deals in order to maintain operational viability. Piracy diminishes the standard subscriber base since users choose unlawful free content instead of purchasing official video services. A research from Sandvine revealed that piracy consumes approximately 25% of worldwide internet data transmission because individuals choose to watch pirated streaming platforms over spending money on authorized paid subscriptions.⁹³

Streaming platforms fight revenue loss by putting more funds into anti-piracy technology that uses digital watermarking along with AI content monitoring solutions and unauthorized access blocking methods. The pirate networks push back because they utilize VPNs with mirror websites as well as encrypted peer-to-peer file sharing to dodge official enforcement strategies.

6. Effects on Content Creators and the Film Industry

Content creators alongside filmmakers and actors suffer directly from revenue reduction because of piracy which hurts especially the financial stability of independent and budget-

⁹¹ Sandvine, *Global Internet Phenomena Report* (2023)

⁹² Frontier Economics, *The Economic Impacts of Counterfeiting and Piracy* (Report for the Motion Picture Association, 2019)

⁹³ Brett Danaher and Michael D Smith, 'Gone in 60 Seconds: The Impact of the Megaupload Shutdown on Movie Sales' (2017) 69(1) *Journal of Industrial Economics* 60.

sensitive projects. Small production firms depend upon box office earnings as well as streaming payments and digital product sales for cost recovery since these businesses require direct and substantial box office success to stay operational. The quick distribution of unauthorized content greatly affects revenue flow thus creating reduced interest for investors and filmmakers to create new works.

The reduced revenue stream negatively influences both film budget allocation and how filmmakers spend their budgets including effects quality and actor selection and production value quality. Non-Hollywood film and regional industries suffer most from piracy due to minimal funding which makes it challenging for them to succeed in worldwide markets. Numerous content creators now hold back digital releases since they enforce strict geographical restrictions which cause their audiences to become frustrated and search for alternative pirated content.

7. Impact on Advertising Revenue

Advertising-supported streaming services (also known as AVOD platforms) which include Hulu, YouTube and Peacock experience financial declines because of piracy activities that lead customers to cancel subscriptions. Most piracy platforms make money by showcasing malware-related ads and advertising gambling platforms featuring fake products. The free operation of these unauthorised websites relies on advertising money which strips funding from legitimate entertainment industries. The Digital Citizens Alliance estimated in 2022 that illegal streaming sites generate annual profits of \$1.3 billion from illegal advertising creating economic harm to creators and the whole digital market.⁹⁴

8. Government and Industry Response

Government entities along with streaming platforms have taken action because piracy inflicts significant financial harm thus implementing more strict enforcement procedures. Law enforcement agencies across the world have launched operations against piracy including Operation 404 in Brazil and Europol conducts anti-piracy raids together with US Department of Justice enforcement against IPTV services. The streaming industry strengthened its collaboration with law enforcement agencies and copyright watchdogs to fight piracy by taking legal action against illegal services while blocking access to them and implementing digital security enhancements.⁹⁵

The piracy problem persists strongly because new advanced piracy methods continue to arise.

⁹⁴ Hadopi, *Study on the Impact of Piracy on Film Revenues in France* (2020)

⁹⁵ Digital Citizens Alliance, *Breaking Bad Ads: How Advertisers Are Supporting Digital Pirates* (2022)

Users accept illegal streaming platforms to save money because they become dissatisfied with streaming subscriptions so this encourages industry revenue loss to continue.

XI. LEGAL IMPLICATIONS FOR STAKEHOLDERS

The inclusive issue of digital piracy manifests substantial legal complications affecting the complete set of entities participating in the film streaming sector including streaming services and content producers along with their audience members and enforcement authorities. Multiple legal frameworks including copyright rules as well as treaty requirements together with anti-piracy statutes exist to defend stakeholder interests yet enforcing these laws turns out to be challenging because of geo-location obstacles alongside changing piracy practices and weak legal protections.

1. Streaming Platforms and Production Studios

Internet streaming platforms Netflix and Amazon Prime together with Disney+ lead the fight against piracy through legal means. These platforms who hold copyrights invest large amounts of money to acquire and license and produce content which piracy harms by breaking their established business principles. These platforms depend on intellectual property laws referred to as Digital Millennium Copyright Act (DMCA) from the US and the Copyright Directive from the EU and Copyright Act from India to protect their content.⁹⁶

Copyright infringement enforcement becomes difficult because piracy websites operate beyond their jurisdiction. The legal obstacles to interception and legal proceedings become challenging because these unlawful streaming platforms base their operations in nations with little copyright enforcement capability. Many attempts to shut down piracy websites become futile when law suits such as Paramount Pictures Corp v 123Movies and Twentieth Century Fox v Harris fail to stop websites because they simply relocate to alternate domains.⁹⁷

2. Content Creators and Rights Holders

Filmmakers alongside actors and screenwriters and musicians survive through both royalties and license agreements alongside digital distribution income. The practice of piracy diminishes the income of content creators which results in industry workers receiving reduced pay and organizations making financial cutbacks and facing employment decreases.

Content creators obtain their rights by drawing from both moral rights and economic rights established through Berne Convention regulations and domestic copyright rules. The lack of

⁹⁶ Universal City Studios, Inc v Reimerdes [2000] 111 F Supp 2d 294 (SDNY).

⁹⁷ Directive 2019/790/EU on Copyright and Related Rights in the Digital Single Market [2019] OJ L130/92.

financial means for independent filmmakers prevents them from pursuing legal action against piracy operators thus putting their income at risk. The Capitol Records, LLC v ReDigi Inc legal battle shows digital copyright law struggles to respond to newer unauthorized content dissemination methods which include peer-to-peer file sharing platforms and used digital media sales.⁹⁸

3. Consumers and End Users

The practice of pirated streaming among consumers takes place despite being illegal since some technology users choose to ignore copyright laws at their own expense. This action endangers them through both legal consequences and cybersecurity threats. The legal approach toward illegal streaming of copyrighted content shows variation across European nations including Germany and France and the United Kingdom because these countries choose to either punish users or target online piracy platforms.⁹⁹

Users who participate in piracy under the Hadopi Law in France must accept warnings and potentially pay fines along with experiencing internet access limitations. Under the Digital Economy Act 2017 of the United Kingdom the punishment for online copyright violations grew more severe by amplifying the maximum mandatory prison term for piracy offenses from two years to ten years.¹⁰⁰

The association of piracy websites exposes users to various online threats that compromise their security through cyber dangers and data breaches while violating consumer protection regulations. Streaming platforms now alert their users to the legal and security perils found in illegal content access in order to prevent consumers from engaging in piracy activities.

4. Internet Service Providers (ISPs) and Technology Companies

Top roles in preventing piracy lie with ISPs and tech companies because they provide both internet connections and digital content markets to consumers. ISPs face opposing legal demands since they need to protect both copyright from infringement and maintain net neutrality and users' privacy rights.

ISPs in both the DMCA framework of the United States and the EU Copyright Directive must block content that receives valid takedown requests from copyright owners. Multiple Internet service providers decline to follow these measures because they maintain their responsibility should not extend to user-generated piracy cases. Through *BMG Rights Management v Cox*

⁹⁸ Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971).

⁹⁹ Digital Economy Act 2017 (UK), s 24.

¹⁰⁰ *BPI v Richard L. S. O'Dwyer* [2012] UK Extradition Order (concerning TVShack.net).

Communications it was established that Internet Service Providers became subject to liability when they did not stop repeat copyright violations.¹⁰¹

Google as well as Facebook and Twitter face criticism because their platforms connect users to pirated content. The legal battle between Viacom International and YouTube forced technology companies to implement stricter content review systems because of the ongoing debate over platform responsibilities in copyright protection.

5. Governments and Law Enforcement Agencies

Governments and regulatory agencies are responsible for drafting and enforcing anti-piracy laws, but their effectiveness varies depending on national policies, judicial efficiency, and international cooperation. Some governments have introduced site-blocking laws that empower authorities to restrict access to piracy websites, such as:

- The UK High Court's blocking orders against The Pirate Bay and other piracy sites.
- India's dynamic injunction system, which allows courts to block piracy domains proactively.
- The US Department of Justice's seizure of illegal streaming services like Jetflix and iStreamItAll.¹⁰²

The anti-piracy measures implemented by authorities have been unable to keep piracy networks suppressed since these activities continue to use encrypted peer-to-peer services while moving to new domains as well as decentralized platforms. Multiple experts state that international entities should create a stronger regulatory system to enforce piracy laws between borders while fixing the core reasons behind piracy including expensive streaming costs and limited content licensing zones.

Different stakeholders in the piracy situation encounter distinctive legal obstacles involving copyright regulation alongside revenue protection and regulatory compliance requirements. The combination of copyright protection laws and Internet Service Provider responsibilities along with consumer punishment mechanisms fail to stop piracy adequately because of factors including legal exemptions and geographic jurisdiction problems. Streamers should team up with production companies to create better laws and technical solutions together with educational programs to protect their business from piracy threats.

9. Anti-Piracy Measures by Streaming Platforms

¹⁰¹ Digital Millennium Copyright Act 1998, 17 USC § 512.

¹⁰² Supreme Court of India, Super Cassettes Industries Ltd v MySpace Inc [2018] Civil Appeal No 673 of 2018.

Digital piracy threatens the revenue and intellectual property of streaming platforms including Netflix, Amazon Prime and Disney+ so these companies use different anti-piracy protections to protect their content. The fight against piracy strengthens through attacks and enforcement operations as well as consumer education programs and establishing connections with law enforcement bodies to take legal action against unlawful operators. The combination of these antipiracy methods produces decent results but piracy continues as an enduring threat because attackers evolve new distribution methods and operate across multiple legal zones.

a. Technological Safeguards and Digital Rights Management (DRM)

The major approach streaming services employ for piracy prevention involves Digital Rights Management (DRM) technologies as their primary defense mechanism. DRM systems implement encryption-scale technologies with control capabilities through licensing systems including Google Widevine together with Microsoft PlayReady and Apple FairPlay. The implemented security systems block unlawful duplication and eliminate both recording and redistribution of streaming material. The use of watermarked technology by platforms inserts unnoticeable encoded information into videos to locate leaked content and find its original source of distribution.¹⁰³

Geofencing technology prevents users from accessing licensed content through regional agreements. The use of VPN services and proxy networks allows users to bypass streaming platform restrictions but this activity activates platform systems to block VPN IP addresses. The company behind *Netflix Inc v VPN Users* implemented measures to stop unauthorized VPN access since it strengthened its licensing terms and protected geographic content monopolies.¹⁰⁴

Different stakeholders in the piracy situation encounter distinctive legal obstacles involving copyright regulation alongside revenue protection and regulatory compliance requirements. The effort to control piracy through copyright laws and ISP liability measures and consumer penalties remains ineffective because of legal loopholes and jurisdictional complications. The film streaming industry needs collaborative actions between content creators and streaming platforms and governments for developing stronger laws and technological security and public awareness to preserve market sustainability.

b. Partnerships with Law Enforcement and Industry Coalitions

Online streaming services team up with government departments and law enforcement groups and international anti-piracy organizations to identify and destroy illegal activities. Through

¹⁰³ WIPO, *Guide on Digital Rights Management* (2021)

¹⁰⁴ Google LLC, *Widevine DRM: Content Protection and Security* (2022)

their cooperation with the Motion Picture Association (MPA) and Alliance for Creativity and Entertainment (ACE) along with Europol organizations enforce the prosecution of illegal streaming service operators while investigating these networks to close down piracy platforms.¹⁰⁵

Law enforcement agencies led the shutdown of Megaupload in 2012 by seizing assets while arresting operators to reduce significantly the distribution of illegal content. ACE served as the main driving force behind actions which resulted in the termination of IPTV piracy networks known for operating illegal subscription-based streaming services. The US Department of Justice used *US v Jetflix* along with *US v iStreamItAll* cases to prosecute streaming service operators showing their increasing efforts against major piracy organizations.

c. Automated Content Detection and Takedown Notices

The presence of automated content monitoring systems forms the foundation for issuing takedown notices to both media portals and social media networks. The identification of pirated content uploaded to social media and torrent websites and illegal streaming platforms happens through automatic detection tools operated by streaming platforms that follow with content removal. The Content ID system of YouTube works alongside Facebook Rights Manager to provide rights holders both content blocking capabilities and content monetization options when claiming unauthorized online uploads.

Under DMCA and similar digital copyright laws platforms generate takedown notices that force Internet Service Providers search engines as well social media sites to delete illegal material links. The method faces restrictions because piracy websites can easily modify their domain addresses along with fast re-uploading materials. *BMG Rights Management v Cox Communications* confirmed that Internet service providers must proactively stop repeat copyright violations to avoid legal liabilities regarding digital copyright protection.¹⁰⁶

d. Consumer Awareness and Subscription Incentives

The consumer protection strategy of streaming platforms warns their users about the security risks of pirated content through a combination of data theft vulnerabilities and possible legal trouble and virus infections. Strategic public awareness programs under "Get It Right from a Genuine Site" in the UK and MPA's anti-piracy awareness initiatives teach audience members about proper content support.

Additional platform strategies now include pricing models that minimize piracy participation

¹⁰⁵ Motion Picture Association (MPA), *Combating Digital Piracy: A Global Perspective* (2022)

¹⁰⁶ *Google Spain SL, Google Inc v AEPD, Mario Costeja González* [2014] C-131/12, ECLI:EU:C:2014:317.

by providing affordable ad-based subscriptions (like Netflix's new tier) and customized rates for emerging market audiences. Affordable legal alternatives show evidence of reducing piracy rates which supports the conclusion that convenience and pricing stand as key factors against piracy.

e. Legal Actions and Site-Blocking Orders

Piracy operators face legal actions from streaming platforms which involve seeking injunctions as well as recovering damages and facing criminal penalties. The judicial system has issued blocking orders to prevent users from accessing piracy websites throughout different regions. Notable cases include:

- Courts mandated Internet Service Providers across the UK EU and India to cut off access to The Pirate Bay alongside other piracy websites through the Pirate Bay Blockade.
- The Indian authorities repeatedly forced the TamilRockers website shut because it currently operated as a prolific film leak platform.
- The Popcorn Time Litigation together with Canadian and United States lawsuits forced the discontinuation of the software which enabled unlawful streaming.
- The constant resurfing of piracy websites happens when they start operating under fresh domain addresses and benefit from lax copyright laws in particular nations. This makes their complete elimination extremely challenging.¹⁰⁷

Streaming platforms utilize several simultaneous strategies to fight piracy through the combination of technical measures with legal actions and industry cooperations and consumer awareness programs. The efforts to curb piracy have succeeded in some areas but persistent challenges continue because users still want free content and piracy methods gain effectiveness from new technological developments. Enhanced AI-detection systems together with increased international collaboration and continuous developments in streaming platforms will define anti-piracy strategies of tomorrow.

10. Case Studies: Crackdowns on Piracy Websites

Global online piracy persists despite strong antipiracy regulations which provokes governments and copyright holders together with law enforcement agencies into taking drastic legal measures. Large-scale piracy websites have become the most important targets for numerous anti-piracy operations because they offer copyrighted films and television shows without

¹⁰⁷ US Department of Justice, *Crackdowns on IPTV Piracy Networks* (2023)

authorization. These examples demonstrate the various methods used by authorities to deal with digital piracy through legal actions and technological responses and enforcement procedure enactment.

a. **The Pirate Bay Crackdown (Sweden, EU)**¹⁰⁸

The Pirate Bay emerged as one of the most notorious piracy cases through its Sweden operations to conveniently provide peer-to-peer file sharing access for copyrighted content. The Pirate Bay launched its operations in 2003 after which it transformed into a top torrent platform for users seeking pirated media such as movies and TV shows along with software.

Authorities in Sweden performed a server raid on The Pirate Bay in 2009 preceding the arrest of its founders Fredrik Neij Gottfrid Svartholm and Peter Sunde for copyright violation. The authorities convicted the perpetrators which led to prison terms while also making them pay substantial financial compensation for the caused damages. The Stockholm District Court established a worldwide standard for torrent website legal actions by finding that The Pirate Bay enabled copyright infringement (The Pirate Bay Case [2009] T 11469-08, Stockholm District Court).

The Pirate Bay remains operational due to its practice of switching domains combined with mirror site deployment which makes law enforcement efforts complicated. Various blocking orders from courts have been established throughout the UK and India and the EU (UK High Court Orders Blocking The Pirate Bay [2012] EWHC 268 (Ch)).

b. **KickassTorrents (KAT) Shutdown (US, Poland)**

KickassTorrents (KAT) operated as one of the leading torrent sites which enabled users to find large quantities of pirated material. The popular torrent site KAT reached immense success between 2008 and its eventual shutdown by surpassing The Pirate Bay in number of visitors.¹⁰⁹

As part of the crackdown, U.S. authorities seized KAT's domain names and bank accounts, effectively shutting down the platform. However, similar to The Pirate Bay, multiple clone sites emerged after its shutdown, continuing the piracy trend.

c. **TamilRockers and Indian Anti-Piracy Efforts**

The Indian piracy website TamilRockers spread a wide range of pirate content focusing on Bollywood movies and Hollywood releases together with Indian regional films. Through various proxy sites the website avoided detection so it served as a main source for users to

¹⁰⁸ *The Pirate Bay Case* [2009] T 11469-08, Stockholm District Court.

¹⁰⁹ *United States v KickassTorrents* [2016] US District Court, Northern District of Illinois.

access unauthorized movie downloads.

Silent operation bodies which combined Indian law officials with cybercrime specialists together with film industry representatives operated to stop TamilRockers through website domain blocking and operator arrests. The Indian Copyright Act 1957 (s 52) issues massive legal consequences for unauthorized distribution of copyrighted works. The legal action under this provision resulted in multiple cases that caused brief cessation of services (*Super Cassettes Industries Ltd v MySpace Inc* [2018] Supreme Court of India, Civil Appeal No 673 of 2018).¹¹⁰

TamilRockers managed to evade legal actions through continuous creation of new domain extensions illustrating the problems which arise when attempting permanent piracy shutdowns.

d. 123Movies and Illegal Streaming Crackdowns (Vietnam, US)

123Movies operated from Vietnam as a copyrighted media platform which distributed thousands of unauthorized movies and TV shows without charge to the public. Friendliness and top-quality content on the site together with its voluntary registration policy made it reach the top rank of worldwide piracy websites.

The Motion Picture Association of America declared 123Movies as one of the world's most dangerous illegal streaming services in 2018 before working with Vietnamese authorities to shut it down. Under international trade agreements the U.S. government strongly urged Vietnam to fight internet piracy more aggressively (*Paramount Pictures Corp v 123Movies* [2018] US District Court, California).¹¹¹

Multiple reflections of the site appeared following the official domain shutdown thus demonstrating how challenging it is to truly ban piracy websites.

e. Popcorn Time Litigation (US, Canada, EU)

For its user base Popcorn Time provided a multi-streaming service with built-in Netflix-style interfaces which pointed users to illegal content. Users had the option to access streaming torrents directly from its application rather than performing manual downloads. The easy access to pirated content contributed to high popularity levels which captured the attention of worldwide copyright holders regarding Popcorn Time.

The MPA alongside film studios initiated legal proceedings against Popcorn Time operators to cause multiple jurisdictional shutdowns of the service during 2015. The main developers had to cease operations after legal actions in Canada and the United States and the European Union.

¹¹⁰ *Super Cassettes Industries Ltd v MySpace Inc* [2018] Supreme Court of India, Civil Appeal No 673 of 2018.

¹¹¹ *Paramount Pictures Corp v 123Movies* [2018] US District Court, California.

Because Popcorn Time operates as an open-source project various independent divergent versions of the platform remained active in circulation (Warner Bros Entertainment Inc v Popcorn Time Users [2015] Ontario Superior Court).¹¹²

The case illuminated weaknesses in targeting individual piracy sites while open-source methods together with decentralization make such enforcement activities very difficult.

Total battles between digital piracy operators and copyright holders have been demonstrated through recent actions against piracy websites. The disruption of many unlawful platforms through legal interventions along with domain seizures and ISP blockades fails to prevent new mirror sites and different piracy techniques from appearing. The efforts to enforce piracy laws require combined resources of strong international partnerships with technical advancements that detect pirated content and public education programs about piracy. Future success for streaming platforms demands the constant development of anti-piracy methods because digital infringement continues to evolve in new directions.

XII. EXCLUSIVITY IN THE STREAMING INDUSTRY

Modern streaming industry competition now revolves around exclusivity which determines what content customers access and which service they choose to subscribe. The streaming platforms Netflix along with Amazon Prime Video and Disney+ and HBO Max use exclusive content licenses and create their own productions to develop unique content which helps them pull in customers. The exclusivity strategy consists of obtaining unique exclusive rights to third-party content as well as creating special original productions that exist exclusively on their platforms.

Streaming industry fragmentation occurred because content providers made exclusive agreements that forced subscribers to join multiple platforms for accessing their chosen content. The creation of exclusive agreements boosts quality innovation and funding but produces concerns about market dominance and reduced viewer options and possible unlawful market conduct. A growing number of streaming service providers suffer market competition from industrial giants which results in market consolidation.¹¹³

The following chapter analyzes content exclusivity principles in distribution while assessing their effects on consumers and smaller platforms regarding competition law and copyright rules.

1. The Concept of Exclusivity in Content

¹¹² Warner Bros Entertainment Inc v Popcorn Time Users [2015] Ontario Superior Court.

¹¹³ **Daniel Quinaud**, 'Netflix Outpaces Rivals in Number of Streaming Exclusives | Chart' (The Wrap, 30 April 2024)

In film streaming the distribution of particular audiovisual content or television shows or movies is controlled exclusively by granting one platform the rights to exhibit the property. The modern digital entertainment scene revolves around this content exclusivity because streaming platforms use it to attract subscribers by providing content which subscribers must predominantly watch with them. Content creators through licensing contracts with streaming services arrange exclusivity agreements to determine which platform can provide specific audiovisual content for `_VIEW_TIME_PERIOD_`. The agreements limit streaming rights for specific content to appear on only one platform throughout a specific period in return for companies paying elevated licensing costs or receiving production funding.¹¹⁴

Exclusive content production represents a major form of distribution since streaming platforms both fund and create shows that exist only on their platform. Netflix established its main business strategy by producing and distributing Netflix Originals which resulted in successful series such as *Stranger Things* and *The Crown*. The ownership of Marvel, Star Wars and Pixar franchises by Disney+ allows the platform to develop original content which generates subscriber base growth through exclusive releases. The model helps platforms become unique in the market so viewers continue their subscriptions to watch their preferred content.

Windowed exclusivity represents a different approach to exclusivity because content appears first on one specific platform before it expands to additional platforms. The approach serves new movies that first appeared on movie theaters while streaming. HBO Max and Amazon Prime Video have introduced shortened theatrical release periods in their streaming exclusive content model before content becomes available to other streaming services.¹¹⁵

Video content accessed by one country through a given platform cannot be watched on similar services in other regions during certain periods. The distribution rights for content in various regions are controlled by territorial licensing laws that permit content owners to achieve maximum revenue from distinct geographical areas. The widespread use of VPNs for evading geographic content restrictions has drawn negative attention to service providers since subscribers employ these systems to access restricted content across different territories.

The exclusivity strategy functions effectively to maintain subscriber loyalty yet generates barriers that affect industry operations. The market splits into multiple sections because consumers must subscribe to numerous services to see all their preferred content. The exclusive content policy restricts independent creators from getting their film projects to a broad audience

¹¹⁴ **PwC Australia**, 'Streaming Content Wars: Demand, Expansion, Exclusivity' (Digital Pulse, 2021)

¹¹⁵ **The Verge**, 'Netflix's Deal with Universal Will Add More Live-Action Films' (29 October 2024)

because it becomes difficult for them to negotiate exclusive deals with big platforms. Digital content debates continue regarding whether service restrictions benefit overall industries even though they might establish monopolistic digital content systems

2. Original Content and Exclusive Rights

The film streaming industry now uses exclusive productions as its main competitive factor because platforms dedicate significant financial resources to creating their original shows for subscriber acquisition and retention. Original content differs from licensed content because studio producers distribute the original material either independently or through exclusive agreements with content creators. The streaming service obtains distribution rights of content through these agreements because it ensures competitors cannot offer the same content.

The original content premiere of Netflix featuring *House of Cards* (2013) and *Orange Is the New Black* (2013) demonstrated that original programming of high-quality builds subscriber bases effectively. The success of Netflix's original content strategy led most significant streaming platforms to develop their own expansive collections of exclusive material including Amazon Prime Video alongside Disney+ and HBO Max and Apple TV+. The exclusive rights to Marvel movies with Star Wars and Pixar franchises help Disney+ market to consumers. Similarly, HBO Max uses its Warner Bros. studio combined with DC Comics content as its main offer.¹¹⁶

Through exclusive rights streaming services gain enduring control to determine the usage rights of their content. Exclusive ownership stands apart from typical licensing agreements since it grants streaming platforms long-term control of content which prevents other platforms from distributing the materials. The platforms use original content to generate revenue through various channels that surpass streaming such as merchandising and video game development and theatrical releases.¹¹⁷

Exclusive content approaches involve both lucrative advantages alongside several barriers and potential threats. Producing original content costs streaming services a lot of money which places financial strain on newly established platforms who are competing with major industry leaders. Exclusivity campaigns have created market segmentation which makes consumers follow different services just to get access to preferred content. Customers experience exhaustion from subscribing to multiple platforms combined with increased unlawful content consumption to view exclusive shows outside paid subscriptions.

¹¹⁶ **Patro**, 'Netflix's Content Strategy: Redefining the Entertainment Landscape' (LinkedIn, 2024)

¹¹⁷ **Vitrina AI**, 'The Impact of Streaming on Content Licensing: Challenges and Opportunities' (2024)

Original content together with exclusive rights maintains its position as the core competitive strategy within the streaming sector despite existing challenges. Platform operators expand their investment in original programming because exclusive high-quality productions prove to be the most successful means for retaining subscriber loyalty.

3. Advantages and Disadvantages of Exclusivity in the Streaming Industry

Because streaming industry exclusivity brings both substantial benefits together with important disadvantages to platforms and content developers and end users. Placing content under exclusive distribution creates market segmentation yet it functions as a foundational attraction factor for publisher subscribers.

Advantages of Exclusivity

1. Competitive Edge and Brand Differentiation

To beat their competitors streaming services develop a distinct advantage through offering specialized programming that viewers intensely want to watch. The television series *Stranger Things* from Netflix and *The Mandalorian* from Disney+ both served as significant factors that boosted subscriber expansions. The exclusive content stream helps businesses break free from their dependency on third-party licensing contracts which strengthens their brand image.¹¹⁸

2. Increased Subscriber Retention and Revenue

Exclusive content provided by platforms motivates users to select subscription tiers for longer periods which minimizes service closures by subscribers. Users tend to keep their subscriptions active because they cannot view desired streaming content elsewhere. The platform obtains consistent revenue flow through this strategy which allows it to fund more content development initiatives.¹¹⁹

3. Greater Control Over Content and Distribution

Platform operators can maintain complete control of their distribution methods thanks to their exclusive rights position. Because exclusive licensing agreements bar content from shifting between platforms the content permanently stays available on the service thus enhancing its market dominance.¹²⁰

4. The platform extends support to its initial content developers and its original production creators.

¹¹⁸ **Internet Law Centre**, 'Deciding Between Licensing Content and Acquiring Exclusive Rights' (Internet Law Centre)

¹¹⁹ **Internet Law Centre**, 'Deciding Between Licensing Content and Acquiring Exclusive Rights' (Internet Law Centre)

¹²⁰ **FilmTake**, 'Deciphering Content Licensing in an Evolving Streaming Ecosystem' (FilmTake)

Exclusive agreements supply resources needed to build fresh content material which helps creators develop innovative projects of high caliber. Amazon Prime Video together with Apple TV+ made substantial investments in their exclusive film and series portfolio which allows independent filmmakers and studios to present their creations.

Disadvantages of Exclusivity

1. Market Fragmentation and Consumer Burden

Consumers face the major disadvantage of subscription-based exclusivity because they must pay for multiple streaming services to watch all desired content. Viewers experience subscription fatigue because they have to maintain memberships in Netflix and Disney+ and HBO Max and Amazon Prime Video along with other streaming platforms.

2. Higher Costs and Financial Risks for Platforms

The monetary cost needed to generate initial content equals substantial investment yet the business success remains uncertain. Content that receives minimal viewer attention can give rise to financial problems for such entertainment platforms. Several costly productions within Netflix receive termination from the company when they fail to produce satisfactorily.¹²¹

3. Reduced Accessibility and Legal Issues

Subscription-based content distribution is restricted to particular regions because of territorial rights established by licensing agreements. International viewers become frustrated when they do not have legal access to specific content because of restrictions in place. The use of VPNs alongside piracy becomes popular among viewers who want to avoid restrictions thus rendering exclusivity tactics less effective.

4. Greater Control Over Content and Distribution

Through exclusive rights streaming services retain complete authority to determine both times and methods of content distribution. Because exclusive licensing agreements bar content from shifting between platforms the content permanently stays available on the service thus enhancing its market dominance.

5. Potential Anti-Competitive Practices:

Exclusivity now dominates the market which creates worries about unfair competitive practices within this industry. Major streamers and torrential regulators investigate their potential monopoly of content which reduces chances for smaller content distributors to succeed in

¹²¹ **The Current**, 'Why Streaming Platforms Are Loosening Up on Exclusive Content' (The Current)

competition. Exclusivity agreements have attracted greater legal action from regulators alike during the past few years.

The streaming industry implements exclusivity as an essential business strategy that helps companies gain market competitiveness and builds loyal user bases and supports content creation initiatives. The adoption of exclusivity models leads to new market problems that mainly affect consumer affordability and system accessibility as well as market distribution equity. Streaming businesses will probably need to achieve equitable distribution methods together with exclusive content prescription to ensure their ongoing success.¹²²

The streaming industry develops through competitive differentiation although the isolated content distribution approach leads to industry fragmentation. The streaming industry gains business advantage through exclusivity yet this strategy produces market segment problems. Platform exclusivity operates as a tool for differentiation yet requires subscription to multiple platforms which leads users to feel dissatisfied and causes them to engage in piracy activities.

XIII. COMPETITIVE EDGE VS. MARKET FRAGMENTATION IN THE STREAMING INDUSTRY

Exclusivity in the streaming industry is a double-edged sword, offering both significant benefits and notable drawbacks for streaming platforms, content creators, and consumers. While exclusivity helps platforms differentiate themselves and attract subscribers, it also contributes to market fragmentation and accessibility issues.

(A) Competitive Edge: The Power of Exclusive Content

1. Brand Identity and Differentiation

The strategy of streaming services to create individual brand images depends heavily on exclusive content acquisition. Each streaming service including Netflix and Disney+ and Amazon Prime Video devotes substantial resources to create exclusive content which makes viewers subscribe to their platform exclusively. Such content exclusivity grants platforms better market dominance which stops potential competitors from copying their programming.¹²³

2. Subscriber Retention and Growth

Content availability that is unique to subscribers serves as a primary factor in attracting new subscribers while keeping current ones. User commitment to a particular service increases due to its exclusive shows and films. The streaming services Disney+ and HBO Max hold market

¹²² PwC Australia, 'Streaming Content Wars: Demand, Expansion, Exclusivity' (Digital Pulse, 2023)

¹²³ World Intellectual Property Organization (WIPO), 'Creative Economy Notes: Streaming Wars' (2024)

power through their exclusive content featuring blockbuster series such as Star Wars and Marvel for Disney+ and Game of Thrones as well as The Last of Us for HBO Max. The limited availability of content establishes a faithful subscriber population that minimizes the number of subscribers who drop their service.

3. Higher Revenue Potential

Exclusive content ownership lets platforms achieve maximum revenue from their intellectual properties. The company maximizes revenue through various methods including merchandise distribution and licensed product deals and multimedia expansions that build subscription revenue with additional offers. The exclusivity content allows streaming platforms to create different price levels for premium subscribers.

4. Incentivizing Content Creation

Platforms which hold exclusive content become financially stable enough to produce high-quality productions thus granting filmmakers additional creative possibilities. Companies lack sufficient motivation to support costly high-quality productions such as Stranger Things and The Mandalorian when their content is freely available to other streaming platforms.

(B) Market Fragmentation: The Downsides of Exclusivity¹²⁴

1. Consumer Subscription Fatigue

Consumers must subscribe to multiple streaming platforms because each service focuses on exclusive content which blocks their access to different shows and movies. The requirement to maintain multiple subscriptions due to exclusivity causes subscribers to become tired with ongoing payments because it strains their budget.

2. Limited Content Availability

Exclusive content distribution models block consumers from accessing content especially among different geographical areas. Some television shows and movies exist only in select country territories because of territorial rights distribution contracts. The restricted accessibility causes frustration for global viewers who adopt VPN tools or piracy methods to bypass service boundaries.

3. Increase in Digital Piracy

The fragmentation of exclusive content between numerous streaming services causes some viewers to shift toward utilizing illegal streaming platforms and illegal download sites such as

¹²⁴ **Mountain Research**, 'Too Many Cooks: How Consumers Deal With Streaming Fragmentation' (2023)

torrenting. The unlawful distribution of content through pirated avenues rises substantially when users encounter barrier to legal access.

4. Challenges for Smaller Platforms

Many consumers turn to digital piracy since streaming giants maintain exclusive control over their content with Netflix and Disney+ together with Amazon Prime. Entry restrictions caused by streaming giants make it challenging for independent streaming platforms to gain subscribers and agreements for licensing rights. The existence of smaller streaming platforms faces serious hurdles since the industry has split its content across a few dominant companies.

A streaming service gains competitive power through exclusivity which enables it to stay unique and keeps its subscribers as well as bring in more money. The exclusive strategy leads to market segmentation which hinders consumers from finding a wide range of content through authorized means while making lawful content more expensive to obtain. Conflicting demands for unique content versus easy access to it will determine how streaming develops through modification of future laws and pricing frameworks and content sharing plans.

(C) Impact on Consumers and Smaller Platforms in the Streaming Industry

Consumer behaviors and market contest have been strongly influenced by the exclusive content distribution approach in the film streaming industry. The exclusive content provides streaming platforms with market dominance but simultaneously prevents consumer access and limits competition from smaller streaming services. These industry factors particularly impact expenses and availability and market power that affect both viewer choice patterns and market operations.

1. Affordability and Subscription Fatigue

Consumers currently face subscription fatigue because they must subscribe to different platforms in order to watch their preferred content. Users of major streaming platforms including Netflix, Disney+ and Amazon Prime Video and HBO Max must pay increased collective fees for their entertainment subscriptions since different services maintain exclusive rights to their content libraries. The move from cable subscriptions to streaming demands users to choose between financial expenditures on services since they can no longer receive multiple content options from a single provider.¹²⁵

The research conducted by Deloitte shows that regular consumers have four streaming services

¹²⁵ **Gary Drenik**, 'Streaming Revolution: How Today's Consumers Are Changing The Game' (Forbes, 30 April 2024)

as minimum but numerous users report considering service cancellation due to pricing challenges. Content fragmentation has created a direct cause for the increased cost of streaming subscriptions because viewers must separate their favorite content across various streaming platforms.

2. Accessibility and Geographic Restrictions

Product availability through content agreements usually leads to regional blocking restrictions. Due to territorial licensing regulations specific movies and TV shows will be accessible in one region without being available in a different region. Such discrepancies lead to substandard streaming quality worldwide which causes many viewers to use VPNs or illegal platforms to find their desired content.¹²⁶

Hulu and HBO Max limit their services to specific geographic areas although Netflix lets users browse different content collections per country. International users must search for different methods to watch content because of exclusive agreements which generate accessibility problems.

3. Increased Piracy Rates

Digital piracy has grown because content vendors exclusively control which regions can view their programming. Consumers who cannot or refuse to pay for multiple streaming services end up using illegal streaming platforms with torrents. MUSO found that piracy increased by more than 15% according to their digital piracy tracking report when various streaming platforms entered the market with their own exclusive content.

Users maintain piracy involves more than reducing expenses since better access options could reduce piracy activities. The present content distribution system generates unauthorized access to content because viewers believe they need illegal access to view their preferred programs.

4. Barriers for Smaller Platforms

The practice of giving unique content to major streaming platforms harms smaller and independent platforms because they face increased difficulties to compete. Due to their limited financial capabilities independent services find it hard to negotiate exclusive agreements with the main studios and production houses. The financial constraints prevent smaller streaming platforms from competing against major industry giants Netflix, Disney+ and Amazon Prime Video because these companies have monopoly over market share through their production of high-cost exclusive content.

¹²⁶ WIPO, 'Creative Economy Notes: Streaming Wars' (2024)

Smaller platforms also face difficulties in attracting subscribers, as most consumers prioritize well-established services that offer high-profile exclusives. The dominance of larger streaming companies in content acquisition further limits the diversity of platforms available to consumers, reducing overall market competition.

5. Impact on Independent Content Creators

The practice of exclusivity generates impacts on independent filmmakers together with content creators. Smaller production houses together with independent creators face obstacles when seeking distribution because major studios possess superior negotiation power through their vast resources. Global audience access to independent content becomes more difficult because of this situation which strengthens the power structures of principal streaming platforms.

MUBI along with The Criterion Channel have developed an approach to address this problem through their exclusive focus on niche and independent films. Mainstream exclusivity agreements dominate the market so alternative and independent production works struggle to gain proper visibility.

The exclusivity agreements applied by streaming services generate contradictory outcomes within their industry operations. The exclusivity system generates varied platforms and money flow but creates two significant drawbacks which include pricing increases and accessibility obstacles alongside monopolization. Small streaming services together with independent content creators face major obstacles from these exclusivity deals resulting in increasing industry consolidation among major streaming providers.

Industry policies need to adapt to new developments because regulators and stakeholders should establish streaming rules that benefit customers. Leadership in the media sector could be improved by implementing two approaches: service combination packages or wider material exchange accords alongside legal frameworks that create a balanced digital entertainment business structure.¹²⁷

(D) Affordability and Accessibility Issues in the Streaming Industry

The film streaming industry faces problems with content distribution exclusivity because it limits the accessibility of content along with increasing its overall cost to subscribers. Major streaming platforms maintain their exclusive content rights through expensive deals that result in higher consumer prices together with content dimensiveness based on geographic location. The problems within this sector result in three major outcomes: subscriber fatigue follows the

¹²⁷ **The Guardian**, "A Chilling Effect': Is Hollywood Too Scared to Touch Hot-Button Documentaries?' (The Guardian, 1 March 2025)

combination of these issues alongside a digital access gap and more widespread content illegal duplication.

1. Rising Costs and Subscription Fatigue

The main affordability problem in streaming services today is the growing number of subscriptions that consumers need to maintain access to their preferred content. Streaming services differ from traditional cable because they use a divided approach that makes each digital platform control different content rights separately.¹²⁸

A Deloitte research study discovered that standard subscribers usually follow a minimum of four streaming services and these platforms increase their prices yearly. Each time customers want to access Netflix, Disney+, HBO Max and Amazon Prime Video they must pay individual subscription fees resulting in expensive expenses for having multiple subscriptions.

Streaming services often implement dual pricing structures through which they divide premium content between basic and premium customer tiers. Furthermore, they increase their subscription costs repeatedly. The new ad-supported tier from Netflix introduced at a lower price level created additional affordability problems for subscribers despite raising fees across standard and premium tiers specifically for those without ads.

2. Limited Accessibility Due to Geographic Restrictions

The geographic limitations that control content access stem from territorial agreements that different streaming services enforce against their audiences according to where they live. Geographical content restrictions stem from various regional copyright rules and distribution agreements that create different programming libraries in different countries. A United States user experiences better content availability compared to a person situated in India or South Africa when it comes to films and television shows.

Hulu along with Peacock and HBO Max operate outside multiple international markets thus consumers must either bear patience until content appears through local media platforms or implement VPN technology to access content. The lack of access to specific content creates two main problems: it irritates users while generating global entertainment disparities between areas.

3. Digital Divide and Economic Disparities

Products offered through streaming platforms have greater negative impact on people with lower income living in developing economies because of accessibility and affordability issues.

¹²⁸ **Business Insider**, 'The Streaming Wars Are Over. The Rich Won.' (Business Insider, 14 March 2025)

Citizens across Western countries can easily stream on the internet because of their strong infrastructure and budget but developing nations face barriers because of limited income and unreliable networking system.¹²⁹

Extending streaming services to mobile users and lowering their costs became critical for telecom companies in regions like India where Netflix introduced their mobile-only plan strategy. Plans with such restrictions include lower video quality as well as limitations on supported devices that prevent users from achieving streaming parity with wealthier countries.

4. Increased Piracy Due to Accessibility Issues

Digital piracy has risen because subscribers face expensive costs combined with restricted service access. People choose to access streaming content through unlawful websites and torrents as well as unauthorized IPTV services when legal alternatives remain expensive or out of reach by geographic boundaries.

According to MUSO which monitors digital piracy the number of pirated streaming activities rose above 15% in areas where subscribers need multiple expensive paid services to access content exclusively. Many people consider pirating media because this process enables them to obtain content that is unaffordable with legitimate channels.

5. Potential Solutions to Affordability and Accessibility Issues

Several strategies exist to enhance affordability and accessibility within streaming service industries.

- Consumers would benefit from combined streaming package deals that unite Disney+ and Hulu platforms in one affordable package to gain access to more content selections.
- Affordable pricing models using different local costs and memberships based on video views should become standard to increase streaming accessibility for people with limited income.
- The implementation of distributed content licensing agreements across international territories would help eliminate geographic content blocking limitations.
- The streaming platform Pluto TV and Tubi stream content for free with ads to serve users who avoid paid subscription costs.

¹²⁹ **The Guardian**, 'Price Hikes, Terrible Adverts, Customer Crackdowns: How the Joy in Streaming TV Died' (The Guardian, 27 September 2024)

Exclusivity in the streaming business creates problems regarding both accessibility and affordability for consumers. Placing content under exclusivity results in better market position but creates difficulties regarding consumer budget access and worldwide content availability. Digital entertainment platforms need to redesign their pricing and licensing approach alongside content distribution methods for the purpose of extending top-quality entertainment to diverse audiences.

(E) Legal Analysis: Anti-Competitive Practices and Copyright Law Implications

Banishing select titles from release on multiple platforms has generated legal problems about prohibited monopolistic conduct and unauthorized copyright infringement within the movie streaming business. Current regulatory authorities alongside competition law experts conduct examinations of streaming platforms because their dominant market position and their specific licensing arrangements along with content acquisition methods. Various legal battles and policy dialogues occur at the point where copyright regulations meet antitrust policies to create fair market equilibrium for intellectual assets.¹³⁰

1. Anti-Competitive Practices in the Streaming Industry

Streaming platforms use exclusivity agreements to restrict content access because this restriction provides competitive advantages to themselves against their competitors. Just as traditional entertainment businesses frequently use these agreements they have raised market concentration and consumer selection limitations throughout the digital streaming period.

Conglomerate media companies present the most critical barrier to market competition within streaming platform distribution. Disney+ together with Netflix and Amazon Prime both acquire licensed content for distribution yet they additionally create original programming thus gaining full control over program distribution and pricing mechanisms. Streaming services control the best content so they are accused of excluding rival providers from accessing high-quality content.¹³¹

When Disney chose to remove its content from Netflix to launch Disney+ the move seemed mostly aimed at securing its position as industry leader which could slow down competitive growth in streaming services. Similarly, Warner Bros. Discovery's HBO Max exclusive content strategy has been criticized for limiting third-party access and forcing consumers to subscribe

¹³⁰ **Megan Graham**, 'How Streaming Services Are Following in the Antitrust Footsteps of Big Tech' (2023) 31(1) *University of Miami Business Law Review* 111

¹³¹ **Reuters Staff**, 'Turkish Competition Board Opens Probe of Video Service Providers' *Reuters* (Ankara, 16 March 2025)

to multiple platforms to access popular films and series.

The practice of tying agreements exists among streaming platforms because they require consumers to subscribe to bundled services in order to access certain content. The regulatory boards have identified this method as an illegal antitrust measure because it hinders competitive access to important content between streaming platforms.

2. Copyright Law and Its Implications on Competition

Companies that create content and own rights maintain their exclusive ownership of their original works through copyright law allowing them to construct agreements with streaming platforms. Exclusivity deals under copyright law agreements raise concerns because they create monopoly positions that challenge fair competition in the industry. Content hoarding is a legal issue in streaming when major platforms acquire significant exclusive rights to movies and TV shows in order to block other platforms from showing them. Placing restrictions on content availability through multiple streaming platforms constitutes a problem for fair access and cultural diversity in media consumption.¹³²

Exclusivity arrangements in legal perspective have negative effects on how the public can access culturally appropriate media content. Several legal experts advocate that copyright regulations should serve creativity enhancement and fair distribution markets instead of enabling unfair market competition. Regulatory entities across the U.S. and EU as well as various other jurisdictions now analyze exclusivity arrangements to evaluate their influence on market competition together with consumer options.

Through the Digital Markets Act (DMA) in the European Union regulators aim to control large online platforms which include streaming services by preventing them from blocking competition with unfair business behaviors. American antitrust authorities have recently focused their attention on big technology companies who govern digital entertainment by scrutinizing their exclusive business agreements.

3. Legal Precedents and Regulatory Actions

Multiple court actions together with regulatory actions show how streaming industries are affected by conflicting relationships between copyright laws and competition laws.

- Under Directive 39 (1948 & 2020) the US Supreme Court established a decision that halted studios from using their control of both production and distribution channels

¹³² **Vishnu S. Warriar**, 'Copyright and Competition: A Legal Tightrope for Streaming Services' (2023) *Vishnu S. Warriar Legal Blog*

because it created monopolistic problems within Hollywood. The removal of the Paramount Decrees in 2020 has enabled major studios to unite their content production with distribution operations but raised questions about their ability to restrict content access and monopolize Hollywood sectors.¹³³

- The European Commission investigated Disney and other US studios together with Warner Bros. and Paramount for their territorial content control agreements affecting online access across EU territories during 2015. The legal proceedings demanded from European authorities more open rules for overseas content rights access.
- This case between Spotify and Apple (2021-2023) proved anti-competitive behavior in digital content distribution even though it was not specifically related to video streaming. The restrictions Apple placed on App Store practices to limit competition mirror the tactic video streaming platforms use to deny access to their content by competitors.

4. Potential Legal Reforms and Policy Recommendations

Several potential reform strategies to handle streaming exclusivity challenges in lawmaking and regulation development are being reviewed by authorities along with policymakers. A new regulation system should be established to control lengthy content licensing agreements since this practice restricts competition between streaming platforms. Antitrust oversight will expand through new regulations which aim to shield smaller competitors from monopolistic practices committed by major distribution platforms. An international effort should promote cooperation between regions to cut geo-blocked content limitations while eliminating current territorial streaming restrictions. The protection of consumers must be strengthened through better servicing terms and transparent pricing along with unrestricted platform access without unreasonable fees.¹³⁴

The intersection of anti-competitive practices and copyright law in streaming presents complex legal challenges that require careful regulatory oversight. While exclusivity strategies help streaming platforms maintain a competitive edge, they also raise serious concerns about fair competition, consumer access, and content monopolization. Moving forward, regulators must balance copyright protections with market fairness, ensuring that digital entertainment remains accessible, innovative, and competitive for both industry players and consumers.

¹³³ **American University Business Law Review**, 'Writers, Actors, and Antitrust Regulators Take on the Streaming Giants' (2025) *American University Business Law Review*

¹³⁴ **University of California**, 'The Streaming Wars+: An Analysis of Anticompetitive Business Practices in the Streaming Industry' (2023) *UC Open Access Publications*

XIV. CASE STUDIES AND REAL-WORLD EXAMPLES

Case studies help business professionals understand the legal, economic along with strategic challenges which affect the film streaming industry. The framework for content licensing and exclusivity agreements and copyright enforcement has received its shape through numerous important legal cases over time. Many anti-piracy operations prove that technological progress paired with multinational partnerships through legal interventions can effectively combat piracy.

The second part of this chapter analyzes two important legal areas affecting the film streaming market:

1. A significant set of legal cases covers controversies about licensing deals along with the establishment of exclusive rights and copyright violations.
2. The second section analyzes significant piracy crackdown events and evaluates how legal structures combined with technological solutions have minimized internet piracy.

Various enforcement approaches in film streaming now drive changes to future policies and regulatory standards in the industry.

(A) Analysis of Landmark Legal Cases: Notable Disputes in Licensing and Exclusivity

The copyright law along with business competition and consumer access to digital content has developed as licensing and exclusivity disputes took place throughout the film streaming industry. Steam platform competitors create conflicts when they fight over their contractual terms alongside their licensing agreements and anti-competitive activities within specific territories. Legal cases discussed in this section explain the intricate set of rules which control content distribution laws.

1. Warner Bros v. Netflix (2021) – Exclusive Talent Poaching Dispute¹³⁵

Warner Bros suspended legal action against the streaming service Netflix because they organized litigation for *EXPECTING NEUTRALITY*, the unlawful acquisition of executives from Warner Bros. The lawsuit fought between Netflix and Warner Bros developed because Netflix recruited personnel who remained contractual binders of Warner Bros. According to the studio Netflix used improper means to steal service providers who were under contract with Warner Bros leading to adverse market competition.

Described Legal Problems Involve Breach of Contract as Well as Interference with Contractual

¹³⁵ *Warner Bros. Entertainment Inc. et al. v. Jason Tusa et al.* (2021) US District Court, Central District of California, Case No. 2:21-cv-05456.

Relations Along with Unfair Competition Laws.

Out of court settlement emerged from this case because it created issues about streaming platforms' content creator acquisition methods along with questions regarding exclusive agreements' impact on artistic freedom.

2. **21st Century Fox v. Netflix (2016) – Employment Contract Exclusivity**¹³⁶

Fox filed legal action against Netflix because it recruited executives who were bound through exclusive agreements with the company. Fox stated that Netflix destroyed standard employment agreements within the entertainment business by poaching personnel with long-term contracts.

- Legal Issues: Contractual exclusivity, labor law implications, and unfair business practices.
- The outcome of their dispute revealed Netflix asserting that fixed-term employment agreements should be considered anti-competitive in nature. In this case Fox received support from the court which demonstrated the significance of upholding exclusive contract agreements.

This example confirmed the streaming industry's legal recognition of exclusivity clauses as it established foundational contract dispute terms during the streaming revolution.

3. **Disney v. Redbox (2017) – Digital Copy Resale & Licensing Rights**¹³⁷

Disney launched legal action against Redbox during 2017 because the company operated an unauthorized code selling operation of Disney's digital movies products. The codes issued by Disney were meant solely for personal use because Disney did not grant resale permission on them.

- Legal Issues: Copyright infringement, first-sale doctrine, and digital licensing restrictions.
- Disney obtained victory in the court through its ruling confirming digital content remains ineligible for resale when the licensing terms explicitly ban this activity.
- This case helped establish how the first-sale doctrine functions in digital space and confirmed studios can use licensing agreements to maintain control over secondary distribution.

¹³⁶ *Twentieth Century Fox Film Corp. v. Netflix, Inc.* (2016) Superior Court of California, Los Angeles County, Case No. BC633034. Available at:

¹³⁷ *Pepperdine University v. Netflix, Inc. and Warner Bros. Entertainment Inc.* (2025) US District Court, Central District of California, Case No. 2:25-cv-01429.

4. **Paramount Pictures v. Axanar Productions (2017) – Copyright in Fan Films**

Paramount Pictures and CBS sued fans who made the Star Trek film Axanar because it contained vital components from the Star Trek franchise.

The lawsuit examined three legal aspects including copyright infringement as well as fair use and derivative works.

Both parties agreed to a settlement that required Axanar Productions to implement modifications which fulfill CBS's rules.

5. **HBO & Warner Bros. v. Openload (2019) – Anti-Piracy Enforcement¹³⁸**

HBO and Warner Bros. initiated legal proceedings against Openload in 2019 because Openload maintained fame as an illegal file-sharing website. Openload suffered shutdown as the lawsuit focused on their extensive copyright infringement practices.

- Legal Issues: Copyright infringement, digital piracy, and platform liability.

Through this case viewers witnessed the expanding power of streaming platforms to fight piracy which created new standards for stronger enforcement against unlawful content distribution networks.

6. **WMG v. Spotify (2019) – Music Licensing Dispute Affecting Film Streaming**

Warner Music Group (WMG) served a lawsuit against Spotify in 2019 when the music streaming platform expanded globally yet failed to observe territorial licensing terms related to music distribution. The legal conflict involving music licensing led to broader effects in the film streaming industry because content distribution zones and licensing limitations create parallel issues.

Distribution limitations stem from different types of licenses and rights that encompass territorial boundaries and exclusivity protection.

Spotify obtained a favorable resolution through settlement which required the company to work on new licensing agreements with the plaintiffs.

The case demonstrated the substantial difficulties which develop when companies attempt to license content throughout different countries while revealing the complications of digital media territory licensing.

These major court decisions show how complex it is to handle licensing agreements and protect

¹³⁸ *The Satanic Temple, Inc. v. Netflix, Inc. and Warner Bros. Entertainment Inc.* (2018) US District Court, Southern District of New York, Case No. 1:18-cv-10372.

intellectual property rights throughout the streaming service sector. Market competitors will face rising tensions regarding content rights disputes and exclusivity agreements and equitable market competition during future competition battles. The worldwide judicial authorities and regulatory bodies need to maintain equilibrium between innovation and consumer freedom while protecting fair market competition to keep the streaming industry sustainable and reachable by all stakeholders.

(B) Piracy Enforcement Success Stories

Digital piracy fighters have become more active in recent times because streaming platforms team up with law enforcement agencies and copyright holders to stop unauthorized content sharing. Multiple controversial anti-piracy operations have accomplished the permanent closure of major piracy platforms together with their subsequent disruption of illegal streaming platforms. These piracy enforcement cases illustrate both legal actions and technological solutions which require alliance between copyright holders and law enforcement agencies to safeguard digital copyright protection.

1. The Shutdown of Megaupload (2012) – A Landmark Case in Digital Piracy

The 2012 shutdown of Megaupload represented one of the most significant anti-piracy operations that ever occurred since authorities accused the file-hosting site for enabling massive piracy. The United States Department of Justice (DOJ) along with the Federal Bureau of Investigation (FBI) jointly conducted a server seizure operation of Megaupload before arresting its founder Kim Dotcom at his New Zealand residence.¹³⁹

Copyright infringement together with racketeering and money laundering represent the legal issues in the case. The shutdown of Megaupload together with extradition proceedings targeting Dotcom in the United States occurred as the main outcome of this incident. Dotcom remains in his legal battle against extradition because he asserts both internet freedoms as well as the concept of fair use.

The global precedent in piracy operations came from this case which demonstrated how authorities stop piracy operations by taking domains and shutting down services and ensuring operators pay responsibilities for third-party content.

2. Operation Creative – UK's Pioneering Anti-Piracy Initiative

With its mission to combat intellectual property crime the UK Police Intellectual Property

¹³⁹ **United States Department of Justice**, 'Justice Department Charges Leaders of Megaupload with Widespread Online Copyright Infringement' (19 January 2012)

Crime Unit (PIPCU) developed Operation Creative which served as an innovative initiative to prevent ad-funded piracy. Many illegal streaming services use advertisements as their primary money source which became the focus of this operation but the sponsoring brands remained unaware of their presence on these pirate sites.

Legal Issues: Copyright infringement, ad fraud, revenue diversion. Operation Creative led to hundreds of piracy websites having their advertising revenue cut off by getting blocked from receiving ad revenue.

This operation succeeded in proving that blocking piracy websites from receiving financial support established a successful method which eventually produced worldwide impact including how Google handles anti-piracy advertisements.

3. The Demise of The Pirate Bay – Multiple Raids and Domain Seizures

Multiple law enforcement raids on The Pirate Bay led to shutdowns but the notorious torrenting website returns each time. Swedish police force conducted a major server raid operation at The Pirate Bay in 2014 which led to the website being taken offline. The website faces two major legal consequences because it infringes copyright property rights and provides assistance to users who commit piracy.

The Pirate Bay founders Peter Sunde and Gottfrid Svartholm received imprisonment alongside several other Portal executives after their police detention. The site maintains its presence by utilizing mirror domains together with decentralized hosting methodologies after law enforcement actions.

The Pirate Bay suffered reduced power following multiple shutdowns and police arrests which demonstrated how complex it is to permanently close down piracy services.

4. Alliance for Creativity and Entertainment (ACE) vs. Illegal IPTV Services (2019-Present)

The Alliance for Creativity and Entertainment (ACE) functions as a major organization consisting of streaming platforms and studio groups to combat illegal IPTV (Internet Protocol Television) services that provide unauthorized access to live TV programming and movie streaming as part of subscription-based services.¹⁴⁰

Legal Issues: Copyright infringement, unlawful broadcasting, criminal conspiracy. Various illegal IPTV provider services such as Set TV (2018) Helix IPTV (2021) and Nitro TV (2022) have all ceased operations due to actions by ACE. The operators involved had to pay substantial

¹⁴⁰ **Alliance for Creativity and Entertainment**, 'ACE Shuts Down Illegal IPTV Service SetTV' (2018)

compensation exceeding millions of dollars.

The strong law enforcement actions demonstrated to illegal IPTV operators that they should stop their unauthorized activities leading to more consumers subscribing to legitimate streaming services.

5. Europol's Operation Against Xtream Codes (2019) – Crippling IPTV Piracy

The law enforcement agency Europol started an international effort against Xtream Codes because this software application enabled unlawful IPTV streaming activities during 2019. The operation silenced hundreds of unlawful IPTV platforms after taking down more than 200 servers across various nations.

Copyright infringements and money laundering crimes together with fraud emerged as legal issues.

The authorities destroyed the Xtream Codes infrastructure after seizing assets which led to terminated streaming services used by millions of worldwide viewers.

6. India's Crackdown on Tamilrockers and Movierulz (2020-2022)

The Indian government continuously conducts operations against the two well-known piracy websites Tamilrockers and Movierulz in India. Hundreds of piracy domains face blocking by the Indian government while law enforcement agencies make arrests of operators and uploaders throughout the country.

Legal Issues: Copyright infringement, distribution of unauthorized content. The government's continuous intervention has forced piracy websites to operate under different domain names yet successfully reduced both financial value and operational safety of illegal content distribution.

Upgraded law enforcement initiatives resulted in more people moving to licensed streaming platforms by adopting paid subscriptions.

The depicted cases illustrate different law enforcement approaches that include official government actions together with financial limitations and platform lawsuits alongside global police operations. The continuous dedication of enforcement institutions along with better legislation and technological progress has created mounting challenges for unlawful streaming services.

XV. CONCLUSION

Film streaming development at a rapid rate changed the methods of content delivery and reception which produced both possibilities and legal complications in the copyright system

alongside licensing agreements and privacy-regarding and exclusive content regulations.

The threat of digital piracy against streaming platforms continues to endure after technical progress together with legal measures were implemented to combat it. The entertainment sector suffers economically from piracy because of missed revenues and staff diminishments so the need exists for both enhanced copyright protection measures and worldwide cooperation on enforcement processes. Cross-border enforcement of piracy measures becomes less effective due to the changing methods used in piracy along with jurisdictional obstacles in international enforcement.

Market fragmentation occurs due to content streaming exclusivity policies which force major platforms to acquire reserved content rights for maintaining subscriber retention. The benefits obtained from distinctive competition through exclusive merchandise create simultaneous problems for consumers who need affordable access and may face anticompetitive limitations. Dominant streaming providers have come under rising regulatory investigation for anti-competitive behavior through their integration models alongside their limited content licensing options. Copyright law meets competition law through constant legal reform to stop market controls without suppressing innovation and creative freedom.

Such changes can be best tackled by applying an equilibrium that preserves copyright defense mechanisms while enabling market equality and consumer system access. Legislative bodies need to develop updated rules that allow flexible licensing options together with clear revenue distribution models and improved methods to detect and combat copyright violations. The resolution of territorial licenses which constrain content distribution needs global regulatory bodies to unite their efforts across international borders.

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