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Unveiling the Dynamics of Digital Copyright: A Qualitative Analysis of Piracy of Creative Works in India

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ABSTRACT

A revolution has taken place in the manner in which creative work is produced, distributed, and consumed as a result of the rapid advancements in digital technology and the explosion of the Internet. A priority for artists, users, and policymakers alike in this digital world is the preservation of intellectual property rights, particularly copyrights. This is especially true for copyrights. A comprehensive review and analysis of India's digital copyright legislation is presented in this article. The essay focuses on the law's most important aspects, as well as its issues and ramifications.

Copyright Act, 1957, which has been revised many times to better represent the digital environment, is the primary source of the legal foundation that the Digital Copyright Act of India is based on. Written works, creative works, musical works, and cinematic works are all examples of the types of works that are protected by copyright under the law. In addition to providing remedies for unlawful use, it allows the author the exclusive right to copy, distribute, modify, and perform the work.

When it comes to the enforcement of digital rights law in India, the prevalence of online piracy is one of the most significant difficulties that this article eloquently highlights. Copyright holders frequently confront incidents of unlawful copying, distribution, and public performance of their works. This is largely attributable to the ease with which digital content may be copied, shared, and distributed. Recognizing and punishing those who violate copyright has become even more difficult as a result of the proliferation of internet platforms, social media, and file-sharing networks. However, in order to counteract infringements of copyright that occur online, the Indian legal system offers takedown notifications and remedies to copyright owners. The focus of this article was on the purposes of India's digital rights law, which are to safeguard the rights of artists while also fostering innovation and providing access to knowledge. The protection of intellectual property in the digital era is based on legal frameworks, which include international treaties, fair use laws, and enforcement mechanisms. Despite the fact that issues still exist, these frameworks offer a basis.

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Keywords: Digital copyright, Music piracy, Intellectual property rights, Copyright infringement, Policy implications.

I. INTRODUCTION

The term "digital copyright" refers to an extension of a certain type of copyright that protects creative works that are accessible through digital media platforms. The purpose of this is to ensure that work that is stored in a digital structure is protected precisely the same way as work that is stored in a physical form is protected. As a result of the proliferation of computers and digital media, this has taken on an increasingly considerable significance. The concept of digital copyright refers to the protection of any original and creative work that is stored in a computerized media.

In the same way that other forms of copyrights come into existence, digital copyright comes into existence almost immediately after the creation of a work and provides it with security and protection. In light of this, it may be deduced that an individual who composes a narrative or essay as a unique and original work by typing it into a computer is entitled to copyright on that work at the time it is written. This type of security and protection does not extend to ideas that a human could have, but it is necessary to use it in order to secure works that are created, regardless of whether they are just in a digital format.

Not only is digital copyright a substantial component of copyright infringement, but digital piracy is also a significant component. Those who are involved in such a heist have argued that there is no form of burglary that occurs through such privacy. This is due to the fact that piracy typically involves simply reproducing a type of media and not really transmitting a physical copy of that media. When digital copyright is applied to a particular item, the item in question, along with any and all copies of it, becomes the legitimate property of the person who has the copyright. In accordance with the law, copies can be lawfully transmitted through the sale of the copy or with the agreement of the proprietor. However, copies that are not permitted breach the copyright and are thus considered to be theft of intellectual property.

This was determined by the Supreme Court in the seminal decision of *R.G. Anand v. M/S. Delux Films and Others (1978)*³, which found that regardless of if both the play and the film could have been inspired by the concept of "Provincialism," they are completely distinct from one another. The film, for example, demonstrates several features of "Provincialism," such as "Provincialism" in the renting of outhouses, despite the fact that the primary focus of the film

³ AIR 1978 SC 1613

is on marriage. When compared to the play, the film illustrates how dowry may be detrimental to individuals. On the basis of the long-established concept that copyright cannot be used to protect ideas, the court dismissed the appellants' appeal. This was due to the fact that the idea in the play and the movie are practically similar to one another.

After referring to the case of *N.T. Raghunathan and Others v. All India Journalist Ltd., Bombay (1957)*⁴, the court came to the conclusion that there may be some similarities between the two cases. According to the ruling of the court, even if one were to be able to watch both the play and the movie, the normal person would not believe that they were identical to one another in every way. Because the play and the movie are so drastically different from one another, the appellants' argument that they have violated someone else's copyright is absurd. This is due to the significant variances that exist between them. The ruling that was handed down by the Delhi High Court has been affirmed by the court. Due to the fact that the court finally decided in favor of the respondents in both different cases, there was no violation of any rights.

Similarly, in the case of *S.K. Dutt v. Law Book Co. and others*⁵, it was decided that "in order for there to be an infringement of a man's copyright, there must be a substantial infringement of the work." A simple and fair treatment with any work has no bearing on whether or not it constitutes an infringement of copyright work. The plaintiff's allegation of copyright infringement is the focus of the legal analysis that is presented in the offered text. This analysis is presented in the context of two publications that discuss the Law of Partnership in India.

The necessity of a "substantial infringement" for a copyright violation is discussed by the court, with the emphasis being placed on the fact that the claimed infringement must be considerable in order to be considered a breach of copyright. According to this, it is possible that the similarities between the works, even if they are insignificant or inconsequential, are not sufficient to establish a legal violation.

In addition, the idea of fair dealing argues that if the use of the plaintiff's work is considered to be covered by fair dealing, then it may be excluded from the scope of copyright infringement. In most cases, the term "fair dealing" refers to the use of copyrighted work for purposes such as criticism, review, news reporting, teaching, and research. This utilization is regarded to be permissible under specific circumstances.

The fact that the court took into account the fact that the plaintiff did not submit a chart is another example of how procedural features of the case are brought to light. One possible

⁴ AIR 1971 Bom 48

⁵ AIR 1954 All 570

explanation for the plaintiff's decision to withhold the submission of a chart is that they may have made a strategic decision or believed that the chart was not required for the court to comprehend the claimed violation.

“The legal analysis centers on the criteria for substantial infringement and fair dealing, while the observations highlight the court's nuanced approach to language similarities, particularly in the context of commonly used terms within the subject matter of the books.” The revelation from the Indian Music Industry (IMI) report, indicating that music piracy in India remains alarmingly high despite a modest decline, underscores the urgent need for concerted efforts to combat copyright infringement and protect intellectual property rights. While the emergence of legal streaming platforms offers a glimmer of hope for curbing piracy, significant challenges persist, including inadequate enforcement mechanisms and entrenched consumer behaviors. It is imperative for stakeholders, including policymakers, industry players, and consumers, to collaborate in implementing comprehensive strategies to address the root causes of piracy and promote the adoption of legal alternatives. Moreover, efforts should be directed towards raising awareness, fostering legal literacy, and incentivizing innovation in content distribution models to create a sustainable ecosystem that benefits both creators and consumers. Ultimately, tackling music piracy requires a collective commitment to uphold the principles of intellectual property rights and nurture a culture of respect for creativity and innovation in India's digital landscape.

II. COPYRIGHT LAWS APPLIED IN INDIA⁶

The copyright laws in India are on par with the international standards laid out in TRIPS⁷. In accordance with the amendments made in 1999, 2002, and 2012, the (Indian) Copyright Act, 1957 faithfully replicates the provisions of the Universal Copyrights Convention and the Berne Convention for the Security of Literary and Artistic Works, 1886, to which India is a party. India is an active member of the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific, and Cultural Organization (UNESCO), and it is also a party to the Geneva Convention on the Protection of Literary Works.

(A) The ambit of protection of “Work”

⁶ Online Registration Issues in Intellectual Property Rights. “Online Registration Issues in Intellectual Property Rights,” n.d. <https://legalserviceindia.com/legal/article-9659-online-registration-issues-in-intellectual-property-rights.html>.

⁷ The most comprehensive international IP agreement, TRIPS plays a significant role in facilitating commerce in creativity and knowledge, resolving trade disputes involving intellectual property, and providing WTO members with the flexibility to pursue their domestic policy goals.

The Copyright Act of 1957⁸ defines "work" as any creative or artistic creation, including but not limited to: compositions, the figures illustrations, engravings, pictures, works involving design or creative workmanship, sensational works, literary works (including but not limited to computing applications, tables, gatherings, and PC data sets), melodic works (including but not limited to music and graphical documentations), audio recordings, and cinematographic film.

In response to the worldwide demand for integration, the Copyright Act, 1957, has enabled India's copyright laws to be in sync with developments in the data innovation sector, including advances in computer programming, computerized invention, and satellite communication. The new law will also safeguard the rights of performers, as outlined in the Rome Convention.

(B) Registration of Copyright

In India, the enrolment of copyright isn't required as the enlistment is treated as simple record of a reality. The registration makes or gives no new right and is not an essential for starting activity against infringement. The view has been maintained by the Indian courts in a catena of decisions.

The Bombay High Court's single judge bench recently rendered a decision in the case of *Soya Private Limited vs. Narayani Trading Company*⁹, stating that the registration of copyright is not required.

The defendant fought back against the copyright infringement allegation with a number of grounds. Plaintiff's ownership of the copyright with regard to the label was contested on the grounds that Section 17 of the Copyright Act of 1957 allowed the artist, not a commercial entity like a firm, to own the copyright. The former employee created the label for the plaintiff, but the court rejected this claim since it was covered by Section 17(c) of the Copyright Act of 1957.

In the case of *Dhiraj Dharamdas Dewani v. Sonal Info Systems Pvt. Ltd.*¹⁰, The Court discussed the theft of taxation software. The Copyright Act of 1957's Sections 63, 63B, and 64 were invoked in the plea in order to seek civil and criminal remedies. These provisions state that only intentional violations are subject to conviction. It was mentioned that penal provisions must be rigorously interpreted. It was also clarified that until and unless a work is registered and published in the Official Gazette, an infringement cannot be supposed to be aware that copyright exists over it. The court interpreted Section 45 of the Copyright Act of 1957's optional

⁸ Copyright Act of 1957

⁹ IA(L) 5011/2020 in COMIP(L) 2/2020 (Suit)

¹⁰ 2012 (3) Mh LJ 88

registration requirements as mandatory as a result.

The court further cited the pertinent provisions of the Trade-Related Aspects of Intellectual Property Rights, 1994¹¹, and the Berne Convention, 1886¹², both of which India is a signatory and none of which mandates mandatory copyright registration. A case for copyright and trademark infringement, as well as passing off, was found to be made out by the court after an excellently reasoned analysis of the situation.

(C) Need for Registration of Copyright

The importance of copyright registration in India is brought to light by a number of factors that are of particular significance. The lack of adequate understanding of intellectual property (IP) regulations among enforcement agencies is the most significant of these problems. This sort of ignorance is especially prevalent in metropolitan urban settings. It is strongly encouraged to go through with copyright registration because of the multiple benefits it delivers. This is despite the fact that there is no required duty for copyright registration in India and that protection is supplied by the International Copyright Order, 1999¹³ which was passed in 1999. The role that copyright registration serves as incontestable evidence of ownership, which has a large amount of weight in legal proceedings, is considered as one of the most important reasons for obtaining copyright registration. This belief is supported by the fact that copyright registration is sought after. In spite of the fact that copyright protection is conferred at the time of creation, having a formal registration serves as a solid basis for establishing claims of ownership. Because of this, legal responses to infringements are not only more effective but also more transparent. The acceptance of copyright registration as a "proof of ownership" by courts and law enforcement authorities makes the process of initiating legal action more efficient. This is because copyright registration constitutes evidence of ownership. This helps to guarantee that the rights of artists are protected in an acceptable manner.

In addition to demonstrating ownership, copyright registration provides writers with a variety of exclusive rights over their works. The basis of copyright protection is comprised of fundamental components such as reproduction, distribution, adaptation, dissemination, and translation. These fundamental components furthermore include vital qualities such as reproduction, distribution, adaptation, and dissemination. Creators have the ability to safeguard their creative expressions from being used without their consent by securing these rights through

¹¹ Supra

¹² Supra

¹³ It was approved on March 24th, 1999, and went into effect on April 6th, 1999. The Central Government passed it using the authority granted to it by Section 40 of the Copyright Act of 1957. The International Copyright Order of 1991 was replaced by it once it was passed.

the process of registration. This affords them the legal strength they want to manage the manner in which their works are utilized and disseminated. In addition, the registration of copyright serves as a tangible indication of authenticity and legitimacy, which ultimately results in a rise in the perceived value of creative works in the eyes of prospective clients and contributors. since a result, this contributes to the overall rise in brand value, since registered copyright lends an air of legitimacy and professionalism to the creator's portfolio, so fostering trust and confidence among stakeholders.

Adding insult to injury, the scope of copyright registration extends beyond national lines, giving authors the opportunity to protect their works on a global basis. This is a significant development. They are able to enhance their position in a world that is becoming increasingly digitally driven and linked as a result of the recognition of copyright protection in many jurisdictions, which assures that writers are able to defend their rights on a global basis. It is not just that this global reach helps to strengthen the integrity of the copyright system, but it also makes it simpler for creative works to be monetized and worked on across international borders. This, in turn, increases the likelihood of innovation and cultural exchange.

When it comes to the economics, the process of monetizing creative works is a vital component that includes copyright registration as two of its fundamental components. The producers are able to create a consistent revenue from their intellectual property through the use of this procedure. The act of establishing ownership and outlining usage rights is what is known as copyright registration. This procedure makes it simpler for artists to enter into licensing agreements, receive royalty payments, and participate in other forms of economic exploitation. In light of this, creators are provided with a steady flow of financial resources. This economic stability not only stimulates creative thinking and invention, but it also generates an atmosphere that is favorable to the creation and preservation of creative industries, which in turn contributes to the overall growth and development of the economy.

Additionally, the registration of copyright boosts the visibility of creative works as well as their accessibility. The reason for this is because it makes it simpler to locate and search for these works inside copyright registers and databases. Not only does this increased exposure act as a deterrent against the unlawful use of creative works and the infringement of intellectual property rights, but it also serves to increase the marketability of creative works. With copyright registration, producers are granted the option to display the copyright symbol (©), which acts as a signal to the general public that their works are protected by copyright law. This is an extra advantage of copyright registration. In addition to providing protection for the rights of the artist, this serves as a clear notification to possible infringers, which in turn inhibits the unlawful

use and exploitation of the artist's creative works.

Copyright registration is not only a procedural formality in India; rather, it is a crucial element in the process of preserving the rights and interests of innovators and publishers. Copyright registration¹⁴ is an essential component of the modern intellectual property landscape because it enables the provision of irrefutable proof of ownership, the granting of exclusive rights, the facilitation of international protection, the enhancement of brand value, the facilitation of economic opportunities, and the improvement of visibility and accessibility. All of these benefits are made possible by copyright registration. Therefore, it is of the highest importance for artists to understand the significance of copyright registration and to take precautionary actions in order to secure their creative works. Eventually, this will lead to the establishment of a culture that places a high priority on the preservation of intellectual property rights, as well as an appreciation for invention and creativity.

(D) Enforcement of Copyright in India

Copyright law in India encompasses more than only legal remedies in the areas of permanent injunction, damages or records of benefits, deletion of illegal content transmission, and the cost of court procedures. In addition to this, it results in cases of copyright infringement, which is a criminal crime that may result in a jail sentence of not less than six months, but not more than three years, as well as a fine of not more than Rs 50,000 (about \$880), but not more than Rs 300,000 (approximately \$3,000). There are provisions in the Copyright Act that allow for a more severe punishment and fine to be imposed for violations that occur for the second and subsequent time. In accordance with the Indian Copyright Act of 1957¹⁵, law enforcement officers have the authority to submit a complaint, which is sometimes referred to as a First Information Report, or FIR. They can then explore leads that lead to the arrest of the accused, the search of their houses, and the confiscation of any items that infringe against intellectual property rights without the need to involve the court.

(E) Protection to Foreign Works in India¹⁶

In order to prevent any infringement on the copyright of foreign nationals whose countries are not members of the Convention on Intellectual Property Rights (which India is a signatory to),

¹⁴ Copyright Registration Process and Procedure, <https://www.indiafilings.com/learn/copyright-registration-process-procedure/>.

¹⁵ Supra

¹⁶ Online Registration Issues in Intellectual Property Rights. "Online Registration Issues in Intellectual Property Rights," n.d. <https://legalserviceindia.com/legal/article-9659-online-registration-issues-in-intellectual-property-rights.html>.

the International Copyright Order 1999¹⁷ protects such foreign nationals' "works" in India. The Indian courts have likewise been favourable to dynamic for the security of copyright of unfamiliar creators/proprietors, which incorporates programming, movies including screen play of films and information base.

The Public authority of India is additionally stepping up to the plate and battle robbery in the product business, movies, and the music business alongside players in the business through their affiliations and associations like NASSCOM (Public Relationship of Programming and Administration Organizations), NIAPC (Public Drive Against Robbery and Duplicating) and so on.

(F) Licensing and Assignment of Copyright

Copyright in any work, present or future, must be allocated or authorized recorded as a hard copy by the copyright proprietor or his properly approved specialist.

The interpretation of Section 31 of the Copyright Act has been considered in the case of *Super Cassette Industries Ltd v. Entertainment Network(India)*¹⁸. On November 19, 2002, the Copyright Board of Hyderabad awarded a Compulsory licence to all Radio Stations under Section 31(1)(b) of the Copyright Act, 1957 and fixed the standard rate of remuneration for a period of two years in response to requests from various Radio Stations. Super Cassette wasn't a party to the ruling above. However, on 28.1.2003, the Appellant (Entertainment network) submitted a request to the copyright board to grant a compulsory licence against Super Cassette Industries in accordance with Section 31(1)(b)¹⁹.

The board rejected the respondent's oral testimony, resulting in the appellant being given a licence by force. Then, in response to the rates of compensation, the appellant filed an appeal with the Bombay High Court, which concluded that the provisions of Section 31 of the Act, which awards compulsory licences in exchange for reasonable remuneration, are legal. The Delhi High Court, on the other hand, rendered a decision in favour of the respondent by referring the case back to the Copyright Board for further review.

The dissemination of the respondent's sound recordings was also prohibited by an injunction issued by the Delhi High Court. The case was then brought before the Supreme Court of India because the two judgement folds from the Delhi High Court and the Mumbai High Court were at odds with one another. On May 16, 2008, the Supreme Court ruled that the copyright board

¹⁷ Supra

¹⁸ (2008) 13 SCC 30

¹⁹ Section 31(b) of Copyright Act, 1957

had to strike a balance between granting mandatory copyright licences for the public good and respecting private rights. The matter was sent back to the copyright board for further review since the honourable court did not agree with how the board had handled the situation.

In *Star India Pvt Ltd v. Piyush Aggarwal*²⁰, the Delhi High Court held that a sound recording included a later original sound recording made from the musical and literary work, also known as a version recording, or a sound recording made after a first sound recording was made using the musical and literary work.

In the year 2019, Spotify, an audio streaming service, was introduced in India. In the case of *Warner Chappell Music Limited v. Spotify*²¹, prior to the app's release, the business began corresponding with Indian music organisations to secure a licence from the various record labels, including Warner Chappell Music Limited. Despite not being able to reach an agreement with Warner Chappell Music Limited, Spotify still used Section 31D of the Act to try to secure online streaming. In order to launch its online audio broadcast and streaming services in India, which included contained WCM-owned works, Spotify had to file a public notice under Section 31D²² with IPAB²³ and deposit 528,000 Euros as an advance royalty.

(G)Duration/Term of Copyright

The duration of copyright is the lifespan of the creator or craftsman, and sixty years are counted from the year after the author's death. This is due to the fact that the length of copyright is determined by the unique literary, sensational, melodic, and creative works. For sixty years, beginning in the year following the distribution date and continuing up to the present day, cinematograph films, sound accounts, postmortem distributions, mysterious and pseudonymous distributions, government works, and works of international associations are protected.²⁴

III. COPYRIGHT REGISTRATION PROCESS IN INDIA

India is administered by the Copyright Office under the Department of Higher Education, Ministry of Education, Government of India²⁵.

²⁰ CS(OS) 2722/2012

²¹ 2019 SCC OnLine Bom 6469

²² Section 31 D of Copyright Act, 1957

²³ Trademarks, patents, and geographical indications are subject to the authority of the Intellectual Property Appellate Board (IPAB).

²⁴ Section 14 of Copyright Act, 1957

²⁵ Workflow of Registration Process, <https://copyright.gov.in/frmWorkFlow.aspx>

Step 1: Application Form:

Obtain the prescribed application form (Form XIV) from the official website of the Copyright Office in India or from the counter of the Copyright Office.

Step 2: Collect Documentation:

Gather the necessary paperwork, such as: -

- The filled-out application form (Form XIV).
- The work (digital or physical) for which copyright registration is requested.
- NOC (No Objection Certificate) from the author or the copyright owner, if applicable.
- A power of attorney in the event that an agent files the application.

Step 3: Charges²⁶

Depending on the type of job and filing method, different fees may apply. It is advised to view the most recent pricing schedule on the official website²⁷.

S.No.	For an application for COMPULSORY LICENSE :	Fee
1.	For a license to republish a Literary, Dramatic, Musical or Artistic work (Sections 31, 31A, 31B* and 32A)	Rs. 5,000/- per work
2.	For a license to communicate an any work to the public by Broadcast(Section 31(1)(b))	Rs. 40,000/- per applicant/per sataton
3.	For license to republish a Cinematograph Film (Section 31)	Rs. 15,000/- per work
4.	For a license to republish a sound recording (Section 31)	Rs. 10,000/- per work
5.	For a license to perform any work in public (Section 31)	Rs. 5,000/- per work
6.	For a license to publish or communicate to the public the work or translation (Section 31A)	Rs. 5,000/- per work
7.	For a license to publish any work in any format useful for person with disability (Section 31 B)	Rs. 2,000/- per work
8.	For an application for a license to produce and publish a translation of a Literary or Dramatic work in any Language (Section 32 & 32-A)	Rs. 5,000/- per work

²⁶ Copyright Registration in India | VS Associates. "Copyright Registration in India | VS Associates," n.d. <https://www.vsassociate.com/copyright-registration.html>.

²⁷ FEE CAN BE PAID BY POSTAL ODER /DEMAND DRAFT/ONLINE PAYMENT PAYABLE TO "REGISTRAR OF COPYRIGHTS, NEW DELHI": <https://copyright.gov.in/frmfeedetailsshow.aspx>

	For an application for registration or copyright in a:	
9.	(a)Literary, Dramatic, Musical or Artistic work	Rs. 500/- per work
	(b)Provided that in respect of a Literary or Artistic work which is used or is capable of being used in relation to any goods or services (Section 45)1	Rs. 2,000/- per work
	For an application for change in particulars of copyright entered in the Register of Copyrights in respect of a:	
10.	(a)Literary, Dramatic, Musical or Artistic work	Rs. 200/- per work
	(b)Provided that in respect of a literary or Artistic work which is used or is capable of being used in relation to any goods or services (Section 45)	Rs. 1,000/- per work
11.	For an application for registration of Copyright in a Cinematograph Film (Section 45)	Rs. 5,000/- per work
12.	For an application for registration of change in particulars of copyright entered in the Register of Copyrights in respect of Cinematograph film (Section 45)	Rs. 2,000/- per work
13.	For an application for registration of copyright in a Sound Recording (Section 45)	Rs. 2,000/- per work
14.	For an application for registration of changes in particulars of copyright entered in the Register of Copyrights in respect of Sound Recording (Section 45)	Rs. 1,000/- per work
15.	For taking extracts from the indexes (Section 47)	Rs. 500/- per work
16.	For taking extracts from the Register of Copyrights (Section 47).	Rs. 500/- per work
17.	For a certified copy of an extract from the Register of Copyrights of the indexes (Section 47)	Rs. 500/- per copy
18.	For a certified copy of any other public document in the custody of the Register of Copyright or Secretary of the Copyright Board	Rs. 500/- per Copy
19.	For an application for prevention of importation of infringing copies (Section 53) per place of entry	Rs. 1,200/- per work

Step 4: Submission:

Submitting a copyright registration application in India can be done through two methods: online or physical submission. For online submission, applicants need to visit the official Copyright Office website and create an account if not already registered. The online application form (Form XIV) should be filled out with accurate details, and the required documents, including the work seeking protection, must be uploaded in specified digital formats. The prescribed fee can be paid online through the available payment methods. Upon submission, an acknowledgment with a unique diary number is issued.

Step 5: Acknowledgment:

After submission, an acknowledgment is provided, which contains the diary number and other

details. Keep this acknowledgment for future reference.

Step 6: Examination and Objections:

The Copyright Office examines the application extensively and if there are no objections, the application proceeds to registration. If there are any objections, the applicant is notified for a hearing to address the disputes and if the opposing party succeeds then the application is accordingly rejected.

Step 7: Registration:

Once the examination is complete, and any objections are resolved, the Copyright Office issues a Certificate of Registration. The registration is effective from the date of filing the application. The registration establishes a public record of the copyright claim and is often required for taking legal action against infringement.

IV. COPYRIGHT TREATIES IN INDIA

A few international treaties empower reasonably sound insurance of copyright from one country to another. They set minimum guidelines of security which every signatory country then, at that point, implements within the limits of its own copyright rules, laws, and regulations.

Some of the International copyright treaties are as follows-

(A) Berne Convention²⁸:

The Berne Convention for the Protection of Literary and Artistic Works, which was established in 1886, serves as the foundation for the established international copyright law. The people who were responsible for drafting it had the goal of ensuring that authors had sufficient protection for their works while also bringing copyright laws from various nations into consistent alignment. This academic article investigates the fundamental concepts and significant clauses of the Berne Convention, elaborating on the significance of the convention to the field of copyright law.

Prior to the Berne Convention, there was a lack of uniform copyright regulation, which presented many significant challenges for creators who were looking to secure their intellectual property rights. Due to the fact that different countries have different copyright rules, there are occasions when writers who are looking for recognition and pay for their works receive inadequate protection and have to go through cumbersome procedures. A consistent framework

²⁸ Center for Study and Research in Intellectual Property Rights [CSRIPR], NUSRL. "BERNE CONVENTION FOR PROTECTION OF LITERARY AND ARTISTIC WORK," May 6, 2021. <https://csripnusrl.wordpress.com/2021/05/06/berne-convention-for-protection-of-literary-and-artistic-work/>.

for the protection of copyright all across the globe was established through the Berne Convention, which was developed in order to solve these concerns.

One of the fundamental principles that underpins the Berne Convention is the concept of automatic protection. In accordance with this article, the provision of copyright protection to works that meet the requirements does not necessitate registration or any other procedures. As a consequence of this, there are less barriers to entry and greater chances for creative expression, as creators are instantly protected upon the creation of their works.

National treatment is the foundation upon which the Berne Convention is built. This principle states that governments that have signed the convention are obligated to offer the same level of protection to works generated in other nations as they do to works created in their own country. It is possible that the promotion of equality and mutual respect among member states, which is the purpose of this concept, could lead to an increase in the international acknowledgment and exploitation of creative works.

Copyright protection, author rights, copyright limits and exceptions are all things that are outlined in the treaty, which is something that all member nations are obligated to follow. With these bare minimum criteria in place, the Convention ensures a fundamental level of protection while allowing member states the freedom to implement additional safeguards in accordance with their respective legal systems. Based on the Berne Convention, moral rights, which encompass the rights to credit, honesty, and transparency, are considered to be of equal significance to economic rights. These rights are essential due to the fact that they protect the reputations and private interests of writers while also preserving the integrity of their works.

(B) WIPO Copyright Treaty²⁹:

The World Intellectual Property Organization (WIPO) was able to effectively negotiate and execute a historic international agreement on December 20, 1996. This agreement is known as the WIPO Copyright Treaty (WCT). With the proliferation of online platforms and the rapid advancement of digital technology, the World Copyright Community (WCT) has stepped up to the plate as a necessary response to the challenges that copyright and associated rights protection confront in the current digital age. The most important objective of this initiative is to simplify and enhance copyright legislation in order to address the complexities and dangers that are created by digital advances. With this goal in mind, the World Copyright Trust (WCT)

²⁹ “THE ADVANTAGES OF ADHERENCE TO THE WIPO COPYRIGHT TREATY (WCT) AND THE WIPO PERFORMANCES AND PHONOGRAMS TREATY (WPPT).” https://www.wipo.int/export/sites/www/copyright/en/docs/advantages_wct_wppt.pdf,

has implemented new steps to reinforce enforcement operations against digital copyright infringement and to empower authors and artists.

A substantial and revolutionary impact has been brought about by the dissemination and transmission of creative works through digital means, which is the principle upon which the World Intellectual Property Organization (WIPO) Copyright Treaty is founded. In light of the growth of digital platforms, the conventional thinking concerning the protection of copyright has been shaken to its very foundation, which has led to the demand for a legal framework that is both more flexible and more comprehensive. By acknowledging the relevance of digital transmission and distribution channels, the World Copyright Trust (WCT) intends to provide authors and creators with additional rights, underlining the fact that they have total control over the manner in which their works are distributed to the general public. This admission has a dual purpose: it not only reaffirms the fundamental rights of writers, but it also draws attention to the fact that there is a need for legal frameworks that are adaptable and capable of addressing the particular challenges that are associated with the digital sphere.

Importantly, while addressing the issue of unauthorized access to intellectual information, the WCT takes technological protection measures (TPMs) into consideration. Strong anti-circumvention precautions are included in the agreement to preserve the integrity of digital content, which is becoming increasingly susceptible to piracy and unauthorized distribution. By concentrating on the unlawful circumventing of TPMs and ensuring that copyright holders have effective control over the distribution and use of their works in digital formats, the World Copyright Trust (WCT) seeks to lessen the risks associated with digital piracy. Within the context of the current digital era, this strong tactic for copyright enforcement is a component of a wider effort to safeguard intellectual property.

Additionally, the World Congress on Technology (WCT) recognizes that the “right of making available to the public” is a consequence of the constantly evolving nature of the dissemination of content through digital platforms. This provision restores the ability of those who have copyrights to govern the online dissemination of their works in an era that is characterized by the widespread presence of digital marketplaces and streaming services. Copyright protection is expanded to cover emerging modes of content delivery by the World Copyright Tribunal (WCT). This includes the process of making works available to the public via the internet and other digital channels. The WCT ensures that creators maintain effective control over the digital exploitation of their works by expanding copyright protection to cover these emerging modes of content delivery.

The WIPO Copyright Treaty provides its member nations with the ability to select the degree of copyright protection through contractual agreements. This flexibility is in addition to the substantive provisions of the treaty, which promote the concept of contractual freedom. The reality that different jurisdictions have different legal traditions and regulatory frameworks is reflected in the fact that member states have the ability to amend copyright legislation to suit their particular requirements and circumstances. Maintaining contractual freedom, which in turn promotes legal clarity and flexibility in copyright enforcement, is one of the ways in which the WCT supports international collaboration and cooperation in the protection of intellectual property rights.

One of the global copyright regimes that the WCT works in conjunction with is the Berne Convention for the Protection of Literary and Artistic Works. The pact supports international collaboration and coordination in the fight against copyright infringement. It does this by unifying copyright standards and enforcement methods, which in turn makes global copyright protection operations more effective. Through the consolidation of these platforms, we will be able to more effectively combat unlawful distribution and digital piracy, while simultaneously strengthening the enforcement of copyright laws.

(C) The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is a significant international agreement that was enacted in 1994 as a component of the framework work that was being done by the World Trade Organization (WTO). The essential standards for the protection and enforcement of many forms of intellectual property, such as copyright, patents, and trade secrets, are outlined in this document. In order to establish a framework that is uniform and enforceable on a large scale, the major objective of the Trade Related Intellectual Property Rights (TRIPS) is to find a happy medium between stimulating innovation and insuring fair competition. The Trade Related Intellectual Property Rights (TRIPS) treaty plays a significant role in influencing international trade by fostering technological advancement, easing the process of information exchange across international borders, and standardizing laws pertaining to intellectual property.

Providing a comprehensive framework for the worldwide organization of intellectual property laws is the primary objective of the Trade Related Intellectual Property Rights (TRIPS) agreement. Prior to the introduction of this measure, a significant barrier that stood in the way of enterprises competing on a global basis was the absence of standardized methods for protecting intellectual property. Because of the disparities in national legislation, there was a

great deal of uncertainty and inefficiency, which made it difficult for investment and trade to flow freely. Through the establishment of a set of basic standards that member states are required to adhere to, the Trade Related Intellectual Property Rights (TRIPS) program offers businesses a predictable and stable environment in which they may operate and develop. This contributes to the resolution of the problem at hand. The Trade Related Intellectual Property Rights (TRIPS) policy encourages fair competition and encourages investment in research and development.

This is accomplished by giving a level playing field for those who have intellectual property rights. As a result, economic growth and prosperity are driven by the agreement.

Finding a balance between fostering innovation and safeguarding public interests is one of the key objectives of the Trade Related Intellectual Property Rights (TRIPS) framework. This is especially important in areas such as public health, education, and access to essential technologies. This equilibrium is demonstrated by the Trade Related Intellectual Property Rights (TRIPS) clauses that apply to patent protection and access to medications. Despite the fact that patents are essential for fostering innovation in the pharmaceutical industry, they also have the potential to restrict individuals' access to treatments that might save their lives. This is a particularly troublesome issue in less developed countries where healthcare is in short supply. For the purpose of addressing this issue, the Trade Related Intellectual Property Rights (TRIPS) allows member countries to implement mechanisms, such as obligatory licensing and parallel imports, to ensure that their population have access to the pharmaceuticals they require.

The objective of the Trade Related Intellectual Property Rights Agreement (TRIPS) is to facilitate access to essential goods and services while simultaneously safeguarding the interests of those who have rights to such goods and services through the application of intellectual property rights in a form that is flexible.

In addition, the Trade Related Intellectual Property Rights (TRIPS) recognizes the necessity of facilitating the transmission of information across national boundaries and fostering the growth of technology. In today's interconnected world, creativity is typically the result of collaboration and information sharing between academics, scientists, and businesspeople from a variety of countries.

This type of collaboration is supported by the Trade Related Intellectual Property Rights (TRIPS) agreement, which establishes a framework for the protection of intellectual property rights that is favorable to innovation and the transfer of information. Through the establishment of a transparent and foreseeable legal framework to protect intellectual property, the Trade

Related Intellectual Property Rights Agreement (TRIPS) fosters the development of new technologies and the expansion of the economy.

In addition to fostering innovation and advancing economic development, the Trade Related Intellectual Property Rights (TRIPS) initiative seeks to address the issues that are caused by piracy and infringement of intellectual property. As a result of the broad availability of digital technology, the unlawful replication and dissemination of intellectual works has become significantly easier.

This has led to significant financial losses for the individuals who own the rights, as well as a reduction in the motives for creativity. In order to protect the interests of those who possess intellectual property rights and to encourage a thriving and ever-changing creative economy, the Trade Related Intellectual Property Rights (TRIPS) treaty seeks to prevent infringement and piracy by enhancing the enforcement of such rights. This problem is addressed by the TRIPS treaty, which mandates that all member governments establish robust enforcement procedures for intellectual property rights. These procedures include both criminal and civil sanctions for IP infringement.

V. COPYRIGHT INFRINGEMENT

Copyright infringement occurs when the following acts occur –

1. Making use of the exclusive rights that belong to the owner of the copyright, whether it be for the entire work or a significant portion of it, without the consent of the owner of the copyright.
2. The process of locating a location where one can infringe in order to calculate the amount of profit.

Examples of copyright infringement include displaying and distributing works that are protected by intellectual property rights, as well as trading or importing copies that are not allowed.

3. The infringement is subject to criminal liabilities as prescribed by the Act for each of the offenses that were stated previously in this paragraph. In a manner analogous to this, the Act provides the legitimate owner of copyrighted works with the ability to pursue criminal remedies. Infringers may face a variety of penalties, including monetary fines, imprisonment, the seizure of copies that violate intellectual property rights, and the return of copies to the rightful owners.

The filing of a lawsuit for damages takes a considerable amount of time, apparently, beginning

from the moment that a copyright violation occurs. As an additional point of interest, although the Act does not directly mention it, there are other case laws that handle concerns that are analogous to vicarious and contributory liability, which combined constitute an infringement of copyright. Furthermore, in situations like this, it is typical for the arraignment to be the one who bears the responsibility of proving the case. This refers to the need "the prosecution should prove, in order to practice the criminal remedy, the presence of information with respect to the accused preceding infringement."

For every one of the previously mentioned acts there are criminal liabilities that are forced on the infringer by means of the Act³⁰. Correspondingly, there are criminal remedies also in the Act³¹ that are given to the actual owner of such copyright works. These lawbreaker remedies incorporate fines, detainment, seizing infringing copies and conveying infringing copies to the actual owner.

Eminently, as far as possible for recording a suit for harms is a long time from the date of such copyright encroachment occurring. In addition, vicarious obligation and contributory responsibility likewise sum to copyright encroachment, even though they are not explicitly referenced in the Act³², but rather there are various case laws that accommodate something similar. Besides, the obligation to prove any claims in such cases is generally on the arraignment. It signifies "the presence of information with respect to the accused preceding infringement should be proved by the prosecution for practicing the criminal remedy."

Some common examples of copyright infringement

A long series of court rulings has made it very clear that uploading and downloading copyrighted music without permission on P2P networks constitutes infringement and could be a crime.

Common examples of online copyright infringement:

- On your mobile device, you download an application that gives you the ability to extract the audio track from any music video that you find on YouTube and store it to your music library for an endless amount of time.
- You have been granted permission to generate an MP3 copy of the music by virtue of the CD that you have purchased. That being said, you proceed to post your MP3 file to a service that facilitates file sharing, so making it available for download by millions of

³⁰ Supra

³¹ Ibid

³² Ibid

other people.

- You join a file-sharing network work and unlawfully collect copyrighted music from other members' computers for free, even if you do not unlawfully offer recordings to others.
- When you sign up for a file-sharing network that does not allow you to distribute or make copies of music that is protected by intellectual property rights, you are required to pay a charge in order to gain access to the computers of other users, which may contain copyrighted music. After that, you download unlawful copies of music and give yourself permission to listen to as much music as you like.
- Through the use of an instant messaging service, it is possible to exchange music that is registered as copyright.
- When you have music that you have downloaded onto a computer that has a CD burner, you may burn it onto writable CDs and then distribute them to your friends.
- Through the use of email, you get an unlawful electronic copy of the music that is protected by copyright for a song, which you subsequently send to your friends.³³

The Indian film industry is the largest in the world in terms of number of films produced with around 1,500 to 2,000 films produced every year in more than 20 languages. It is dominated by Bollywood, the Hindi film industry, contributing 43% of the revenue while regional and international films contribute the remaining 50% and 7% respectively. Within the regional film industry, Tamil and Telugu are the largest segments comprising approximately 36% of net box office revenues followed by Bengali, Kannada, and Malayalam films.

Currently, international films are a small, but growing segment, driven by rising numbers of English and other foreign language speakers, as well as rising numbers of international movies witnessing dubbed releases across the country. Despite the large number of films and theatre admissions, the industry continues to remain small with respect to other global industries in terms of revenue. In India, the film industries gross realization stands at \$2.1 billion versus gross realization of \$11 billion in the US and Canada which produces significantly lower number of films (approximately 700 films). This is mainly due to low ticket realizations and occupancy levels, lack of quality content, and rampant piracy

In the case of *YRF v. Sri Sai Ganesh Productions*³⁴, by producing “Jabardasht,” which shared

³³ About Piracy, RIAA available at <https://www.riaa.com/resources-learning/about-piracy>

³⁴ CS(COMM) 753/2017

significant and material similarities with “Band Baaja Baaraat” in terms of concept, theme, character, storyline, story, script, and expression among other things, Sri Sai Ganesh Productions violated YRF’s copyright. The court expanded the definition of “originality” to distinguish between the two films based on “basis, substance, and kernel” and to comprehend whether the average moviegoer would think one work was a duplicate of the other since the films are protected as original works. The court determined that copyright infringement had occurred because Sri Sai Ganesh Productions had flagrantly duplicated the essential, fundamental, and distinguishing elements of the YRF film.

In another case of *Hawkins Cooker Ltd. Vs Magicook Appliances*³⁵, Magicook Appliances was sued by Hawkins Cooker Ltd for rganizat their well-known pressure cooker line’s label without permission. The label was registered under the Copyright Act of 1957. The use of the cookbooks by Hawkins Cooker Ltd was prohibited by the court for Magicook Appliances. It required Magicook Appliances to pay Hawkins Cooker Ltd business damages for all allegedly used books, products, and articles in producing the infringing goods.

In the case of *Super Cassettes Industries Limited (SCIL) vs Google and YouTube*, SCIL alleges that YouTube’s profit model relies heavily on the unauthorized use of copyrighted content, which has been uploaded onto the platform without the consent of the rightful owners and without providing any form of compensation, such as royalties. SCIL contends that YouTube benefits significantly from this approach, generating substantial profits as a result of the widespread availability and consumption of copyrighted material on its platform. In response to the plaintiff’s claims, the court has ruled in favor of SCIL, mandating that YouTube, as well as its parent company Google, cease distributing, reproducing, displaying, or transmitting any audio-visual works exclusively owned by SCIL on their platform³⁶. This ruling underscore the importance of upholding copyright laws and protecting the rights of content creators and owners in the digital age. It serves as a precedent for holding online platforms accountable for copyright infringement and emphasizes the responsibility of such platforms to implement effective measures to prevent the unauthorized use of copyrighted material. Additionally, the ruling highlights the need for greater cooperation between content creators, rights holders, and online platforms to ensure the fair and lawful distribution of intellectual property in the digital realm.

³⁵ MIPR 2008 (1) 128

³⁶ Author, "Super Cassettes sues YouTube, Google," Business Standard (November 7, 2007), https://www.business-standard.com/article/companies/super-cassettes-sues-youtube-google-107110700046_1.html

VI. PENALTIES FOR COPYRIGHT INFRINGEMENT UNDER COPYRIGHT ACT, 1957

Sections 63 to 70 of Chapter 13 of the Act handle crimes that fall under the category of copyright infringement. The most important punitive clauses that are discussed in this chapter are as follows:

For willful infringement of copyrighted works or any of the adjacent rights under the Act (such as rights of entertainers, moral rights, and broadcast proliferation rights), an individual can be subject to a fine ranging from Rs. 50,000 to Rs. 3,000,000 and face a sentence of at least six months to three years in prison, as stated in Section 63 of the Act.

In Section 63 A, which applies to future convictions, there is a provision for an increased punishment that includes being sentenced to one to three years in jail and a fine that can range anywhere from one million to two million rupees. In situations where the infringement was not committed with the goal of earning a benefit from trade or commerce, the courts have the authority to reduce the sentence to less than one year and a fine of less than Rs. 1,00,000. This discretion is applied by giving the offender with grounds that are both adequate and in unusual circumstances.

It is important to keep in mind that a copyright owner cannot get an injunction based on a criminal proceeding; to put it another way, "if a convicted infringer rehashes the infringement, the proprietor should start a crisp procedure." As a result, it is prudent to commence both criminal and civil processes concurrently in such instances, particularly if the stakes are extremely high.

Based on the provisions of Section 65 A, it is recommended that you refrain from employing any of the efficient defensive mechanical means that may be utilized in order to contest any of the rights that are granted by the Act. Execution rights in regard to copyright are punishable by a fine and a maximum jail term of two years from the date of the first offense.

In accordance with Section 65 B, the act of modifying "rights the board data" without the authorization of the appropriate authorities is punishable by a fine and a possible jail sentence of up to two years. One example of such expulsion or change is the willful appropriation, broadcasting, or transmitting to the public of copies of work that does not have the authority to do so.

In accordance with the Copyright (Amendment) Act of 2012, infractions of Sections 65A and 65B are required to be punishable by means of criminal sanctions. These provisions have been carefully drafted in a preliminary manner, with the objective of being fitted to the conditions

that exist in India. This has left a great deal of opportunity for the court system to exercise its creative abilities.

In addition to the penalties that are outlined in Section 65 for possessing or creating plates to make illegal copies of works, Section 63B for using infringing copies of a computer program, and Section 67 for putting deceptive paragraphs in the Register of Copyrights, Section 13 contains additional provisions that address acts that are comparable to those described in Section 65.

It is specified in Section 64(1) that any police officer who is not below the rank of sub-examiner has the authority to exercise the right to confiscate copies of work that infringe upon intellectual property without the need for a warrant. Within the context of this provision, the offense is regarded as cognizable and is not eligible for bail.

The individual who was the subject of the seizure has the ability to submit a request to the judge for the reestablishment of the duplicates that were held onto, as protected by Section 64(2), within approximately fifteen days following the seizure. This agreement does not support or permit the accused individual to participate in any type of infringement, and it does not support or authorize doing so.

The plaintiff in the case known as *Krishika Lulla & Ors. Vs. Shyam Vithalrao Devkatta & Anr*³⁷, which is also known as the "Desi Boys Case," penned an article with the title "Desi Boys" and enlisted the assistance of the film essayist's connection. Consequently, he sent the summary to his friends and acquaintances who were familiar with him. Immediately after that, he went on to examine the promotional materials for the movie "Desi Boyz." He filed a first information report (FIR) alleging copyright infringement of the title "Desi Boys" in accordance with Section 482 of the Criminal Procedure Code, Section 63 of the Act, and Section 420 of the Indian Penal Code. This was done after he came to the realization that copyright regulations did not apply to his ideas or stories. As a result of this case, the question that emerged was whether or not the title of a literary work, when considered on its own, constituted a copyrighted work that can be infringed upon in accordance with copyright rules. It was decided by the High Court that the concept that the title of a movie might be considered a copyright "work" that would fulfill all of the requirements for infringement was inappropriate. It is not possible to consider the title of the movie to be a literary work.

It has been established via legal precedent that "clear and cogent proof of knowledge is

³⁷ Criminal Appeal No. 258 & 259 of 2013 SC

necessary to establish the commission of an offense" (Cheria P. Joseph vs. Prabhakaran)³⁸. Furthermore, in the event that the civil court has already made a decision regarding the topic of infringement, the criminal court will not pass judgment on the case. In this particular instance, the plaintiff claimed that specific parts from the defendant's Malayalam book were used as translations of the plaintiff's own work, and that these passages were decoded and made available for purchase without the plaintiff's knowledge or awareness. The accused did, in fact, violate his copyright in those publications, and as a result, they committed an infraction that is punishable under Section 63 of the Act.

The Indian Music Industry (IMI) study indicates that music piracy in India is still at an alarmingly high level, despite the fact that it has fallen significantly. This calls for an immediate and concerted effort to be made in order to combat copyright infringement and protect intellectual property rights. When it comes to lowering piracy, there are still numerous difficulties to overcome, such as poor enforcement tactics and long-standing consumer behaviors. Despite the fact that there is some optimism around the emergence of legal streaming services, there are still many obstacles that need to be solved. In order to combat piracy and encourage the use of genuine alternatives, it is essential that all relevant parties, including politicians, corporations, and consumers, collaborate in order to develop comprehensive policies. Education of the general public, encouragement of legal literacy, and the recognition of creative content distribution strategies are all necessary steps in the process of constructing a sustainable environment that can be enjoyed by both artists and consumers. At the end of the day, putting an end to music piracy in India will require the assistance of everyone in order to safeguard intellectual property and foster an atmosphere in which individuals place a high value on creativity and innovation in the digital realm.

VII. ECONOMIC CONTRIBUTIONS OF CREATIVE INDUSTRY IN INDIA

The legal framework of creative works in India are governed by the Copyright Act 1957 and the copyright rules concerning with scope of protection, limitation, infringement and process of registration.

The Legal Framework of creative works in India India being a signatory to the Berne Convention, under its mandate the protection of any copyright has been stated to be the author's lifetime and a minimum of 50 years after their death. Indian copyright regime has 60-year time period³⁹.

In the fiscal year 2020-21, 24452 applications were received for copyright registration and

³⁸ AIR 1967 Ker 234

³⁹ A HAND BOOK OF COPYRIGHT LAW, <https://copyright.gov.in/documents/handbook.html>.

16428 ROC (Registers of Certificates) were granted.

The rapid economic growth of Indian economy has facilitated the development of creative work related industry from an incubation stage to an advancing self-sufficient industry capable of making significant contributions to the economic growth of the country.

The service sector being the dominant player in the digital economy of India has contributed 52.4% in the 1999-2000 period, earning 6 billion dollars in revenue in 2000 which was 24 years ago and presently the digital sector stands at 175 billion according to the recent reports and has been projected to grow till 1 trillion dollars by 2030⁴⁰ with a significant portion coming through the digital media market as seen with the rise of OTT platforms and various other streaming services being established in the Indian market moving from the traditional entertainment providing modes like theatres, cinema hall and TV.

This wouldn't be possible without significant reforms in the legal framework governing the nuances and intricacies of this sector.

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This wouldn't be possible without significant reforms in the legal framework governing the nuances and intricacies of this sector.

The following table depicts the statistical data from 2017 – 2020⁴².

⁴⁰ India's internet economy to hit \$1 trillion by 2030: Report, <https://indbiz.gov.in/indias-internet-economy-to-hit-1-trillion-by-2030-report/>.

⁴¹ *Ib.*

⁴² Subhajit Panda and Rupak Chakravarty, An Analytical Overview of Copyright Status in India: Concerning Top Economics of the World, https://www.researchgate.net/publication/367408545_An_Analytical_Overview_of_Copyright_Status_in_India_

Table 1: Copyright Applications (August 2017 - August 2020)

Works	2017	2018	2019	2020	Sum	Avg monthly
Artistic	1585	5030	5781	2425	14821	400.57
Cinematograph Film	118	351	345	248	1062	28.70
Computer Software	602	2298	1681	984	5565	150.41
Literary/ Dramatic	3966	10561	11895	8093	34515	932.84
Music	133	300	320	215	968	26.16
Sound Recording	1408	882	1125	448	3863	104.41
Total Applications	7812	19422	21147	12413	60794	
Avg. monthly	1562.40	1618.50	1762.25	1551.63		

Table 2: Copyright Registrations (August 2017 - August 2020)

Works	2017	2018	2019	2020	Sum	Avg monthly
Artistic	3476	5230	4565	2026	15297	413.43
Cinematograph Film	89	340	270	78	777	21.00
Computer Software	633	2147	1062	538	4380	118.38
Literary/ Dramatic	4135	8185	8408	5995	26723	722.24
Music	29	66	52	28	175	4.73
Sound Recording	1018	736	708	374	2836	76.65
Total Registrations	9380	16704	15065	9039	50188	
Avg. monthly	1876	1392	1255.42	1129.88		

An Earnest and Young report in 2008 forecasted that the value of Indian media and entertainment industry would be at 16.3 billion dollars in 2010 and were projected to be compounded with an annual growth of 12 % reaching 28 Billion dollars over the span of 4 years⁴³.

The ESYA Centre⁴⁴ conducted a study based on WIPO (2015) guide on surveying the economic contribution of copyright related industries in which they stated the contributions as The Gross Value Added (GVA) of copyright-relevant industries amounted to Rs. 888.89 Billion in 2016-2017, or 0.58% of the Indian Gross Domestic Product (GDP).

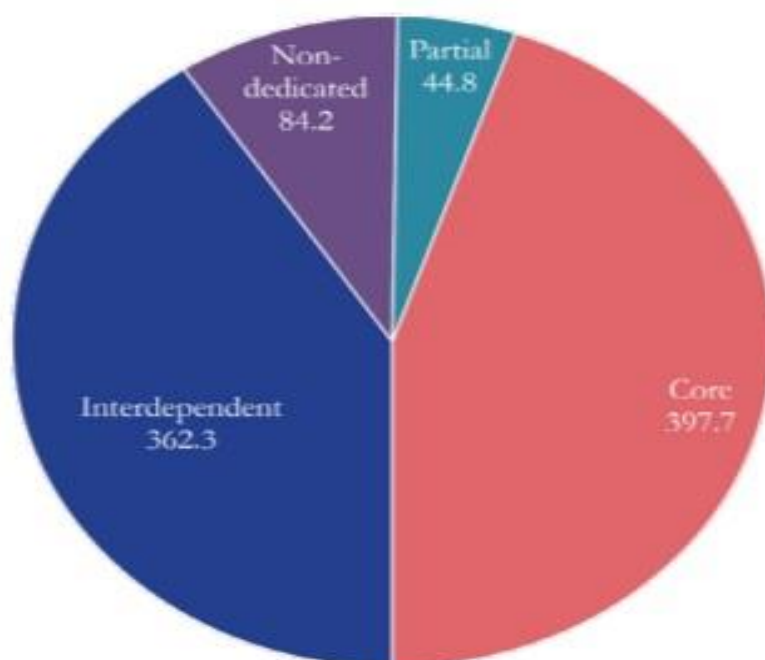
In 2016-2017 the Gross Value Added of copyright-relevant industries in India Rs 888.89 Billion with Core copyright industries account for 44.74% of value added, followed by

Interdependent Copyright Industries (40.76%), Non-dedicated Copyright Industries (9.47%) and Partial Copyright Industries (5.04%).

Concerning_Top_Economics_of_the_World

⁴³ Journal of intellectual property rights Vol 18, September 2013, pp 457-464

⁴⁴ Esya Centre, Measuring India's Creative Economy, <https://www.esyacentre.org/documents/2020/7/29/measuring-indias-creative-economy>



Notes: The share of Gross Value Added across different copyright industries as defined by WIPO. Labels represent the total Rs. Lakh amount of Value Added in each sector.

VIII. MODES OF DIGITAL PIRACY ⁴⁵⁴⁶

(A) Websites that offer live streaming

As a result of the proliferation of live streaming on several websites, there has been an increase in the usage of digital piracy as a method for customers to unlawfully access content that is protected by copyright. Pirates generally construct streaming systems in order to unlawfully disseminate information that is protected by copyright. Movies are a prominent target for cybercriminals. The fact that these websites are simple to access has contributed to their popularity among internet users who are searching for activities that do not cost anything. Nevertheless, there are risks and drawbacks linked with the utilization of such services.

One of the most notorious instances of this kind of platform is Napster, which, when it was released in the late 1990s, completely altered the way that music was shared. Napster, which allowed users to trade and download music recordings in the MP3 format, created the conditions that allowed for widespread piracy of copyrighted content. Napster was the platform that made this feasible. However, despite the fact that the platform's popularity soared, it was ultimately

⁴⁵ Online piracy, <https://www.fact-uk.org.uk/consumer-advice/online-piracy/>

⁴⁶ Digital Piracy & Copyright Infringement, <https://www.iiprd.com/digital-piracy-copyright-infringement/>

forced to shut down because of persistent legal problems and litigation around copyright infringement. There was a continued proliferation of pirate streaming websites despite the fact that new platforms emerged to fill the void that Napster had left behind.

Piracy streaming services have emerged as a major source of worry for copyright owners and agencies responsible for enforcing copyright anywhere in the world. Websites like as Fmovies, Putlocker, and 123movies give users the ability to watch a wide range of copyrighted media, including movies and television episodes, without having to incur any fees. Due to the fact that these websites are operating unlawfully, it is difficult for the government to implement the regulations that they have issued. After being subjected to legal action or having their domains taken, piracy streaming websites will occasionally reappear under new names or through mirror sites. This continues to allow them to continue their operations without being discovered.

There are a lot of obstacles that the entertainment industry in India must overcome because of the proliferation of illegal streaming sites. Piracy streaming websites frequently target Bollywood films, which results in financial losses for the film's producers and directors. Despite the fact that law enforcement agencies have attempted to shut down these websites, they continue to attract millions of users who are looking for free access to their favorite movies and television programs. As a means of accomplishing this, they make use of many domains and mirror sites.

When customers utilize pirate streaming services, they put themselves in a position where they are exposed to a multitude of challenges and risks. It is possible that you may be required to put up with obnoxious pop-up advertisements if you wish to view a movie that is unlawful on one of these platforms. In order to generate revenue from their content, pirate streaming websites rely on these advertisements, which are not only disorienting but also unlawful. Furthermore, the digital security and privacy of customers may be jeopardized because to the prevalence of malware, which includes viruses and ransomware, that is found on pirate streaming platforms. Only two of the numerous undesirable consequences that might occur as a consequence of consumers installing malicious software while browsing these websites are system slowdowns and data breaches. Numerous other negative outcomes could also occur.

Together, as a sector, as a government, and as international partners, we need to work together to change legislation, find technological solutions, and launch cooperative campaigns in order to eradicate piracy. Both the Copyright Act of 1957 in India and the Digital Millennium Copyright Act (DMCA) in the United States are examples of legal frameworks that are designed to prevent online piracy and protect intellectual property rights. A number of factors, including

the decentralized nature of pirate streaming networks and the challenges associated with locating and shutting down unlawful platforms, can often make it impossible to exercise enforcement authority.

The recent occurrences that have been reported in both the international and Indian media have demonstrated that the war against piracy is not even close to being ended. In December of 2023, the Motion Picture Association (MPA) organized a global coalition consisting of important streaming platforms, internet firms, and stakeholders in the entertainment sector with the purpose of combating piracy and protecting intellectual property rights. It has been announced that the Ministry of Information and Broadcasting of the Indian government has initiated campaigns with the purpose of educating the general public about the risks associated with file sharing and encouraging the utilization of legal ways to acquire digital media.

Pirated content continues to exist despite the implementation of these safeguards because of the proliferation of streaming services and the ease with which protected material may be obtained online. Pirate streaming services frequently employ deceptive tactics and viruses, which raises the risks associated with piracy. As a result, users' digital security and privacy are placed at danger, which is a consequence of the fact that pirate streaming services. In order to combat piracy, it is essential for government agencies, foreign partners, and industry participants to collaborate in order to strengthen legal frameworks, improve enforcement processes, and cultivate a digital culture that places a high value on intellectual property rights.

Common and reorganized examples of websites engaged actively in digital piracy

- **Putlocker:** One of the most well-known streaming websites, Putlocker, provided users with access to a vast library of films and episodes of television shows. It became well-known due to the extensive content collection it offered and the user-friendly design it had. The original Putlocker domain, on the other hand, was taken down due to issues involving the infringement of copyright. Despite this, a number of clones and mirror sites continue to permit unauthorized access to copyrighted information by using domain names that are identical to those of the original site. This is not a legal problem.
- **123movies:** It was yet another well-known website that provided visitors with the opportunity to view movies and television shows online for free. In spite of the fact that the website received millions of visits from all over the world, copyright violations resulted in legal action and the confiscation of the domain. Consumers were able to continue viewing pirated content even after the original domain was taken down since there was a multitude of clone sites and proxy servers available to them.

- **Fmovies:** Using the well-known streaming website Fmovies, you are able to view all of the most recent movies and episodes of television shows, in addition to those from previous years. Domain seizures and legal concerns have had an impact on Fmovies in the same manner that they have had an impact on Putlocker and 123movies. Despite this, it continues to maintain its existence through clones and other sites, which attract visitors who are searching for free entertainment.
- **Tamil Rockers:** The well-known Indian pirate website known as TamilRockers is responsible for the distribution of films in regional languages such as Tamil, Telugu, Hindi, and another language. The Indian film industry has suffered significant financial losses as a consequence of the company's reputation for providing high-quality copies of films shortly after they were screened in theaters. This has led to the company's rise to prominence. Proxy servers and other domains make it possible for TamilRockers to continue operating despite the fact that law enforcement agencies have attempted to shut the website completely.
- **MovieRulz:** Another well-known website that provides unlawful access to a wide variety of films and television shows is called Movierulz. It features an excellent user interface and frequently adds fresh releases to its content repository. Even if domain blockades and legal steps have been taken, Movierulz is able to continue operating thanks to proxy servers and mirror sites. It continues to be utilized by millions of individuals in order to obtain free streaming choices.
- **Soap2Day:** This streaming service, which was formerly quite popular, offered users access to a vast collection of absolutely free movies and episodes of television shows. Users who were seeking for free entertainment options contributed to its skyrocketing popularity. Regrettably, Soap2Day was taken down due to issues involving the infringement of copyright. People were able to unlawfully access content that was protected by copyright by creating mirror sites and using different identities, much like they did with other pirate streaming services.
- **WatchSeries:** it was a website that allowed users to view episodes of television series from all around the world. It provided users with access to a vast variety of television shows, whether they were new or old. WatchSeries continued to provide unlawful access to copyrighted content by utilizing proxy servers and other domains in spite of facing legal challenges and having their domains taken away.
- **Couch Turner:** Another popular streaming platform is CouchTuner, which allows users

to view a broad range of movies and television programs on its platform. Because to its user-friendly structure and perpetually updated content collection, it has gained a lot of popularity. Despite efforts to shut it down due to copyright concerns, CouchTuner managed to persist through a variety of domains and mirror sites, attracting users who were searching for free streaming options.

- **ProjectTV:** One of these portals was called Project Free TV, and it let users to stream television shows from a wide range of networks and genres and watch them whenever they wanted. The popularity of this platform may be attributed, in part, to its user-friendly design and extensive content collection. The website Project Free TV continued to allow users to unlawfully access information that was protected by copyright by utilizing proxy servers and other domains, despite the fact that legal procedures were launched against the organization.
- **Popcorn Time:** Popcorn Time was a popular open-source tool that enabled users to view movies and episodes of television shows online by utilizing the BitTorrent protocol. It became a phenomenon due to its extensive content collection and user-friendly interface. Several Popcorn Time versions, on the other hand, were removed off store shelves due to issues involving copyright infringement. On the other hand, this has not prevented other individuals from developing and disseminating forks and other versions, which give customers access to material that is restricted from unwanted access.

(B) Peer-to-peer networks (P2P)

P2P networks, also known as peer-to-peer networks, have had a significant impact on the digital piracy industry. Examples of this effect include Napster and other comparable platforms. Napster was a pioneer in the field of music sharing in the late 1990s. It marked the beginning of a new age by utilizing the MP3 format, which was relatively new at the time, to facilitate the exchange and download of music recordings between users. Because of the pyramid effect that the website facilitated, the music industry experienced enormous financial losses. This impact is characterized by the fact that the posting of a single copyrighted music file by a single user might result in hundreds of thousands of downloads at the same time. The legal battles and copyright infringement lawsuits that Napster's activities triggered are evidence that peer-to-peer (P2P) piracy poses a danger to the intellectual property rights and income streams of content creators and distributors. In spite of the fact that Napster was shut down and the legal repercussions that followed, the proliferation of peer-to-peer (P2P) piracy persists and even

flourishes in the present era.

Although peer-to-peer (P2P) piracy is still widespread on a worldwide scale, platforms such as BitTorrent make it possible for unauthorized users to share a wide variety of digital content. Certain websites, such as The Pirate Bay, have become well-known for their role as hubs for the exchange of files between individuals. The vast libraries of copyrighted content that are accessible through these websites are accessible to millions of individuals all over the world. The loss of billions of dollars in revenue that content firms experience each year as a direct result of peer-to-peer (P2P) piracy has a substantial economic impact on marketplaces all over the world.

As a result of the rapid impact that digitalization and shifts in consumer behaviors have had on the entertainment industry in India, peer-to-peer (P2P) piracy has emerged as a particularly pressing issue. Bollywood artists, record firms, and filmmakers in India are seeing a decline in their revenue as a result of the continued growth of piracy and other illegal streaming services. The unlawful distribution of Bollywood films using peer-to-peer networks is one example. This practice deprives stakeholders of the revenues that are rightfully theirs and reduces the potential revenue that may be generated by legal distribution methods. In India's business, the implementation of enforcement measures and revenue recovery strategies has been further hampered by the introduction of new streaming platforms and applications that allow mobile piracy.

In order to combat peer-to-peer (P2P) piracy, it will be necessary to make a concentrated effort from a variety of sectors, such as the government, corporations, and nonprofit organizations, in addition to implementing new laws and technologies. Both the Copyright Act of 1957 in India and the Digital Millennium Copyright Act (DMCA) in the United States are examples of legal frameworks that are designed to prevent online piracy and protect intellectual property rights. The continuing struggle against peer-to-peer (P2P) piracy has received a lot of attention as a result of recent events. This fight includes actions such as the enforcement of copyright, legal cases against torrent websites, and efforts to encourage lawful methods of accessing digital content.

These initiatives have not been effective due to the fact that it is difficult to execute copyright laws in the digital domain and because P2P infringement is a decentralized form of infringement. P2P networks are still used by those who are interested in obtaining pirated content in order to obtain free movies, music, software, and other forms of digital media. It is important to note that piracy has far-reaching economic effects that have an impact on the

creative industries as a whole. These consequences include, but are not limited to, investment, innovation, and the creation of jobs.

Common Examples of P2P piracy encompass a wide range of digital content, including:

- **Movies and television series:** P2P networks are frequently used for the distribution of movie and television series copies that have been illegally obtained. By allowing users to download or watch copyrighted content without the proper permission or authority, websites such as Popcorn Time, BitTorrent, and The Pirate Bay, for instance, enable the unlawful sharing of well-known films and television series.
- **Music:** When it comes to the legal sharing of music, peer-to-peer networks have a troubled history; websites such as Napster became the gateway to widespread illicit file sharing of MP3s. Users continue to make use of peer-to-peer (P2P) networks in order to facilitate the sharing and downloading of unauthorized music in the present day. This allows users to obtain access to vast song and album collections without having to pay the artists or copyright holders.
- **Software:** On the subject of software, the distribution of pirated software over peer-to-peer networks is a prevalent method by which individuals are able to obtain premium programs and applications without having to pay for the genuine. On file-sharing networks and torrent websites, popular software suites such as Autodesk AutoCAD, Microsoft Office, and Adobe Creative Cloud are regularly unlawfully obtained and distributed for free.
- **Videogames:** In the realm of video games, the distribution of pirated copies of video games is made easier via peer-to-peer networks such as Pirate Bay and others. Gaming enthusiasts regularly download cracked versions of famous games in order to play them without having to pay for them. This gives them the ability to circumvent digital rights management (DRM) regulations and online authentication systems.
- **Ebooks and Publications:** It is also possible for P2P networks to be used for the distribution of digital journals, academic papers, and ebooks without proper authorization. If people are able to access large libraries of copyrighted information without having to pay for licenses or subscriptions, this is detrimental to the financial well-being of content providers, publishers, and writers.

For the purpose of efficiently combating peer-to-peer (P2P) piracy, it is imperative that all stakeholders prioritize collaboration, innovation, and regulatory oversight. Helping content

providers, information technology companies, and law enforcement agencies work together to prevent piracy is a key component of this.

Furthermore, in order to build a culture that values creativity and innovation in the digital era, it is essential to raise public awareness about the consequences of piracy and the significance of intellectual property rights. This is required in order to cultivate a culture that values creativity and innovation. If all of the parties concerned work together, it is feasible to decrease the impact of peer-to-peer (P2P) piracy and to construct a digital economy that is equitable and sustainable for everyone.

Some Hindi films downloaded and shared in P2P networks between 1/1/2018-6/30/2018 are⁴⁷ –

Rank Hindi Movie	No. of file-sharers	Days in Report
Padmaavat	7,355,459	157
Tiger Zinda Hai	6,326,500	181
Sonu Ki Titu Ki Sweety	5,265,881	128
Padman	4,603,001	142
Fukrey Returns	3,044,965	181

(C) Cyberlockers and cloud services

The nature of piracy has been profoundly altered as a result of the transition away from conventional peer-to-peer (P2P) networks and toward cloud services for the purpose of storing and distributing information that has been illegally obtained. In the past, cyberlockers like Megaupload and RapidShare were the most popular destinations for users online who wanted to illegally exchange data with one another. These websites made it simple to post and disseminate material that had been illegally obtained in a single location. A new era of straightforward storage and access has begun, and pirates have flocked to the convenience of cloud computing services such as Dropbox, OneDrive, and Google Drive. These services have ushered in a new era of simplicity.

As a result of users abusing Dropbox's file-sharing services to transmit copyrighted content unlawfully, the website has been accused of storing pirated versions of movies, music, and software. Google Drive has been used to store pirated ebooks and multimedia assets, therefore circumventing the regular distribution methods. This practice is in violation of the rights of the producers of the content. Cloud service providers are attempting to reduce instances of piracy through the use of two different methods: automated content screening and user reporting.

⁴⁷ NAMRATA JOSHI, Bollywood's biggest piracy khiladis, <https://www.thehindu.com/entertainment/movies/bollywoods-biggest-piracy-khiladis/article24333045.ece/amp/>

However, pirates continue to conceal their activities by creating new accounts and use encryption methods in order to avoid being discovered.

Copyright holders and enforcement agencies have huge hurdles in dealing with ongoing piracy because of the internet's worldwide reach, which makes regulatory actions and enforcement difficult in different jurisdictions. Much more concerning is the fact that the anonymity and convenience of cloud services make the situation much worse by providing pirates with the opportunity to operate without the fear of being punished.

Because of the enormous amount of user-generated content, it is hard to identify and remove illegal content in advance. This causes cloud service providers to have a difficult time maintaining the integrity of their platforms and respecting copyright limitations. For this reason, in order to combat instances of cloud-based piracy, owners of copyright are compelled to employ reactive actions, such as submitting takedown petitions in accordance with the Digital Millennium Copyright Act (DMCA). The success of these measures is hindered by a number of issues, including the quick propagation of fresh uploads and the large volume of information that has been copied without permission.

In order to counteract the piracy of cloud services, stakeholders from a wide variety of enterprises and government organizations are doing research towards developing new strategies. Using modern content identification technologies like as fingerprinting algorithms and machine learning systems, developers are working to automate the detection and removal of unlawful content. Collaborations between cloud service providers, copyright holders, and enforcement agencies are required in order to facilitate the sharing of intelligence and the coordination of activities targeted at eliminating pirate networks.

It is the responsibility of legislators to play a crucial role in the development of the required legal framework in order to ensure that the enforcement of online copyright is successful in the face of constantly expanding technology and piracy. It is necessary to make a coordinated effort to combat digital piracy on cloud services in order to safeguard the intellectual property rights of writers and to maintain legal standards in this age of digital technology. Collaboration, creativity, and proper regulatory monitoring are all necessary components of this endeavor.

In spite of legislation such as the Copyright Act of 1957 and the Information Technology Act of 2000, it is difficult to combat piracy because of the large extent of online piracy and the requirement for collaboration on a global scale. In their efforts to combat piracy on the internet, the authorities in India have implemented measures such as banning websites and engaging in enforcement actions.

It may be challenging to police cloud services without working with foreign partners and adhering to legislation that regulate enforcement across borders. This is due to the fact that cloud services may be accessed from any location in the globe. The issue of cloud service piracy is still being investigated by a number of different government organizations and business companies, which are looking into potential remedies.

The cloud should make it possible to enhance the value of software in a way that is both obvious and natural, and it should also bring about results that are both measurable and actual for both consumers and providers.

The iCloud function that is included in Apple OS X Lion is considered to be the “good cloud” since it enables users to synchronize media files across many devices. On the other hand, the licensing service that is included in Windows 7 is considered to be the “bad cloud” because it does not offer any benefits to customers.

Through cloud-based collaboration services, software now has access to a “network effect” that was before unavailable. It is more probable that customers will purchase extra licenses for a greater number of users if they see an implicit increase in the worth of your application with each additional user.

Attempts to combat piracy using more conventional means, such as copyright legislation, educational initiatives, and corporate operations related to the issue, have had a range of outcomes. As cloud-based software services are not susceptible to software piracy, there is a possibility that there is a solution to the problem of software piracy in the cloud.

Rethinking GIS software in such a way that it can combine both on-premises assets kept on personal computers and online assets housed in the cloud is something that has to be done. It is possible for manufacturers to give their customers with the best possible solution while simultaneously preventing piracy if they adopt a pricing plan that takes into consideration the various requirements of users.

Because of this, it is necessary to build sophisticated content identification systems and algorithms, such as those involving machine learning and fingerprinting, in order to find and delete illicit content in a mechanical manner.

Collaborations between cloud service providers, copyright holders, and enforcement agencies are required in order to facilitate the sharing of intelligence and the coordination of activities targeted at eliminating pirate networks. Legislators play a crucial part in the process of drafting the required legal framework in order to ensure that the enforcement of copyright on the internet can accommodate new technologies and successfully combat piracy via adaptability.

IX. DIGITAL PIRACY IN CREATIVE INDUSTRY

(A) OTT platforms⁴⁸

The major issue of digital piracy is witnessed by The Indian Film Industry. The Indian film industry is considered as the second movie capital of the world, after Hollywood and has emerged as an industry that has world-wide crossover appeal and is considered as the second movie capital of the world, after Hollywood and has emerged as an industry that has world-wide crossover appeal. Despite the incremental figures its growth is constantly threatened by digital piracy as the Indian entertainment sector saw a 62% rise in film piracy according to digital piracy authority MUSO.

Rajkumar Aklela an honorary member of the Telugu movie industry anti-piracy chamber stated that “A lot of pirated content in India is circulated through platforms that people technically use for other features”⁴⁹.

India saw the induction of OTT platforms in 2008, Among the initial platforms was BigFlix being launched by reliance entertainment. Subsequently followed by nexGTV by Digivive in 2010 being the first apps to live stream IPL matches during 2013 and 2014 seasons.

The rise of streaming platforms such as Netflix, Amazon Prime Video, and Hotstar (pre-Disney+) has transformed the entertainment industry, offering consumers unprecedented access to a vast array of content on-demand. However, alongside this surge in legitimate streaming services, digital piracy remains a persistent challenge, posing significant threats to content creators, rights holders, and regulatory authorities. This academic note aims to explore the primary causes of piracy in the streaming era, trace its evolution over time, and evaluate the effectiveness of countermeasures deployed to combat this pervasive phenomenon.⁵⁰

In 2015 foreign brand names like Disney hotstar entered the Indian market being the highest watched OTT platforms with 300 million active users in 5 years followed by Netflix a year after and by 2020 the OTT segment were in stiff competition with each other upon saturation of market overtime⁵¹.

Digital piracy has been plaguing OTT platform since their initiation in the Indian market where advertisement and subscription led platforms have been losing upto 30% of their annual revenue to piracy.

⁴⁸ Lata Jha, India's OTT industry loses up to 30% revenue to piracy, <https://www.livemint.com/news/india/indias-ott-industry-loses-up-to-30-revenue-to-piracy-11613462460632.html>

⁴⁹ Lata Jha, India sees big spike in film piracy post covid-19, <https://www.livemint.com/news/india/india-sees-big-spike-in-film-piracy-post-covid-19-11589183182123.html>

⁵⁰ Pranit Biswas and Ragini Ghosh, Piracy In The Times Of OTT, <https://www.mondaq.com/india/social-media/1210782/piracy-in-the-times-of-ott>

⁵¹ History of OTT Platforms in India, <https://www.scribd.com/document/515281213/History-of-OTT>

Despite its illegal nature, piracy continues to thrive due to several underlying factors. Firstly, the allure of free content remains a powerful incentive for individuals seeking access to premium entertainment without financial obligations. The availability of pirated content satisfies this desire for free access, driving some consumers towards illicit platforms. Additionally, the fragmented nature of the streaming landscape, with each platform requiring a separate subscription, exacerbates the financial burden on consumers. This fragmentation compels some individuals to resort to piracy as a cost-effective alternative to accessing desired content across multiple platforms. Furthermore, regional availability and delayed releases of content contribute to piracy by creating demand for inaccessible material. Consumers eager to access popular shows or movies may turn to piracy when faced with geographical restrictions or delays in official releases. Purchasing difficulties, including the need for credit card payments and platform exclusivity, further exacerbate the issue, pushing consumers towards illicit means of accessing desired content. Moreover, piracy can be perceived as a form of protest against mainstream production houses, with some individuals viewing it as a means of resisting corporate hegemony and asserting consumer autonomy. When it came to the amount of traffic to illicit video streaming websites in 2021, India was third in the world. As a result of COVID-19, the demand for and market share of pirated content have increased. During the epidemic, when most people stayed indoors, film piracy increased by 62%. A KPMG analysis predicted that the over-the-top (OTT) sector will expand by 17% in FY21, reaching Rs. 33,38,000 crores⁵².

In tandem with the development of technology and the evolution of consumer behavior, piracy has also advanced. Two examples of labor-intensive methods that were utilized in the past for the purpose of piracy are the copying of CDs and the recording of television episodes. Online streaming services have changed the pirate industry since they make copyrighted information freely accessible. The pirate of digital information has been made easier by improvements in software development, which have made it easier to duplicate and share data, as well as stream movies that are protected by copyright without the necessary license.

In addition, piracy has grown more mobile-oriented as a result of the growing usage of cellphones and high-speed internet, both of which have increased its accessibility. Due to the fact that mobile devices enable pirates to readily access and disseminate unlawful content while they are on the move, they are an excellent tool for pirates. The COVID-19 epidemic, which

⁵² Lata Jha, Piracy continues to hit OTT revenues, subscriber growth, <https://www.livemint.com/industry/media/piracy-continues-to-hit-ott-revenues-subscriber-growth-11675103078493.html#:~:text=Piracy%20has%20been%20on%20the,chief%20content%20officer%2C%20MX%20Player>.

exacerbated the increase in online piracy due to lockout measures and cinema closures, forced customers into digital channels where stolen content spread swiftly. This resulted in customers being forced to access pirated content because of the outbreak.

The fight against digital piracy is laden with substantial obstacles in this age of streaming media downloads and streaming services. Traditional enforcement methods, such as the Information Technology Act and the Digital Millennium Copyright Act (DMCA), fail to keep up with the decentralized nature of online piracy and the proliferation of unlawful streaming websites. To a greater extent, the international character of digital information contributes to the proliferation of piracy in certain regions, which is exacerbated by the fact that different jurisdictions have different rules regarding intellectual property. Monitoring piracy on social media platforms and through virtual private networks (VPNs) continues to be a challenging task, despite the fact that internet service providers have made advancements in their capacity to remove illegal content. Certain areas have used dynamic injunctions as a preventative step against internet infringement. This has enabled them to promptly handle the increasing number of pirate sites.

In only one day, the last episode of Game of Thrones was copied almost 54 million times. My Hero Academia, Rick and Morty, SpongeBob SquarePants, The Walking Dead, and The Walking Dead are among the other most pirated television series⁵³.

a. Main Sources Of Piracy In Ott Platforms

i. Password Sharing⁵⁴

The widespread practice of password sharing among users poses significant challenges for Over-The-Top (OTT) video streaming companies. While it offers benefits like convenience and cost-sharing, it directly impacts the revenue streams of these companies. With fewer subscribers paying for access, OTT providers experience a direct loss in income, hindering their ability to invest in platform improvements and deliver high-quality content. Moreover, the surge in concurrent users resulting from password sharing strains the infrastructure of these services, leading to performance issues such as slow buffering and blackouts. This increased demand surpasses predicted capacity, causing additional costs for the providers as they must accommodate the unexpected usage⁵⁵.

When it comes to over-the-top (OTT) service providers, the management of password sharing

⁵³ 23 Corrupting Piracy Statistics You Must Know in 2023, <https://legaljobs.io/blog/piracy-statistics/>

⁵⁴ Gaurav Mittal, Password sharing: Challenges and opportunities for OTT video providers, <https://blog.irdeto.com/video-entertainment/password-sharing-challenges-and-opportunities-for-ott-video-providers/>.

⁵⁵ Id.

presents a challenging challenge. They have to make certain that their channels of income are protected and that their commercial strategies are capable of being maintained over the course of time. There is a possibility that stringent procedures to control the sharing of passwords might discourage subscribers due to the fact that they could be viewed as being excessively restrictive or expensive. It is necessary for these companies to find a middle ground between meeting the requirements of their clients and addressing threats to their safety.

Through the use of technical solutions such as IP address tracking or multi-factor authentication, over-the-top (OTT) service providers are able to restrict the number of users who are able to successfully stream content simultaneously. The fact that this is the case does not mean that businesses should not take into consideration the potential responses from subscribers when making these selections. Another idea that they might investigate is the prospect of utilizing subscription models that restrict sharing to particular user groups or that employ a tiered pricing system that is determined by the maximum number of streams that are allowed at the same time. Over-the-top (OTT) video streaming firms have a challenging issue in the form of password sharing due to the fact that it disrupts their revenue and increases their infrastructure costs. However, in order for them to effectively navigate this conundrum and ensure the continued existence of their business models over the long term, they need to discover a solution to address security weaknesses while also ensuring that subscribers are satisfied.

ii. File Sharing Platforms

File-sharing piracy, often dubbed "folder piracy," is a pervasive phenomenon in the digital realm, characterized by the unauthorized distribution, sharing, and downloading of copyrighted materials spanning various media forms, including movies, music, software, literature, video games, and graphic design works. This illicit practice primarily thrives through peer-to-peer (P2P) networks, torrent websites, and other online platforms, enabling users to exchange digital files without the consent or knowledge of copyright holders. While the act of file sharing itself isn't inherently illegal, the dissemination of copyrighted material without proper authorization constitutes piracy, blurring the lines between legitimate sharing and infringement. This association between file sharing and piracy has led to vehement opposition from organizations reliant on copyright protections, highlighting the significant legal and ethical dilemmas posed by this illicit activity⁵⁶.

However, individuals who possess copyrights and those who develop content are particularly severely struck by the infringement of file-sharing rights. Many parties are significantly

⁵⁶ Manish Jindal, File-Sharing Piracy – Top 10 Consequences, <https://bytescare.com/blog/file-sharing-piracy>

impacted by this issue. As a consequence of this, professionals working in a variety of artistic industries, including but not limited to music, film, literature, computer programming, and graphic design, have suffered significant financial losses. A decrease in their capacity to generate money off of their work and a decrease in their motivation to offer high-quality content are both consequences of piracy, which in turn restricts their ability to innovate and get creative. Not only will the economic ramifications have an effect on particular manufacturers, but it will also have an effect on whole industries, such as the entertainment and software businesses. In consequence, the illicit sharing of files creates a danger to legitimate enterprises, which in turn diminishes funding for the development of original material, reduces job prospects, and increases income inequalities in the sectors that are affected.

The infringement of file-sharing rights not only has financial repercussions, but it also puts customers in danger and raises more significant ethical concerns. By downloading files that have been illegally obtained, customers put themselves at danger of being subjected to cyber threats that have the potential to cause harm to their devices and steal their personal information. Additional ethical concerns are raised by the purchase of copyrighted information without consent or remuneration. These questions include the value of intellectual property as well as the moral consequences of avoiding copyright restrictions. The existence of justice, the appreciation of artists, and the need of protecting creative pursuits are all being called into question.

It is possible to incur serious legal consequences for engaging in file-sharing infringement, which can include monetary fines, court fees, and even the prospect of being charged with a criminal offense. The significance of protecting intellectual property rights is highlighted by the fact that copyright holders routinely seek legal action against individuals who share or download information that is protected by copyright without authorization. It is possible that the piracy of data that are shared online might have far-reaching ramifications for businesses and internet service providers. Not only does it hinder attempts to provide quick and inexpensive access to content, but it also has the potential to restrict the expansion of genuine streaming and download services by sending customers to unlawful websites. Internet service providers (ISPs) run the danger of being held accountable for assisting piracy if they do not take action to prevent illicit file-sharing. This exposure might lead to legal battles as well as higher operating expenses.

File-sharing infringement continues to be a worldwide problem despite the fact that legal and educational measures have been made to combat piracy. This is due to the fact that copyright laws are difficult to enforce.

We require a comprehensive strategy that takes into account legal, technological, and pedagogical measures in order to combat the issue of file-sharing piracy. In this day and age of digital technology, this will be of great assistance in protecting intellectual property rights, ensuring access to information, and fostering cultural diversity. In order to mitigate the negative consequences of piracy, it is necessary for a wide range of stakeholders, such as educational institutions, consumers, content producers, industry players, and governments, to work together in order to foster a digital ecosystem that fosters creativity, innovation, and the protection of intellectual property rights.

(B) Film Industry

The Indian film industry, releasing approximately 1000 movies annually, stands as the world's largest entertainment sector. Despite generating revenues exceeding \$2 billion from theater releases, TV distribution rights, and DVD releases, it remains highly susceptible to piracy.

Online piracy, which has overtaken traditional forms like CDs and DVDs, is prevalent due to the ease of downloading content from Torrent websites such as The Pirate Bay and Kickass Torrent. While The Pirate Bay offers freely licensed content, many such platforms provide copyrighted content illegally, making downloading tantamount to copyright violation.

India has been ranked third in the list of highest contributors of visits to content piracy websites with over 7 billion visits through torrent sites in 2022, according to a report by global advisory firm Ankura.

The most pirated film in 2022 was spiderman: No way home in the Hollywood category and RRR and KGF Chapter 2 in the Bollywood category. Globally, there has been a 21.9% increase in piracy sites visits in 2022 as compared to 2021, with the number of visits rising from 116.24 billion to 141.7 billion⁵⁷.

a. Obstacles that the Indian film industry has had to overcome.

There are a number of challenges that the Indian film industry continues to face. The following are examples of some of the most major issues it encounters:

1. Inadequate penetration of infrastructure — despite the fact that Tier 1 cities and metros are operating at full capacity, areas in Tier 2 and Tier 3 do not have the essential infrastructure, such as retail complexes, inexpensive power, and other such amenities. The lack of appropriate display infrastructure is one of the most significant challenges that the industry has in its efforts

⁵⁷ Lata Jha, India third highest contributor to piracy websites visits in 2022: Report, <https://www.livemint.com/industry/media/india-third-highest-contributor-to-piracy-websites-visits-in-2022-report-11675704617986.html>

to expand. Despite the fact that the number of screens has increased by around 150–200 per year, supply has not kept up with demand. The United States of America has 126 screens per million inhabitants, whereas China has 23 and India has 6. This places the United States of America in a position of significant disadvantage in this respect.

Single-screen theaters have a long history of being linked with low occupancy rates, low ticket sales, and low profitability. There has been a decrease in the overall number of screens from 10,000 in 2009 to 6,000 at the present time as a consequence of the closure of single-screen movie theaters, which have been particularly prevalent in more rural and smaller regions. Although the rate at which multiplexes are being built in Tier 2 and Tier 3 towns is barely one-third as quick as the rate at which single-screen cinemas are being shut down, the installation of multiplexes is still occurring. In the event that screens are not installed at a faster rate, particularly in more rural areas and smaller towns, the growth of the film industry will be hampered. There must be at least 20,000 screens in India for the country to realize its full cinematic potential⁵⁸.

2. Stagnant Growth in Average Ticket Pricing (ATP) - A compound annual growth rate (CAGR) of around 4% has been seen in India, with average ticket prices (ATP) gradually growing from 150–160 INR in 2011 to 175–200 INR in 2015. This represents a small but steady increase. Multiplex screens, which cost more than one hundred percent more than single screens, and the growing number of 3D movies, which still cost fifteen to twenty percent more than traditional movies, are the primary factors that are driving this trend. There is also a difference in ATP based on the region; for example, towns that are classified as Tier 1 normally command an ATP of around 200 Indian Rupees, but cities that are classified as Tier 2 and Tier 3 command ATPs of 160 and 100 correspondingly.

When compared to the ATP in the United States, which is \$8.4 (about INR 570), the ATP in China is \$5.5 (approximately INR 385). Taking into consideration that the average occupancy rate in Indian theaters is 35%, the ATP will need to work toward reaching worldwide rates in order for them to improve their performance⁵⁹.

3. Complex Tax Regime - The media and entertainment industry is subject to a large number of federal and state taxes, which exacerbates the complexity of the tax system. These charges are being contested by the authorities an increasing amount. Taxation in the film industry has become more difficult as a result of the interplay of several indirect taxes, as well as the ongoing

⁵⁸ Sudipto Roy, Growth of the Indian film industry slowing down FICCI report elucidates the challenges and prospects, Media India Group, <https://mediaindia.eu/cinema/growth-of-the-indian-film-industryslowing-down>.

⁵⁹ *ibid*

changes in taxation legislation and rulings issued by the courts. An additional point to consider is that the entertainment tax in India varies from one state to the next. In an effort to stimulate the sector, a number of states have lately enacted legislation that grants exemptions from entertainment taxes to films produced in their respective regions⁶⁰.

4. Increasing costs and restricted access to finance — The Indian film industry suffers difficulties in getting money at every step of production due to the country's high tax rates and intricate tax legislation. This is a hurdle that the business faces. At a time when expenses are on the rise, there is a serious lack of funds for film production. The majority of films rely on funding from studios, and this lack of cash is a crucial problem. The most significant contributor to cost inflation is the employment of talent, which may account for as much as forty percent of a film's budget (the highest percentage globally), even if talent costs no more than fifteen to twenty percent of a film's budget during production. Keeping costs under control requires the implementation of effective marketing strategies, such as shifting towards social and digital marketing platforms, as well as a decrease in talent prices, which may be accomplished by employing younger stars and providing a portion of the revenues rather than an upfront fee. Following the designation of the film industry as an industry in the year 2000, banks have become more friendly to the film industry. However, obtaining money has been difficult due to the stringent lending rules that have been implemented. Because they are unable to obtain bank financing, independent filmmakers and smaller firms are the ones that are most negatively affected. Furthermore, there have been a number of film funds founded, such as Dar Capital, Vistaar Religare Film Fund, Cinema Capital Venture Fund, and Third Eye, despite the fact that their performance has been erratic as of late. This is mostly due to the fact that investments in smaller productions are linked with a higher level of risk. As a result of the corporatization of the industry, improvements in scale, and a growing attention on substance, it is possible that cinema funds that invest in Indian material may become more prominent in the future. Because of the awful state of disrepair that they are in, a number of India's single screens are in desperate need of repair. Nevertheless, due to low income and occupancy rates, investments in renovations are not a realistic option. Several cinemas in the Bengali film industry have shut down as a result of a lack of exhibition infrastructure that is both economically viable and environmentally sustainable. This is something that has occurred in the industry. It is essential to convert single-screen theaters into multiplexes in order to increase the number of screens in India and to increase the profitability of the business as a whole. The process of conversion has

⁶⁰ *ibid*

been suspended since the operators of the single screen have been unable to get or create sufficient additional money⁶¹.

5. Piracy - The act of piracy Ever since the introduction of home media, there has been a consistent decline in revenues as a result of counterfeiting. What started out as illegally obtained VHS cassettes with staticky visuals and music has now grown into digital printouts of perfect high-definition quality that can be accessed online as soon as two days after the premiere of a movie, and in some instances even sooner. In spite of the fact that some independent filmmakers have debunked the concept that it leaves producers with a massive financial vacuum, piracy continues to be a problem that all film industry across the world work together to tackle. The film industry suffers a loss of 190 billion Indian rupees (INR) yearly as a result of piracy, which continues to exist despite the growing digitization of the sector. There are over 150 websites that make money by stealing information from Indian movies and then immediately replicating and distributing it all over the world. Piracy is a booming industry that has become increasingly popular. More over half of the 150 are nationals of the United States of America; the next group on the list consists of 11 Canadians, 9 Panamanians, and 6 Pakistanis.

Considering that the top 100 websites produce INR 35 billion (\$510 million), it is clear that this is a significant matter. The situation is much more dire for films that are produced in rural areas. An illustration of this would be the fact that the movie Baahubali, which had one of the highest budgets in the business, was illegally downloaded on the day it was released. The movie was illegally viewed by one million users through one thousand five hundred connections, and an additional one and a half million individuals downloaded it. The unauthorized downloading or streaming of 18 million Telugu films resulted in a loss of more than 3.6 billion Indian rupees in 2015. This was the effect of piracy⁶².

6. Bureaucratic Hurdles - In India, there is not a single point of contact for all of the necessary licenses to film, which is one of the many bureaucratic obstacles that must be overcome. Producers had to get in touch with a variety of organizations in order to acquire information regarding the appropriate permissions. When there is no predetermined schedule, filmmakers sometimes have to confront the challenging chore of getting seventy or more permissions and clearances before they can begin filming in the country.

To provide an example: Foreign feature films that are going to be filmed in India are required to first acquire permission from the Ministry of Information and Broadcasting (MIB), while

⁶¹ Swapnil Narendra, 8 Problems of Indian Cinema- According to the Author, Filmmakers Fan, <http://filmmakersfans.com/challenges-and-problems-indian-cinema>

⁶² *ibid*

documentaries are required to first obtain permission from the Ministry of External Affairs (MEA). It is possible that the Ministry may establish a liaison person in order to facilitate filming, and the script will be subjected to the extensive MIB review process. In many regions, filmmakers are required to first get the proper licenses from the local authorities before they may begin filming in certain locations. When filming in India, it is essential for filmmakers to adhere to the local regulations that govern the region in which the filming will take place. A variety of regulatory bodies, including state legislation, associations of cinematographers, make-up artists, hairstylists, and other professionals, as well as various local corporations and municipalities, might be involved.

7. Stringent Censorship Norms - It is common for foreign manufacturers to run into rules and regulations that are not quite clear when it comes to the process of gaining approvals. This makes the approach both time-consuming and expensive. The Indian film industry, on the other hand, is collaborating with the federal government as well as the governments of individual states in order to modernize its approvals process and give incentives for domestic filmmaking through organizations such as the Film Facilitation Office and the India Film Commissions. The Make in India initiative in the film industry, which was just recently introduced, includes these two projects as a component of the initiative.(88)

In accordance with the Cinematograph Act of 1952, filmmakers in India are required to have their films censored by the Central Board of Film Certification (CBFC) before to showing them to the general public. This is the current norm of strict censorship. At this location, the CBFC reviews films in advance of public screenings and makes a decision about whether or not to exhibit them unedited, with limits, or with particular cuts and changes attached.

This has proven to be a significant challenge for the Indian film industry, as it has resulted in a longer period of time before the material can be monetized and the potential of content of worse quality. Now that more people are prepared to see films that deal with serious issues, filmmakers are more eager to attempt new methods in their search of more substance and more progressive films. This is because they want to create films that are more progressive. However, the continual difficulties in obtaining certification without any improvements being made with CBFC are a detriment to the firm.

To provide one example, the Central Board of Film Control (CBFC) ordered 89 changes to be made to the film *Udta Punjab*, which is about the growing drug epidemic in Punjab. Additionally, on top of that, a number of Hollywood films go through the editing process before being shown to the general audience in India. This makes it more difficult for Hollywood films

to be released in India since it slows down the viewing of films by the general public and discourages people from going to the cinemas. When it comes to reaching the growing audience in India's film industry, Hollywood films shouldn't be held back or restricted to an excessive degree⁶³.

(C) Music Industry

The findings of the research conducted⁶⁴ by the Indian Music Industry (IMI)⁶⁴ underscore the urgent need for concerted steps to combat copyright infringement and protect intellectual property rights. This is due to the fact that the research demonstrates that music piracy in India is still rather pervasive, despite the fact that it has fallen significantly. As a result of the proliferation of legal streaming services, there is a glimmer of hope for the battle against piracy; yet, there are still significant challenges to overcome, such as inadequate enforcement methods and long-standing consumer habits. In order to combat piracy and encourage the use of legal alternatives, it is essential for consumers, businesses, and policymakers to work together. By raising awareness, improving legal literacy, and providing incentives for innovation in content distribution techniques, you may create a sustainable ecosystem that is beneficial to both artists and consumers. In order to prevent music piracy, it is essential that people in India work together to foster a culture that places a high value on creativity and innovation in the digital sphere, as well as to safeguard intellectual property rights.

One must be knowledgeable with music licensing in order to utilize music in a manner that is not only legal but also appropriate for usage on a website or in conventional or digital media projects. People who work in creative sectors, such as those who develop movies, websites, and television shows, are continuously looking for new music to introduce to their audiences.

When discussing copyright in relation to music, phrases such as "royalty free music" and "synchronization licensing" are frequently brought up as examples.

When it comes to musical recordings, there are two different types of copyrights that apply:

- Copyright for the song, which is also known as the composition of music. The ownership of a song's lyrics and music is referred to as the "publishing" rights, and this phrase represents the ownership of those properties. When a unique and creative musical composition is formed and physically documented, whether by writing down lyrics or

⁶³ ManojjitSaha, Indian film industry faces growth hurdles, *The Hindu*, <https://www.thehindu.com/business/indian-film-industry-faces-growth-hurdles/article19820369.ece>

⁶⁴ "Economic Impact of the Recorded Music Industry in India September 2019 IMI& Delloitte." https://Www2.Deloitte.Com/Content/Dam/Deloitte/in/Documents/Technology-Media-Telecommunications/IMI%20report_singlePage.Pdf, 2019.

creating a demo, copyright is established. The person who created this work is the owner of the copyright for it.

- When it comes to audio recordings, the copyright is typically referred to as the master title. It is referred to as the Master when it is an auditory version of a musical work. This means that the producer is the owner of the master copyright. A typical illustration of this would be the record label system.

The music business has recently been experiencing a number of issues as a result of the competition between big entities for control and the opportunity that new entrants find in decentralized networks. File sharing that is referred to as peer-to-peer (sometimes abbreviated as "P2P") is gaining popularity all over the world. File sharing between peers is not necessarily unlawful. Despite this, it is frequently utilized for the purpose of illegally downloading and uploading music as well as other copyrighted items. According to the majority of courts, extensive file sharing of copyrighted information amongst peers is frequently not eligible for protection under the fair use doctrine. P2P audio streaming occurred together with the development of the internet.

Two different methods are available for streaming audio. Free and independent online radio stations that are not linked with large technology distributors play music that has been lawfully licensed. There are a number of major software and entertainment businesses, including Microsoft, Apple, and AOL, that have obtained licenses to stream music from the owners of copyrights. Web centers and commercial broadcasters are required by the Digital Millennium Copyright Act to pay licencing fees.

This obligation applies to both types of organizations. Even in situations when the user does not wish for the music to play, certain file-sharing software has the ability to covertly copy and distribute tracks from a CD that has been lawfully purchased and is already stored on their hard disk. When the phrase "copyleft licensing" is used, there are no longer any restrictions placed on the utilization of ideas and information. For the purpose of enabling individuals to make copies of their work and distribute it to others, the copyleft license is available to anybody.

The Indian government revised the Indian Copyright Act in order to take into consideration the development of new technology. In addition to this, a number of well-known individuals working in the film and music industries in India have expressed their opposition to the infringement of copyright. The subject of copyright infringement and the frequency of song theft is beginning to receive serious attention from a number of the most prominent names in Indian cinema and music.

When Indian composers see their peers plagiarizing past works, it tends to have a negative impact on their creative productivity. This demonstrates that they place a higher priority on generating money than they do on producing songs that are truly creative and inventive. Over the past several years, the Indian film industry has become increasingly sensitive to the issue of copyright infringement, which has led to a drive towards uniqueness in the soundtracks of Indian films.

People feel that the modification that will be place in 2010 will bring it in line with standards all across the world and will have a favourable impact for creative artists. On the other hand, the proposed amendment is ambiguous on the meaning of "equal rights" for composers and lyricists, as well as the topic of royalty distribution in situations when the work is held by more than one individual.

According to the findings of the research, stream ripping is a prevalent technique of illegally duplicating music since it imitates a premium streaming service but eliminates the bothersome advertisements that are present on the site.

For the purpose of combating piracy, it was proposed that India turn to Indonesia as an example. According to the findings of the research, there is no legal redress available to rights holders in India because there are no administrative remedies for the enforcement of copyright requirements.

Listed below are the actions that are recommended:

For the purpose of clarification, the safe harbor protection that is outlined in Section 79 of the Information Technology Act of 2000 applies "only to the technical, automatic, and passive intermediaries." This protection does not apply to platforms such as "YouTube which promote and are actively engaged in music consumption," nor does it apply to piracy-focused websites and services, cyberlockers, or mobile applications that provide content that has been illegally obtained.

- Accelerate the process of banning websites that contain information that is unlawful: For some time now, IMI has been advocating for the government to put this policy into effect. According to the research, administrative site blocking measures should also be considered as a priority.
- According to what is said in the report, an effective "notice and action mechanism mandating digital platforms to take down infringing content" after receiving the notification would be of tremendous assistance in the battle against piracy.

- To prevent repeat offenders, the Indian Music Industry (IMI) advocated for digital platforms to be compelled to create a "repeat infringer" policy as well as a "Know Your Business Customer" policy.

X. CONCLUSION

As a consequence of the broad growth of digital piracy, India and the rest of the world are presented with a big impediment in the constantly changing digital world. This obstacle is a significant cause for concern. The safeguarding of intellectual property rights (IPR) is a crucial factor that contributes to the development of economic growth, creative endeavors, and innovative ideas. Piracy has entered a new age, one that the legal frameworks and enforcement mechanisms that are presently in place are unable to keep up with. This is because the expansion of the internet and the development of new digital technologies have catapulted piracy into this new era. Legislation and international agreements that are designed to defend intellectual property generally fail to keep up with the ever-changing techniques that are deployed in fraudulent digital material distribution.

As the foundation of India's legal framework for the protection of copyright, the Copyright Act of 1957 is the most important piece of legislation. Although this framework is frequently updated to embrace new technologies, it still has a large way to travel before it can successfully combat digital piracy. This is despite the fact that it already incorporates new technology. Piracy in the digital realm takes place in a more complicated context, where criminals make use of novel methods such as anonymous networks, peer-to-peer file sharing, and streaming platforms. The rules governing copyright protect more conventional forms of piracy, such as the reproduction and dissemination of content physically.

In light of these concerns, the government of India has to move quickly to enhance its intellectual property legislation in order to safeguard the interests of artists and businesses, to encourage innovation, and to establish itself as a major economic power on a worldwide scale. A combination of legal changes, technical advancements, international collaboration, and public education campaigns may be able to fulfill the goal of strengthening the foundation for intellectual property rights. This is something that has to be done.

It is of the utmost importance that India's legal framework be subjected to a complete change in order to strengthen the penalties for digital piracy and to make it easier to increase enforcement efforts. instances of cutting-edge technology approaches that may be deployed by specialized law enforcement organizations in order to monitor and regulate actions that take place online include the utilization of Internet sniffer networks and digital watermarking. Both of these

techniques are instances of current technological advancements. Providing authorities with the capacity to effectively combat cross-border infringement and implementing legal changes to address concerns that are tied to jurisdiction are both very necessary. It is vital that authorities be given the authority to do so.

Additionally, India needs to play its part in the fight against digital piracy on a global scale and work to enhance the protocols that are used for international collaboration. This is something that India needs to accomplish. In order to achieve the goals of increasing international collaboration and bringing about a harmonisation of intellectual property legislation, a framework has been formed through international accords and treaties. Some examples of these are the Berne Convention and the Trade Related Intellectual Property Rights (TRIPS). It is possible that India may be able to increase its efforts to combat piracy on a worldwide scale if it brings its legal system into accordance with international norms and encourages collaboration on enforcement operations.

While it is essential to oppose the normalization of piracy, it is also essential to emphasize the significance of intellectual property rights. It is not sufficient for India to depend just on legal and enforcement activities in order to achieve this objective. Through the development of educational programs, public awareness campaigns, and collaboration with industry partners, citizens can be encouraged to have respect for intellectual property and to comply with legislation regarding copyright.

It is possible that economic incentives, grants, and subsidies that encourage innovation might also stimulate the expansion of creative businesses and lead to an increase in the number of unique works of music and literature that are produced. These processes are responsible for this since they foster innovation. Providing that the government offers aid to innovators in getting their ideas off the ground and into mainstream markets, it is feasible that India's economic progress and prosperity might be pushed by an ecosystem of innovation. This is granted that the government gives assistance to innovators.

When comprehensive rights for intellectual property are provided, there are considerable financial implications that emerge from this. Not only does a comprehensive intellectual property rights legislation protect the rights of businesses and artists, but it also encourages the creation of fresh ideas, serves as a magnet for foreign investment, and makes India more competitive on the international arena. According to the conclusions of the research, comprehensive protection of intellectual property is connected to improved economic development, technical innovation, and the provision of new job possibilities.

However, in order to accomplish these goals, it will be required for politicians, corporate executives, and members of the general public to work together. In order to guarantee that India's system for intellectual property is efficient, it is absolutely necessary to place the utmost importance on the aspects of enforcement, education, and innovation. India may be able to capitalize on new opportunities for economic growth and prosperity if it takes a more active stance against digital piracy and protects the rights of intellectual property holders. In addition to this, this would help to cultivate an atmosphere that is favorable to creative endeavors, innovative ideas, and entrepreneurial endeavors.

If India is serious about becoming an economic powerhouse, it must first solve the huge problem of digital piracy in order to realize its objective of becoming a global economic powerhouse. The implementation of legal reforms, technical solutions, international collaboration, and public awareness initiatives are some of the ways in which India is able to improve its intellectual property regulations and directly face this threat. Through the protection of creative and industry interests, the promotion of innovation, and the enhancement of its position in the global economy, India has the power to reach its full potential as a leader in the digital era.
