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Understanding Digital Copyright

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ABSTRACT

In the contemporary digital age, the notion of copyright has undergone profound transformations, necessitating a comprehensive examination of its intricacies. This abstract explores the multifaceted dimensions of digital copyright, encompassing its challenges, innovations, and potential resolutions.

Digital copyright encompasses a broad spectrum of rights and protections aimed at safeguarding the intellectual property of creators within the digital domain. It grapples with issues related to the reproduction, distribution, and utilization of digital content, spanning text, images, audio, video, and software. However, the inherent ease of replication and dissemination afforded by digital technology has precipitated widespread infringement, posing substantial hurdles to copyright enforcement.

A primary challenge in the realm of digital copyright lies in achieving a delicate equilibrium between the rights of creators and the interests of users and the broader public. Navigating this balance entails grappling with intricate legal frameworks, including provisions for fair use, the implementation of digital rights management (DRM) technologies, and adherence to international treaties.

Advancements in digital copyright enforcement have been propelled by legislative measures such as the Digital Millennium Copyright Act (DMCA) and technological innovations like content identification algorithms. These mechanisms strive to combat online piracy, mitigate unauthorized use, and ensure equitable compensation for creators.

Nonetheless, the efficacy of digital copyright enforcement remains impeded by persistent challenges, including the proliferation of online piracy platforms, jurisdictional complexities, and the rapid evolution of digital technologies. Additionally, the emergence of user-generated content and the burgeoning sharing economy have blurred the boundaries between creators and consumers, necessitating a reassessment of conventional copyright paradigms.

Addressing these challenges demands a multifaceted approach that integrates legal, technological, and educational strategies. Such an approach must prioritize the protection of creators' rights while fostering innovation, enhancing access to knowledge, and safeguarding the public interest.

In summary, digital copyright constitutes a multifarious and dynamic domain necessitating continual dialogue, collaboration, and adaptation. By navigating these complexities with

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foresight and adaptability, stakeholders can cultivate a digital ecosystem that upholds the principles of creativity, innovation, and reverence for intellectual property rights.

Keywords: *Digital Copyright, Remedies, Copyright.*

I. INTRODUCTION

(A) What is a Digital Copyright?

Digital copyright is the legal framework for the protection and utilization of digital content, including text, images, audio, video, software, and other creative works in digital form. This includes the rights granted to producers and owners of digital content and the mechanisms to enforce those rights in the digital environment.

Basically, it is a set of exclusive rights granted to creators and owners of content produced and shared in digital form. At the heart of digital copyright is the goal of striking a balance between fostering creativity and innovation, while protecting authors' rights and encouraging investment in creative endeavours. It gives creators exclusive rights over their works, including the rights to copy, distribute, perform, display and adapt their creations. These rights are necessary so that authors can control the use of their works and obtain economic benefits from their works.

Just as traditional copyright exists to protect authors of books, musicians, filmmakers and other artists, digital copyrights are adapted for the digital age, securing the rights of those who produce content on the Internet, software platforms, digital media and elsewhere.

Digital copyright encompasses a broad set of rights and protections for producers and owners of digital content. It covers several aspects including-

EXCLUSIVE RIGHTS - Digital copyrights give authors exclusive rights to their work, including the right to reproduce, distribute, publicly perform, or display it. They also have the right to produce derivative works based on the original.

PROTECTION OF CREATIVE WORKS - digital copyright extends protection to content such as software, digital music, online articles, e-books, videos and even certain databases.

DURATION OF PROTECTION - Digital copyrights offer authors protection for their works for a fixed duration, usually for the lifetime of the author and a certain number of years (e.g. 70 years in many jurisdictions).

FAIR USE AND EXCEPTIONS - Digital copyrights also include fair protection use or fair dealing provisions that allow limited use of copyrighted material without permission, such as for criticism, commentary, news reporting, teaching, scholarship or research. The exceptions

are intended to balance the rights of authors with the public interest in obtaining and using copyrighted works for specific purpose.

MORAL RIGHTS - Digital copyrights may include moral rights that protect the integrity and attribution of an author's work. The right to acknowledge the authorship of a work (the right) and the right for integrity (which is reserved for derogatory treatment of the work) are commonly associated with moral rights.

DIGITAL RIGHTS MANAGEMENT - Digital rights often involve the use of DRM technologies to protect digital content against unauthorized copying, distribution, and use. Digital Rights Management (DRM) technologies enable the control of digital access to copyrighted material through digital locks, which are used for unauthorized reproduction and distribution.

ENFORCEMENT MECHANISMS

Enforcement mechanisms and measures are necessary to address online infringement and internet piracy in the realm of digital copyright. Among the measures that may be put in place are laws like the DMCA, which outline steps for managing online infringement as well as civil remedies and criminal penalties for copyright piracy.

LICENSE AND MONETIZATION - Digital copyright includes licensing agreements and monetization strategies. Creators and rights holders can license their works to third parties under certain conditions, and they can monetize their content through various channels, such as subscription-based models, advertising-supported platforms, digital storefronts and paid services.

In general, digital copyright encompasses a wide range of rights, protections and mechanisms designed to promote creativity, protect the rights of content creators, and ensure fair compensation for their contributions to the digital environment.

II. ADVANTAGES OF DIGITAL TECHNOLOGY IN COPYRIGHT

EASE OF DISTRIBUTION - Digital technology enables easy, fast and global distribution of the work without losing quality and also at a very affordable price. Digital networks enable the redistribution of information from a single source to multiple recipients. Consumers do not face traditional barriers to distributing copyrighted works online.

FASTER ACCESS TO DIGITAL MATERIAL - The ubiquitous nature of the Internet allows easy and faster access to material on a digital platform for consumers who need such creations for their own sake.

EASY STORAGE - Digital media offers an excellent and dense way to store copyrighted content compared to traditional media. CDs, pen drives or hard drives can store the entire library.

EASY OF REPRODUCTION - Digitize copyrighted material, making reproduction a painless task. However, thanks to the great advances in such related technologies, it is now very easy to reproduce digital content faster with accuracy and quality.

EFFICIENT - A single click can save time with the same efficiency. Digital technologies have made the distribution of copyrighted content a time-saving task for creators and consumers of such works. It also allows creators to make such creations available online, saving them time searching for suitable markets.

POCKET FRIENDLY - The cost-effectiveness of digital technologies is evident in their ability to save time for both copyright holders and consumers. The distribution and consumption of copyrighted material through digital media reduces its economic costs due to the widespread use of the Internet and reduces the costs of reproduction management and searching.

FACILITATION OF DIRECT PUBLICATION BY AUTHORS - Digital media provide an open platform for direct services to authors, to share their works without the interference of traditional publishers. The traditional way of distributing a work is through an intermediary in the form of publishers etc. provide a sufficient platform for the transmission of a work, but in digital media, authors can make their works available directly to the target group, acting less as intermediaries.

INNOVATION OF WORKS - Digital technology has given birth to completely new "works", such as "multimedia works, computer programs, databases", etc., adding to the entertainment industry such letters and changing the work culture in almost all sectors that use such information and communication technologies."

III. DISADVANTAGES OF DIGITAL COPYRIGHTS

Digital copyrights offer protections for creators and owners of digital content, but they also come with several challenges. Some of these drawbacks include:

EASE OF REPRODUCTION AND DISTRIBUTION - Digital content can be easily copied, reproduced, and distributed with minimal effort and cost, making it vulnerable to piracy and unauthorized use. Unlike physical works, which require duplication and distribution infrastructure, digital files can be replicated infinitely and shared globally within seconds, posing significant challenges to copyright enforcement.

TECHNOLOGICAL LIMITATIONS - Digital rights management (DRM) technologies, designed to protect digital content from unauthorized copying and distribution, have limitations and drawbacks. DRM systems can be circumvented or hacked, leading to the proliferation of tools and techniques for bypassing copyright protection measures. Additionally, DRM may inconvenience legitimate users by restricting their ability to access and use digital content lawfully.

COMPLEXITY OF ENFORCEMENT - Enforcing digital copyrights in the online environment is complex and challenging due to the global nature of the internet, the anonymity of online users, and the sheer volume of digital content available online. Copyright infringement often occurs across multiple jurisdictions, making it difficult for rights holders to track down infringers and pursue legal action effectively.

FAIR USE AND USER RIGHTS - Digital copyrights may restrict certain activities that are considered fair use or fair dealing under copyright law, such as criticism, commentary, parody, research, or educational use. Strict enforcement of digital copyrights may limit freedom of expression, creativity, and access to information, leading to debates about the balance between copyright protection and user rights.

BARRIERS TO INNOVATION AND CREATIVITY - Overly restrictive digital copyrights can stifle innovation and creativity by imposing limitations on the use of copyrighted material for transformative or derivative works. This can hinder the development of new technologies, artistic expressions, educational resources, and other forms of creative innovation that build upon existing cultural heritage and knowledge.

DIGITAL DIVIDE AND ACCESS TO KNOWLEDGE - Strict enforcement of digital copyrights may exacerbate the digital divide by limiting access to knowledge and information, particularly in developing countries or marginalized communities with limited resources. High licensing fees, copyright restrictions, and DRM technologies can impede access to educational resources, scientific research, and cultural heritage materials, hindering efforts to promote global knowledge sharing and development.

LITIGATION COSTS AND LEGAL UNCERTAINTY - Copyright disputes and litigation can be costly, time-consuming, and unpredictable for both rights holders and alleged infringers. Small creators and independent artists may lack the financial resources to pursue legal action against copyright infringement, while large corporations may engage in aggressive litigation tactics to protect their intellectual property rights, leading to a chilling effect on creativity and innovation.

JURISDICTION - Determining jurisdiction is a complex task because a copyright infringement case can involve multiple geographic locations. Copyright protection is hampered by several factors. There may be situations where the copyright owner and creator may be in two different locations. They can be a meter or even half a world away. This is one of the main reasons why copyright protection worldwide is a very difficult task. The question then becomes what jurisdiction would be appropriate. Even if these issues are also the subject of international agreements, each country and its legal system is ultimately responsible for which court is competent to resolve disputes, given the international component. The concepts of jurisdiction and territoriality are inseparable. The issue of regionalism, rooted both at the international and municipal levels, leads to a difficult situation regarding copyright protection and infringement, especially when the infringement is clearly established, it is difficult to determine the appropriate jurisdiction.

IV. DIGITAL COPYRIGHT INFRINGEMENT

Digital copyright infringement refers to the unauthorized use, reproduction, distribution, or alteration of digital content protected by copyright law. It occurs when someone violates the exclusive rights granted to the creator or owner of the copyrighted work without proper permission. Digital copyright extends traditional copyright principles to the digital realm but also presents unique challenges and opportunities due to the characteristics of digital technology. Unlike physical works, digital content can be easily replicated, transmitted, and manipulated with minimal cost and effort. This ease of duplication has led to widespread piracy and unauthorized distribution of digital content, posing significant challenges to copyright enforcement.

Infringement of digital copyright undermines the rights of content creators and owners, deprives them of potential revenue, and harms the integrity of intellectual property rights. It is subject to legal penalties and enforcement actions, including civil lawsuits, injunctions, damages awards, and in some cases, criminal prosecution.

Digital copyright infringement, often termed as piracy, is an act where someone violates the exclusive rights of the digital trademark holder without permission. Here are some common examples:

UNAUTHORIZED REPRODUCTION - Making copies of digital content, such as text, images, audio, video, or software, without permission constitutes infringement. This includes downloading or sharing copyrighted files without a license, duplicating digital files, or creating unauthorized backups.

DISTRIBUTION WITHOUT PERMISSION - Sharing or distributing copyrighted digital content without consent is infringement. This includes uploading copyrighted material to file-sharing websites, distributing pirated copies through peer-to-peer networks, or selling counterfeit copies of software or multimedia content.

PUBLIC DISPLAY OR PERFORMANCE - Publicly displaying or performing copyrighted digital works without authorization violates the copyright owner's rights. This could involve streaming copyrighted videos or music online without a license, broadcasting copyrighted content without permission, or performing copyrighted works in public without clearance.

CREATION OF DERIVATIVE WORKS - Making adaptations or derivative works based on copyrighted digital content without permission is infringement. This includes remixing music, editing videos, or creating new artwork using copyrighted material without consent.

CIRCUMVENTION OF TECHNOLOGICAL PROTECTION MEASURES - Tampering with or circumventing technological protection measures (TPMs), such as digital rights management (DRM) systems, designed to control access to copyrighted digital content, is infringement. This includes removing DRM restrictions to access or copy protected content illegally.

ONLINE PIRACY - Engaging in online piracy activities, such as downloading, sharing, or streaming copyrighted digital content without authorization, constitutes infringement. This includes accessing pirated movies, music albums, e-books, software, or other digital media through unauthorized sources.

AVOID DIGITAL RIGHTS MANAGEMENT (DRM) - Bypass encryption or other protections for digital content (such as e-books, software or multimedia), copying or distributing them without restriction.

ALLOW THE CREATION OF DERIVATIVE WORKS - Copyrighted software, artwork, or "new" digital content, to create a product and distribute it without permission from the original author.

UNAUTHORIZED SALE OF DIGITAL CONTENT - Selling copyrighted digital property on platforms such as e-commerce websites or personal websites without being an authorized distributor.

COPYRIGHTED USE OF WEB CONTENT MATERIAL - Copyrighted music, embedding video clips or images in YouTube videos or other online content without obtaining the necessary licenses or permissions.

To prevent infringement and protect digital copyright, content creators and rights holders use

various strategies, such as implementing DRM technologies, granting licenses for authorized use, monitoring unauthorized distribution on online platforms and enforcing their rights through legal means. Raising awareness of copyright laws and promoting respect for intellectual property rights can also help prevent infringement and promote a culture of compliance in the digital environment.

V. REMEDIES AGAINST DIGITAL INFRINGEMENT

To address these challenges, digital copyright relies on a combination of legal frameworks, technological measures, and industry practices. Legal mechanisms such as the Digital Millennium Copyright Act (DMCA) in the United States and similar laws in other jurisdictions provide a framework for protecting digital content and combating online infringement. These laws often include provisions for notice-and-takedown procedures, which allow copyright holders to request the removal of infringing content from online platforms.

In the digital environment, where copyright infringement is prevalent, various legal remedies exist to address such violations. These remedies aim to protect the rights of copyright holders and deter unauthorized use of their works. Some key legal remedies include:

CEASE AND DESIST LETTERS - Copyright holders can send these letters to individuals or entities engaging in copyright infringement, demanding they cease their activities and threatening legal action if necessary.

DMCA TAKEDOWN NOTICES - Under the Digital Millennium Copyright Act (DMCA) and similar laws, copyright holders can submit takedown notices to online service providers hosting infringing content. Upon receipt, the service provider must promptly remove the material.

INJUNCTIONS - Copyright holders can seek injunctive relief from courts to stop ongoing infringement. Injunctions may prohibit the infringing party from further use or distribution of the copyrighted work.

MONETARY DAMAGES - Copyright holders may pursue damages through civil litigation against infringers. This can include compensation for actual damages and statutory damages provided by copyright law.

TECHNOLOGICAL MEASURES - Copyright holders can use technological tools like digital rights management (DRM) systems, encryption, or watermarking to protect their digital content.

CIVIL LITIGATION - Copyright holders can file lawsuits seeking damages and other remedies for infringement, including contributory infringement or vicarious liability claims.

CRIMINAL PROSECUTION - In severe cases of infringement, criminal charges may be

pursued by government authorities, potentially leading to fines or imprisonment for the infringing party.

These legal remedies help copyright holders enforce their rights and hold infringers accountable for unauthorized use of copyrighted works in the digital realm.

Alongside legal and technical measures, digital copyright management is influenced by industry practices like licensing agreements and content monetizing strategies. Content producers and rights holders often use licensing agreements to grant permission to use their works under certain conditions. Royalties or compensation for the use of copyrighted content may be paid in these agreements.

The use of content monetization strategies, including subscription-based models, advertising-supported platforms, and digital storefronts, provides revenue to both content creators and rights holders.

The way these strategies generate revenue from digital content often involves the use of a combination of advertising, subscription fees, pay-per-view, and other monetization methods. The challenge of enforcing digital copyrights is still intricate and evolving due to the global Internet, online platforms, and rapid technological advancements.

Blockchain and other emerging technologies offer novel approaches to enhancing copyright protection by utilizing immutable ledgers to monitor ownership and usage rights.
