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Digital Copyright Protection: A Comparative Study of India and the UK

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ABSTRACT

Copyright protects the intellectual work created by an individual. In the digital age, digital media is a double-edged sword that questions the legal structure protecting copyright in the digital world as a creative outlet nationally and internationally. Copyright infringement is increasing multi-fold, with the use of the digital world as a creative outlet for displaying work, necessitating safeguarding copyright. The content available on the internet is a click away, it can be generated, used, and shared in minutes this also means that the violations that happen on the internet are at an all-time high due to the digital medium and the ease of sharing. According to the 2016 IPR policy, India needs a dedicated enforcement mechanism to protect copyright in the digital world. However, to date, no such enforcement agency has been established. The current law is not in conformity with the nascent technology; means and ways to use and share pirated content. This scenario brings into the picture, the issues of jurisdiction, different domestic IP laws, reproduction, and distribution rights. In this article, the researcher analyses how the Indian legal system and enforcement agencies are lacking in protecting copyright in the digital era. The researchers have analysed the Information Technology Act, of 2000 and the Copyright Act, of 1957 along with the relevant rules and guidelines. The researchers have also analysed the IP laws of the United Kingdom for a comparative analysis. In the digital and technological era, where technology constantly outpaces regulation, it is extremely difficult for lawmakers and existing law enforcement agencies to stop digital piracy proactively. A robust and adaptive legal framework, coupled with a dedicated enforcement agency, is essential to safeguarding copyright in the digital era. Only through a balanced approach that fosters creativity while ensuring strict compliance can truly protect intellectual property in the ever-evolving digital landscape.

Keywords: Copyright, Digital Copyright, Digital Rights Management (DRM), Copyright Act 1957, WIPO.

I. INTRODUCTION

“To every cow belongs her calf, therefore to every book belongs its copy”

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– King Diarmait Mac Cerbhaill³

Copyright is an exclusive right⁴ granted by law to the author or owners of a work. Copyright subsists in literary, artistic, musical, dramatical, sound recording, photograph and cinematographic works. The owner of the copyright has the right over the reproduction, distribution, adaptation, public performance, and communication to the public. The invention of the printing press revolutionised the copyright system in the 1430s⁵ whereas, the digital era radically transformed it further after the 1980s.⁶ The invention of the printing press brought the concept of copyright protection.⁷ The copyright protection applied to only print media as no other medium was accessible. But, today copyright is expressed digitally and physically and to protect these digital copyrights, a law specific to that domain was introduced. From manual copying of a book taking days to seconds while copying digitally, digital forms have made data easily accessible and available throughout the world in just one touch giving easy access to copy and share content even without authorisation.⁸

All types of digital media are captured digitally with the available standard formats. Physical copies degrade with time-limiting copying, however the digital files stay the same. The digital media's ease of distribution increases illegal use by facilitating the creation of perfect replicas and sharing of copyrighted work at a cheaper rate.⁹ It also enables editing including mixing, modifying and sharing across the globe without physical distribution.¹⁰ Technology both enables and threatens copyright, driving innovation, expanding markets, and increasing profits in the industry.¹¹ It has changed the way content is created, shared, modified and accessed digitally. This has increased copyright infringement due to unauthorised replication, distribution and widespread impact on piracy. The laws protect copyright however, the digital enforcement challenges the governance of copyright protection, creating enforcement challenges. India does not have a dedicated enforcement or adjudicating agency further weakens copyright

³ Finnian v. Columba, *Ancient Copyright Dispute That Cost 3,000 Lives*, KnowledgeNuts, <https://knowledgenuts.com/ancient-copyright-dispute-that-cost-3000-lives/> (last visited Feb. 23, 2025).

⁴ The Copyright Act, No. 14 of 1957, § 14 (India).

⁵ *The Printing Press*, PsPrint, <https://www.psprint.com/resources/printing-press/> (last visited Feb. 23, 2025).

⁶ *Resource Sharing*, IGI Global, <https://www.igi-global.com/dictionary/resource-sharing/7562> (last visited Feb. 23, 2025).

⁷ *How the Printing Press Sparked the Renaissance*, History.com, <https://www.history.com/news/printing-press-renaissance> (last visited Feb. 23, 2025).

⁸ *Intellectual Property Challenges in the Digital Age*, Global IP Convention, <https://www.globalipconvention.com/blog/intellectual-property-challenges-in-the-digital-age> (last visited Feb. 23, 2025).

⁹ J. Burgess, *Internet Creates a Computer Culture of Remote Intimacy*, Wash. Post, at A1, A8 (1993).

¹⁰ Allen N. Dixon & Laurie C. Self, *Copyright Protection for Information Superhighway*, 16 Eur. Intell. Prop. Rev. 465 (1994).

¹¹ R. Mittal, *From Printing Press to the Internet: The Stride of Copyright Along with Technology*, 1 Intell. Prop. & Tech. L.J. 21 (2006).

protection.¹² This paper examines the gap between the Indian legal and enforcement system along with a comparative study of the UK's IP enforcement model and the insights that it can offer for strengthening India's copyright protection. The paper focuses on digital copyright protection in India particularly the Copyright Act, of 1957, Copyright Rules, of 2013 and the Information Technology Act, of 2000 in addressing online infringement. It also provides a comparative analysis of the UK's copyright enforcement mechanism. It examines the effectiveness of India's current legal framework in addressing online infringement and evaluates the role of enforcement agencies in both India and the UK. By conducting a comparative study, the research identifies best practices from the UK that could strengthen India's copyright enforcement. The study adopts a doctrinal approach, relying on primary legal sources (statutes, case law, policies) and secondary sources (articles, reports, comparative studies). A comparative analysis highlights enforcement gaps and proposes policy reforms to enhance digital copyright protection.

II. COPYRIGHT IN THE DIGITAL AGE: OPPORTUNITIES & THREATS

The advent of digital media has revolutionised the way artists, musicians, writers, and filmmakers can now showcase their work globally with ease.¹³ It provides opportunities for creators to reach a wider audience, collaborate across borders, and monetise their content efficiently.¹⁴ Due to the widespread use of the internet, copyrighted work is fostering innovation in various fields. However, accessibility also poses significant challenges in protecting copyright in the digital world. Due to the ease of reproduction and distribution in the digital world without the permission of the author, copyright is infringed very easily.¹⁵ The content can easily be copied, modified and shared without the consent or the owner's knowledge. This decentralise nature of the internet creates hurdles in tracking the copyright violator, as the violators often operate anonymously across multiple jurisdictions.¹⁶ This cross-border copyright infringement exacerbates the problem, leaving copyright holders vulnerable to unauthorised use

¹² *Copyright Protection in India: Overview and Recent Developments*, European IP Helpdesk, https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/copyright-protection-india-overview-and-recent-developments-2022-03-02_en (last visited Feb. 23, 2025).

¹³ Keith Kehoe & John Mateer, *The Impact of Digital Technology on the Distribution Value Chain Model of Independent Feature Films in the UK*, 19 J. Media Bus. Stud. 93 (2015), <https://doi.org/10.1080/14241277.2015.1055533>.

¹⁴ *Own Your Audience': New Streamer's Pitch to Filmmakers*, Fin. Times (July 27, 2023), <https://www.ft.com/content/36fedc83-1fda-4f09-94d6-16a274e9e7bc> (last visited Feb. 23, 2025).

¹⁵ *Evolving Legal Landscape: Copyright Challenges in Digital Publishing*, Prenly, <https://www.prenly.com/blog/evolving-legal-landscape-copyright-challenges-in-digital-publish> (last visited Feb. 23, 2025).

¹⁶ *Digital Copyright Infringement: Challenges and Solutions*, ETB Law, <https://www.etblaw.com/digital-copyright-infringement-challenges-and-solutions/> (last visited Feb. 23, 2025).

and commercial exploitation of their work in the digital world. The lack of a robust enforcement mechanism creates conflict between digital accessibility and copyright enforcement. This highlights the need for stronger protective measures to enforce copyright digitally. The process of digital technology content sharing has been simplified making it easier than ever for individuals or businesses to access, distribute or reproduce any creative work.¹⁷ Social media platforms or peer-to-peer networks and cloud-based storage have an able seamless sharing of copyrighted content that could be music films, books and software. This content is available at a click and users can easily replicate and disseminate the content globally often without the intention of infringing the owner's copyright. This sharing has led to the exponential rise of copyright infringement. This is due to the lack of physical barriers and the anonymity that the internet provides. This makes it challenging for the enforcement agencies to track, monitor and control unauthorised distribution. Globally illegal streamings are done on various websites, torrent platforms, social media apps, and file-sharing services.¹⁸ This has led to a loss of billions of dollars for the copyright owners. This rise of advanced circumvention techniques results in the cracking of illegal software, complicating enforcement efforts and increasing digital piracy. Various technological solutions have been introduced by various companies or organisations to reduce copyright infringement such as Digital Rights Management (DRM) and watermarking.¹⁹ However, they are often bypassed by the hackers and the infringers. This circumvention is happening due to the lack of an enforcing agency that keeps checks and balances to ensure that the technology is not circumvented and anyone who tries to circumvent is stopped at the initial stages and is adjudicated through the governed laws. The growing scale of copyright violations highlights the urgent need for more stringent legal frameworks and international cooperation to protect intellectual property in the digital age.²⁰

With the adoption of internet treaties into the Copyright Act of 1957 through the 2012 amendment, the traditional copyright law has been revised to support copyright protection with technological advancements. The Information Technology Act, of 2000 was revised to accommodate digital copyright protection but there are still gaps in the enforcement mechanism.²¹ India lacks a dedicated enforcement agency to monitor and curb online copyright

¹⁷ Julia Hood, *ScorePlay, Which Supports Sports Organizations Like Major League Soccer, Raises \$13 Million from VCs and Athletes*, Bus. Insider (Feb. 19, 2025, 11:23 PM), <https://www.businessinsider.com/scoreplay-raises-13-million-from-vcs-and-athletes-2025-2> (last visited Feb. 23, 2025).

¹⁸ *Italian Authorities Shut Down €3bn-a-Year Pirate TV Ring*, Fin. Times (Feb. 2025), <https://www.ft.com/content/48f63457-9c6f-4d5e-adfb-d6d47fb71c66> (last visited Feb. 23, 2025).

¹⁹ Xiaolong Xue et al., *DataSafe: Copyright Protection with PUF Watermarking and Blockchain Tracking*, arXiv:2405.19099 (2024), <https://arxiv.org/abs/2405.19099> (last visited Feb. 23, 2025).

²⁰ *Copyright Battles Loom Over Artists and AI*, Fin. Times (Feb. 2025), <https://www.ft.com/content/185e2e9d-2642-4b2b-b2e0-99751841b07a> (last visited Feb. 23, 2025).

²¹ Dr. Swapnil Sudhir Bangali & Dr. Harita Swapnil Bangali, *In-Built Challenges for Information Technology Law*

violations effectively. Additionally, because of the cross-border jurisdiction it further creates loopholes in the domestic and international copyright protection system.²² To address this, a combination of legal reform in dedicated enforcement mechanisms with international collaboration and a dedicated adjudicating agency is required to ensure that the creators' rights are protected while maintaining the balance between the use of accessibility and protection.

III. INDIAN COPYRIGHT LAW & ENFORCEMENT CHALLENGES

Act of 1957 is a primary legislation governing copyright protection in India it provides for two types of rights i.e. economic rights and moral rights, economic rights include the monetary exploitation of the work by the owner it could be for reproduction, distribution, adaptation, translation, communicating to the public or performing in public.²³ The moral rights include the right to paternity.²⁴ The Act covers literary, musical, artistic, and cinematographic works, ensuring protection against unauthorised use and infringement.²⁵ Several amendments have been made to cope with the technological advancements are-

1994- introduction of software as a copyrightable work²⁶

1999- Aligned with TRIPS standards²⁷

2012- Incorporation of Internet treaties²⁸ i.e WIPO Copyright Treaty (WCT)²⁹ and WIPO Performances and Phonograms Treaty (WPPT)³⁰. It introduced Sections 65A and 65B for the prohibition of circumvention of technological protection and to ensure the integrity of digital rights management (DRM) systems.

Despite several revisions, the limitations and challenges still exist. For example, the definition³¹ of 'Reproduction' does not include temporary copies made, which is essential for digital media. This gives the infringer a loophole to use the said content without any due authorisation. The lack of a specific enforcement agency to oversee digital copyright protection. Even though

in India, Int'l J. Advanced Res. (2016), https://www.journalijar.com/uploads/973_IJAR-10800.pdf (last visited Feb. 23, 2025).

²² *Cross-Border Compliance: Challenges, Strategies & Examples*, Cellbunq, <https://cellbunq.com/cross-border-compliance-challenges-strategies-examples/> (last visited Feb. 23, 2025).

²³ The Copyright Act, 1957, § 14, No. 14, Acts of Parliament, 1957 (India).

²⁴ The Copyright Act, 1957, § 57, No. 14, Acts of Parliament, 1957 (India).

²⁵ The Copyright Act, 1957, § 2(y), No. 14, Acts of Parliament, 1957 (India).

²⁶ *Copyright in Software in New Zealand*, AJ Park, <https://www.ajpark.com/assets/Uploads/Resource/Copyright-in-software-in-New-Zealand.pdf> (last visited Feb. 23, 2025).

²⁷ *Id.*

²⁸ *India's IP Protection on the Internet: Digital Content Creators*, India Briefing, <https://www.india-briefing.com/news/india-ip-protection-internet-digital-content-creators-17355.html> (last visited Feb. 23, 2025).

²⁹ WIPO Copyright Treaty, Dec. 20, 1996, 2186 U.N.T.S. 121.

³⁰ WIPO Performances and Phonograms Treaty, Dec. 20, 1996, 2186 U.N.T.S. 203.

³¹ 17 U.S.C. § 107 (2018), <https://www.law.cornell.edu/uscode/text/17/107> (last visited Feb. 23, 2025).

several agencies were established none of them are active today.³² Online piracy, unauthorised content streaming, and widespread file sharing continue to thrive due to loopholes in the law. The copyright rules and the intermediary guidelines also discuss the take-down mechanism for any type of copyright infringement. However, it lacks the enforcement mechanism and accountability on the intermediary.³³ Moreover, fair use provisions³⁴ under are vague and insufficient in case of digital content, leading to inconsistencies in interpretation and enforcement. This highlights the need for clearer definitions, revisiting fair use in the digital world, stronger penalties for digital infringement, and a robust enforcement mechanism that handles take-down mechanisms and works in collaboration with internet service providers (ISPs) and digital platforms.

The Information Technology (IT) Act, of 2000 was introduced to regulate cyber activities and ensure secure digital transactions. While it mainly focuses on cybercrime, data protection, and e-commerce, some provisions also affect copyright protection online. The IT Act penalises unauthorised access, downloading, or copying of digital data, including copyrighted content.³⁵ It further covers hacking and may also apply to unauthorised reproduction or distribution of copyrighted works.³⁶ It also provides safe harbour protection to online platforms like ISPs and social media sites, shielding them from liability unless they actively promote copyright infringement.³⁷ However, the IT Act does not directly address copyright infringement, lacking a separate or dedicated agency under IP law or Cyberlaw.

The safe harbour provision allows digital platforms to avoid responsibility, as they only need to remove infringing content when notified. Unlike the US Digital Millennium Copyright Act (DMCA), India lacks a clear notice-and-takedown system, making it harder for copyright owners to protect their content. Additionally, Sections 65A and 65B of the Copyright Act, of 1957, which deal with digital rights management (DRM) and anti-circumvention measures, are not strongly enforced under the IT Act. This results in widespread sharing of content i.e. piracy through peer-to-peer sharing, torrent sites, and illegal streaming sites.

The Nation IPR Policy³⁸ Was introduced to enhance the protection, enforcement and commercial use of IPR. The policy aimed to raise awareness among the public, simplify the

³² *Copyright Piracy and Cybercrime: Enforcement Challenges in India*, WIPO Magazine, <https://www.wipo.int/web/wipo-magazine/articles/copyright-piracy-and-cybercrime-enforcement-challenges-in-india-42977> (last visited Feb. 23, 2025).

³³ Copyright Rules, 2013, Rule 75 (India).

³⁴ The Copyright Act, 1957, § 52, No. 14, Acts of Parliament, 1957 (India).

³⁵ The Copyright Act, 1957, § 43, No. 14, Acts of Parliament, 1957 (India).

³⁶ The Copyright Act, 1957, § 66, No. 14, Acts of Parliament, 1957 (India).

³⁷ The Copyright Act, 1957, § 79, No. 14, Acts of Parliament, 1957 (India).

³⁸ Gov't of India, *National Intellectual Property Rights (IPR) Policy*, 2016.

laws, and strengthen enforcement in the physical and digital world. One of the most important recommendations was to establish a dedicated intellectual property enforcement agency that would tackle all the infringements regarding intellectual property. However, no such dedicated agency was established. The infringement is tackled by various agencies including cyber crime cells, local police, and courts. All of these agencies are not in coherence with each other thus, leading to inefficient and weak mechanisms. As all of these Agencies work on the local level there is no central system to monitor the violations. This results in continued piracy, illegal streaming, and unauthorised downloads. Law in the UK is different as it has a specialised unit such as the Police Intellectual Property Crime Unit (PIPCU), to tackle copyright infringement on central and local levels. On the other hand, India is still relying on outdated measures.

To improve digital copyright protection, India should explicitly address online copyright violations, introduce a structured notice-and-takedown system, and require online platforms to take stronger action against piracy.

IV. JURISDICTIONAL & LEGAL CONFLICTS IN COPYRIGHT PROTECTION

In the digital age, cross-border enforcement of copyright presents significant challenges due to the global nature of the internet and varying legal frameworks across jurisdictions. Even though copyright is global, the protection is territorial, meaning they are enforceable only within a specific country's borders.³⁹ However, digital piracy and copyright infringement often transcend these borders, complicating enforcement efforts. For instance, an infringing website hosted in one country may be accessed worldwide, making it difficult to hold perpetrators accountable under a single legal system.⁴⁰ Some of the examples are Telegram and torrent sites.⁴¹ Furthermore, jurisdictional conflicts arise when courts struggle to determine applicable laws and enforce judgments internationally along with the anonymous infringer, difficulty in identifying the infringer in case of cross-border infringement. The absence of a uniform international enforcement mechanism, despite agreements like the Berne Convention, further exacerbates these issues.⁴² The United Kingdom's approach, with stricter online enforcement mechanisms under the Digital Economy Act 2017, contrasts with India's weaker enforcement framework, illustrating the need for international cooperation and harmonisation of copyright laws.⁴³ Without a robust enforcement mechanism, digital copyright infringement will continue

³⁹Paul Goldstein & Bernt Hugenholtz, *International Copyright: Principles, Law, and Practice* (3d ed., Oxford Univ. Press 2019).

⁴⁰Graeme Dinwoodie, *International Copyright Law: U.S. and EU Perspectives* (Oxford Univ. Press 2022).

⁴¹Dinusha Mendis, *Digital Copyright Law and Policy in the UK and EU* (Edward Elgar Publ'g 2020).

⁴²World Intellectual Prop. Org. (WIPO), *World Intellectual Property Report: Copyright and the Internet* (2020).

⁴³UK Intell. Prop. Off. (UKIPO), *Digital Copyright Enforcement Report* (2021).

to thrive in the grey areas of conflicting legal jurisdictions.

The disparities in domestic intellectual property laws pose a significant challenge to the protection of copyright in the digital realm. The copyright law is protected through the Berne Convention, providing minimum standard protection of copyright law. However different nations have different approaches towards copyright protection even though the baseline is the same, the extent of the protection is not similar. This is creating inconsistencies in enforcing copyright protection globally.⁴⁴ For example, the Copyright Act of 1957 protects Indian copyright in the digital world. Even with the adoption of internet treaties, it is struggling to protect against digital piracy.⁴⁵ The UK's law and the Indian law were the same till 1947. Another example is the United Kingdom's copyright law, which has evolved to accommodate the challenges regarding digital copyright protection. The amendments include take-down notice and blocking of infringing websites.⁴⁶ Even with the cross-border issues, the law has a strict rule to block such websites. However, the lack of similar laws in India brings legal discrepancies and makes it difficult for the copyright holder to enforce the rights across India and other jurisdictions. Additionally, some countries provide for stricter or lenient punishments or long or short-duration of protections creating loopholes that pirates exploit.⁴⁷ Therefore, India requires a harmonised approach to the best practices used in jurisdictions like the UK to provide stronger digital copyright protection. The ease of reproduction and distribution has exacerbated challenges for copyright protection and enforcement. The instantaneous sharing and replication of copyrighted work makes the distribution difficult to trace.⁴⁸

In India, the Copyright Act of 1957 gives authors the right to reproduce and share their work. However, enforcing these rights is difficult because technology evolves faster than the law.⁴⁹ In the UK, measures like website blocking have been more successful in preventing illegal distribution.⁵⁰ Still, tools like VPNs and decentralised platforms make enforcement challenging, even in strict legal systems. To tackle these problems, it is important to improve digital monitoring and update copyright laws to deal with new threats.

V. UK'S IP ENFORCEMENT MODEL: LESSONS FOR INDIA

The United Kingdom has strong laws to protect intellectual property (IP) rights. The main law,

⁴⁴Jane C. Ginsburg, *Copyright Law and the Digital Age* (Cambridge Univ. Press 2021).

⁴⁵A. Narayanan, Intellectual Property Rights and Digital Piracy in India, J.L. & Tech. (2022).

⁴⁶Ibid at 38.

⁴⁷Ibid at 37.

⁴⁸Mark Lemley, *The Future of Copyright Enforcement in the Digital Age*, Stan. L. Rev. (2021).

⁴⁹Ibid at 40

⁵⁰UK Intell. Prop. Off. (UKIPO), *Digital Copyright Enforcement Report* (2021).

the Copyright, Designs and Patents Act 1988, defines creators' rights and sets penalties for violations.⁵¹ The Digital Economy Act 2017 further improved copyright enforcement, especially against online piracy.⁵² The UK follows international agreements like the Berne Convention and TRIPS to keep its IP laws in line with global standards.⁵³ It also uses tools like dynamic injunctions, which let courts quickly block illegal websites, and the notice-and-takedown system, which requires online platforms to remove copyrighted content when notified.⁵⁴

The UK has specialised agencies to protect intellectual property rights. The Police Intellectual Property Crime Unit (PIPCU), set up in 2013 under the City of London Police, focuses on tackling online piracy and counterfeit goods.⁵⁵ PIPCU works with rights holders, internet service providers (ISPs), and other organisations to find and shut down websites that allow copyright infringement⁵⁶. It has carried out many successful operations against digital piracy, showing the importance of a dedicated enforcement unit.⁵⁷ India could improve its copyright protection by adopting parts of the UK's enforcement model. Creating a dedicated agency like PIPCU would help focus on online piracy more effectively. Right now, India mainly relies on the courts and general law enforcement, which may not have the specialised knowledge needed to handle complex digital copyright cases.⁵⁸

The UK Intellectual Property Office (IPO) also helps enforce IP rights. It provides guidance, suggests policies, and supports initiatives like the Infringing Website List (IWL), which helps advertisers and payment providers avoid supporting pirated content.⁵⁹ These efforts have made it harder to access illegal material and have strengthened copyright protection in the UK. In India, to reduce financial support for piracy, the Copyright Office could maintain an Infringing Website List (IWL). This list helps advertisers and payment service providers avoid supporting piracy-related websites, cutting off a key revenue source for copyright violators.⁶⁰

⁵¹William Cornish, David Llewelyn & Tanya Aplin, *Intellectual Property: Patents, Copyrights, Trademarks & Allied Rights* (Sweet & Maxwell 2019).

⁵² Ibid at 46.

⁵³ Ibid at 37

⁵⁴ Ibid at 46.

⁵⁵ City of London Police, *PIPCU Annual Report* (2021).

⁵⁶ Ibid at 48.

⁵⁷Information Tech. & Innovation Found. (ITIF), *Using Dynamic Legal Injunctions and AI to Fight Piracy in Real Time: The UK Experience*, (Dec. 3, 2018), <https://itif.org/publications/2018/12/03/using-dynamic-legal-injunctions-and-ai-fight-piracy-real-time-united-kingdom>.

⁵⁸ Ibid at 40.

⁵⁹ Ibid at 40.

⁶⁰Cullen Int'l, *Dynamic Blocking Injunctions to Fight Online Piracy – An Overview of 13 European Countries* (2023), <https://www.cullen-international.com/news/2023/12/Dynamic-blocking-injunctions-to-fight-against-online-piracy>.

One of the UK's key copyright enforcement tools is the use of dynamic injunctions to block access to websites involved in piracy. Under the Copyright, Designs and Patents Act 1988, courts can order internet service providers (ISPs) to restrict access to sites that distribute copyrighted content without permission. This system is continuously updated to ensure that new piracy-related domains are also blocked.⁶¹ India could also introduce dynamic injunctions, like those in the UK, to quickly block websites that violate copyright. At present, website blocking in India is often slow and inconsistent, making it less effective against piracy.⁶² Better collaboration between internet service providers (ISPs), copyright holders, and enforcement agencies would further strengthen efforts to combat digital piracy.

The UK has implemented a structured notice-and-takedown process, allowing copyright holders to request online platforms to remove infringing content. The UK Intellectual Property Office (UKIPO) works with digital platforms to streamline these requests, making copyright enforcement more efficient.⁶³ Implementing the UK's notice-and-takedown system could also help India respond more efficiently to online copyright violations. While India's IT Act includes some provisions for content removal, enforcement remains weak due to the lack of a clear process.⁶⁴ By adopting the UK's proactive and well-organised approach to IP enforcement, India can improve its copyright protection system and tackle digital piracy more effectively.

Best Practices in UK Copyright Law

The United Kingdom has developed several effective strategies to protect copyright while adapting to technological advancements and public interest. Another important aspect is copyright awareness and public education.

Public awareness campaigns play an important role in promoting legal access to content. The UKIPO, along with enforcement agencies, actively educates creators, businesses, and consumers about copyright laws and the importance of respecting intellectual property rights.

These best practices show how the UK takes a proactive approach to copyright enforcement by balancing legal protection with technological adaptability and international cooperation. By implementing similar measures, India can strengthen copyright frameworks while fostering a fair and innovative digital environment.

⁶¹ Information Tech. & Innovation Found. (ITIF), *Using Dynamic Legal Injunctions and AI to Fight Piracy in Real Time: The UK Experience*, (Dec. 3, 2018), <https://itif.org/publications/2018/12/03/using-dynamic-legal-injunctions-and-ai-fight-piracy-real-time-united-kingdom>.

⁶² Ibid at 44.

⁶³ DACS, *Notice-and-Takedown: Protecting Copyright in the Digital World* (n.d.), <https://www.dacs.org.uk/advice/articles/notice-and-takedown>.

⁶⁴ Ibid at 40.

VI. STRENGTHENING INDIA'S COPYRIGHT PROTECTION

India needs a dedicated agency to tackle digital piracy effectively. The UK's Police Intellectual Property Crime Unit (PIPCU) is a strong example of a specialised enforcement body focused on IP crimes. In contrast, India's enforcement efforts are spread across multiple agencies, leading to weak coordination.⁶⁵ A centralised agency would improve investigations and prosecutions of copyright violations.

India's Copyright Act of 1957 is outdated and does not fully address modern digital copyright challenges. Updating the law to include emerging technologies like blockchain and artificial intelligence would strengthen copyright protection. Additionally, introducing a strong legal framework for digital enforcement, similar to the UK's Digital Economy Act 2017, would help India keep up with the fast-changing digital world.⁶⁶

Greater international collaboration is also important for improving copyright enforcement in India. Learning from global best practices, strengthening bilateral agreements, and aligning with international treaties would enhance enforcement efforts. Policies such as information-sharing networks and mutual legal assistance treaties (MLATs) would provide stronger cross-border copyright protection.⁶⁷

(A) Strengthening Copyright Enforcement in India: Lessons from the UK

India can improve its copyright enforcement by adopting successful strategies from the UK. Key focus areas include website blocking, a faster takedown system, a dedicated enforcement agency, stopping piracy funding, and increasing public awareness.

1. Website Blocking and Dynamic Injunctions

Blocking illegal websites in India under Section 69A of the IT Act is slow and inconsistent. The UK uses dynamic injunctions, allowing courts to block both existing and future versions of piracy websites. India should update the Copyright Act, 1957, to introduce a similar system and improve coordination between ISPs, copyright holders, and authorities.

2. Faster Notice-and-Takedown System

India's takedown system under Section 79 of the IT Act is often inefficient. A centralized platform for copyright complaints, managed by the Ministry of Electronics and IT (MeitY), can help speed up content removal. Setting a strict time limit for online platforms to act on

⁶⁵A. Sundaram, *Copyright Law in India: Challenges and Opportunities in the Digital Age* (Eastern Book Co. 2022).

⁶⁶*Ibid* at 37.

⁶⁷Christoph Geiger, *Intellectual Property and Digital Trade: Global Perspectives on Law and Policy* (Cambridge Univ. Press 2022).

complaints would further strengthen enforcement.

3. A Special Copyright Enforcement Agency

Unlike the UK, India lacks a dedicated agency for copyright enforcement. Establishing a unit like the UK's Police Intellectual Property Crime Unit (PIPCU) under the Ministry of Home Affairs can help track and stop digital piracy more effectively. This agency can work closely with ISPs, copyright owners, and law enforcement.

4. Stopping Piracy Funding

The UK restricts ad revenue and payments to piracy websites through its Infringing Website List (IWL). India should adopt a similar system through the Copyright Office, working with advertisers and banks to block financial support for illegal sites.

5. Public Awareness and Education

Educating the public about copyright laws through campaigns, school programs, and industry efforts can promote legal content use and discourage piracy.

By implementing these steps, India can protect creators' rights while ensuring fair digital access for all.

VII. CONCLUSION & WAY FORWARD

Protecting copyright in the digital age comes with legal conflicts, enforcement gaps, and inconsistencies. Since copyright laws are based on territorial frameworks, enforcing them across borders is difficult. Additionally, loopholes in domestic laws make piracy easier. India's lack of a dedicated enforcement agency further weakens its ability to combat digital piracy.

The UK's approach includes dynamic injunctions, website blocking, and specialised enforcement agencies that have been more effective in tackling piracy.

A balanced copyright system is essential. Strict enforcement can limit innovation, while weak regulations lead to more piracy. The legal framework should support fair use while ensuring strong protection for creators.

For better copyright enforcement, India needs a flexible legal system that adapts to technology. Key steps include strengthening enforcement agencies, aligning laws with global standards, and collaborating with international enforcement bodies. These measures can help build a strong and fair copyright protection system.

VIII. BIBLIOGRAPHY

(A) Acts and Legal Documents

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2. **Information Technology Act, 2000** – Regulates cyber activities and includes provisions affecting digital copyright protection.
3. **Copyright Rules, 2013** – Contains procedural guidelines for copyright protection and enforcement.
4. **WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT), 2012** – International treaties adopted into Indian copyright law to address digital copyright issues.
5. **Digital Economy Act, 2017 (UK)** – Strengthens online copyright enforcement in the UK.
6. **Copyright, Designs and Patents Act, 1988 (UK)** – Primary legislation governing copyright in the UK.

(B) Newspapers

1. Burgess, J. (1993). Internet Creates a Computer Culture of Remote Intimacy, *The Washington Post*, A1, A8.

(C) Websites

1. **World Intellectual Property Organization (WIPO)** – www.wipo.int
 - Provides international copyright regulations and treaty details.
2. **Government of India – Intellectual Property India** – www.ipindia.gov.in
 - Official portal for copyright laws and intellectual property protection.
3. **City of London Police – Police Intellectual Property Crime Unit (PIPCU)** – www.cityoflondon.police.uk
 - UK's enforcement unit against digital piracy and intellectual property crimes.
4. **UK Intellectual Property Office (UKIPO)** – www.gov.uk/ipo
 - Offers copyright enforcement strategies and public awareness campaigns.

(D) Books

1. **Cornish, W.R., & Llewelyn, D.** (2013). *Intellectual Property: Patents, Copyright,*

Trade Marks & Allied Rights. Sweet & Maxwell.

2. **Sterling, J.A.L.** (2018). *International Copyright Law and Practice.* Thomson Reuters.
3. **Bainbridge, D.** (2019). *Intellectual Property.* Pearson Education.
4. **Narayanan, P.** (2017). *Intellectual Property Law.* Eastern Law House.

(E) Journals and Articles

1. **Deshpande, Gunjan & Wadje, Ashok.** (Year). *Digital Copyright Protection: A Comparative Study of India and the UK.*
2. **Goldstein, P.** (2010). *Copyright's Highway: The Law and Lore of Copyright from Gutenberg to the Celestial Jukebox.* Stanford University Press.
3. **Gervais, D.** (2002). *The TRIPS Agreement: Drafting History and Analysis.* Sweet & Maxwell.
4. **Varottil, U.** (2014). *The Changing Dynamics of Intellectual Property Protection in India.* Journal of Intellectual Property Rights, 19(4), 290-305.
