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## Protecting creative rights: Addressing digital piracy and copyright issues in Indian media

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### Abstract

Copyright protection is a significant issue for India's media sector in the digital age, as online infringement affects media outlets and content producers. Digital piracy has increased as a result of the growth of OTT platforms, music streaming services, and digital news, hurting both creative potential and revenue. Through torrent websites, social media platforms, and encrypted networks, piracy continues in spite of legal frameworks such as the Copyright Act, 1957, the IT Act, and international treaties. Enforcement issues are brought to light by cases such as T-Series v. YouTube and Netflix. Tamil rockers, which include tracking out anonymous infringers and uneven legal implementation. Although notice-and-takedown measures were established in the Intermediary Guidelines, 2021, there are still practical obstacles to overcome. Piracy causes significant financial losses that have an impact on investments in the creative industries. Future tactics ought to include stronger sanctions, blockchain-based digital rights management, and AI-driven enforcement. India's enforcement methods can be strengthened by implementing international best practices, such as the EU Copyright Directive and the US DMCA. To safeguard copyright holders, guarantee fair use, and promote a viable digital economy, a balanced strategy is required.

**Keywords:** Copyright protection, online infringement, digital piracy, AI-driven enforcement, blockchain-based digital rights management

### Introduction

The Indian online media scene has blown up recently, thanks to everyone using digital tech. Platforms like Netflix, Hotstar, and Amazon Prime have totally changed how Indians watch stuff. Fast internet and cheap smartphones have only speed things up. With digital media getting bigger, sharing stuff—both legally and illegally—has become more common<sup>[1]</sup>. It's impossible to say enough how much the rise of the internet has helped sharing, of all kinds, take off. India has over 650 million smartphone users, which means about 46.5% of people are online. The entertainment, media, and tech industries in India will likely see big changes as the online media keeps taking off. Just to show how important being able to use tech is becoming, the number of people signed up for the National Digital Literacy Mission jumped from 11.8 million in 2017-18 to 74.2 million in 2023-24<sup>[2]</sup>. This growth in digital media also means we need more people with skills in things like making content, crunching data, and keeping things safe online.

### Definition of copyright infringement in the digital space

Copyright issues have become a big deal as more people use online platforms. It's affecting fields like software, books, music, and movies. Direct infringement happens when someone copies, uploads, or shares copyrighted stuff without permission. Indirect infringement is when someone lets copyright violations happen, like hosting stolen content on a website. In India, copyright laws are based on the Copyright Act of 1957, which was updated in 2012 to deal with online piracy. A key case, R.G. Anand v. Delux Films (1978)<sup>[3]</sup>, said that copying a large part of something copyrighted counts as infringement. Streaming services, like Netflix and Amazon Prime, use geo-blocking to stop people from accessing copyrighted content illegally. Indian courts use John Doe

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<sup>1</sup> Soutik Biswas, why internet growth has stalled in India, BBC (Jan. 23, 2023), <https://www.bbc.com>.

<sup>2</sup> Pankaj Chowdhury, Digital India Rising: India's Digital Literacy Revolution, 360 Analytika (Sept. 5, 2024), <https://360analytika.com>.

<sup>3</sup> R.G. Anand v. Delux Films, 1978 AIR 1613 orders to block websites that promote piracy. These orders were used before the release of movies like Pathaan and RRR to prevent piracy.

### Significance of the study

When people steal and share content without permission, creators don't make as much money, which means they might not be so keen on creating new stuff. For example, piracy cost the Indian entertainment biz around \$2.7 billion in 2023. The government probably missed out on about ₹4,300 crore in GST because of this illegal activity. This study explains media companies also take a hit since piracy messes up how they make money, especially with streaming and regular TV. Regular people might get stuff for free, but they could get in trouble for breaking copyright laws without even realizing it. Media companies say that weak copyright protection makes them less likely to put money into good movies <sup>[4]</sup>. The Napster case back in 2001 set the standard for shutting down those illegal file-sharing sites. This study clearly focuses on AI-created music and art are causing copyright headaches. Music and movie companies lose billions to piracy each year, so this is a serious money problem. The Fair Use Doctrine in the US is supposed to have rules, but people often bend them when things get confusing. The Supreme Court case of Google against Oracle (2021) showed how tricky software copyright can be. This write-up looks at the problems with enforcing copyright and suggests some ideas. For example, using blockchain to keep track of copyrights, and AI to spot when they are broken.

### Research objectives & questions

- Which copyright violations are most common in India's online media sector?
- To what extent are India's copyright regulations and legislation effective?
- What are the jurisdictional and technological obstacles to digital copyright enforcement?
- What technology advancements and upcoming legislative changes can improve copyright enforcement?

### Legal frame work governing copyright in India

#### The Copyright Act, 1957 (Amended 2012)

In India, the Copyright Act of 1957 protects the rights of authors and artists to their literary, artistic, musical, and dramatic works. The law lets you use copyrighted material for things like study, criticism, news, and teaching without asking permission first, as long as it's considered fair use. On March 16, 2023, the U.S. Copyright Office shared its thoughts on copyrighting AI-created works. Basically, only stuff made by humans can be copyrighted. In the case of Civic Chandran vs Ammini Amma <sup>[5]</sup>, the court made it clear that parody, criticism, and reviews are fair game, as long as they don't rip off or mess with the original piece. If AI makes everything, then it is not protected. When you apply for copyright, you have to say if you used AI. For a clearer view of what's going on: the Copyright Office is putting together a report that looks at the problems AI brings up, and it will be released in three sections. The first section, which came out in July 2024, is about digital copies. The second section, released in January 2025, talks about whether things made with AI can be copyrighted. How much a human was involved decides if the work can

have copyright protection. The Copyright Office will look at each AI-assisted work separately, thinking about what the human author did. <sup>[6]</sup> The Indian Copyright Rule hasn't changed: copyright only covers things made by people. The change made it clear what happens if you break copyright rules online. You could get fined or even go to jail if you share copyrighted stuff without asking. Section 52(1) (b) of the law says it's okay if copyrighted stuff is stored by accident or just for a short time. This is good for internet companies and providers. How internet platforms can be responsible was made clearer. They only get in trouble if they ignore requests to take down stuff that breaks the law. Because users were uploading copyrighted music and videos, Super Cassettes, who owns T-Series music, sued MySpace for breaking copyright rules in the Super Cassettes Industries Ltd. v. MySpace Inc. <sup>[7]</sup> case back in 2011. The Delhi High Court ruled that MySpace could not claim a general exemption as an intermediary and had an obligation to provide proactive monitoring of content that was infringing. Following court decisions in 2011, platforms like as YouTube, MySpace, and Facebook increased their compliance efforts (e.g., automatic copyright detection or the usage of Content ID) <sup>[8]</sup>. The rule that hotels and restaurants must pay royalties for playing recorded music was affirmed in the 2011 case of Phonographic Performance Ltd. v. Union of India <sup>[9]</sup>.

### International copyright agreements and india's compliance

India's a part of a bunch of international copyright agreements, like the WIPO Copyright Treaty, TRIPS Agreement, and the Berne Convention. The Berne Convention, from way back in 1886, sets some basic rules for protecting creative stuff. India joined it in 1928. TRIPS says India needs to have a certain level of copyright protection too. The WIPO Copyright Treaty, made in 1996, has ways to enforce digital rights. India signed up for that in 2013. These deals mostly try to make copyright laws similar across different countries. Because of worries about how well India enforces copyright, the US put India on its Special 301 Report back in 2010. India tried to make digital rights stronger in 2012 by changing its Copyright Act from 1957. But some people didn't think the changes did enough.

### Online copyright infringement laws in India

If someone violates copyright, they could face civil penalties such as injunctions, having to pay damages, giving up any profits they made, and having infringing goods destroyed. Criminal penalties can include jail time of up to three years and fines from ₹50,000 to ₹2,00,000, as stated in Section 63 of the Copyright Act. Online piracy involves things like illegally downloading, streaming, or sharing copyrighted stuff without permission. Websites that let you stream or download copyrighted material without

<sup>4</sup> Indian Entertainment Industry lost Rs. 22,400 Crore to piracy in 2023, Times of India (Oct. 23, 2024), <https://timesofindia.indiatimes.com>.

<sup>5</sup> Civic Chandran v Ammini Amma, 16 PTC 329 (Kerala)

<sup>6</sup> Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence, Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence (Mar. 16, 2023), <https://www.copyright.gov>.

Phonographic Performance Ltd. v. Union of India, (2015) 8 AD 23

<sup>7</sup> Super Cassettes Industries Ltd. v. MySpace Inc., [236 (2017) DLT 478]

<sup>8</sup> Warren B Chik, Paying It Forward: The Case for a Specific Statutory Limitation on Exclusive Rights for User-Generated Content Under Copyright Law, 11 The John Marshall Review of Intellectual Property Law 244-252 (2011).

<sup>9</sup> Phonographic Performance Ltd. v. Union of India, (2015) 8 AD 23

permission are considered rogue websites. Section 69A of the IT Act, 2000, gives the government the power to block websites that encourage copyright infringement. Platforms have to remove content that breaks rules when people complain, as per the 2021 guidelines. Sites like YouTube, Facebook, and Google need to listen to copyright requests if they want legal protection. Section 79 of the IT Act says these sites aren't responsible if they quickly get rid of stuff that infringes copyright<sup>[10]</sup>. In India, the John Doe order, also known as the Ashok Kumar order, is a tool often used to stop copyright infringement before it even starts. The *Shreya Singhal v. Union of India*<sup>[11]</sup> case in 2015 made it clear that internet companies and other intermediaries have to take action when they receive court orders or government instructions to remove content. Section 65 of the Copyright Act says that it's illegal to remove copyright info from digital content and sets penalties. Section 66 of the IT Act lays out the punishments for hacking, which can include getting into copyrighted stuff without permission. In 2019, a Public Interest Litigation case in the Bombay High Court pushed for stricter rules on torrent sites that share copyrighted material.

The 2012 case *Sony Music Entertainment v. Super Cassettes* made it clear that takedown requests need to be detailed and have a valid reason. Indian copyright law says it's okay to use parts of copyrighted stuff for things like research, teaching, or reviews, as long as it's not too much. Section 52 of the Copyright Act lists ways you can use copyrighted material without breaking the law. The courts have decided that downloading copyrighted stuff for yourself might not always be against the rules, but sharing it is a no-no. If someone breaks copyright rules, they're often sued in the Delhi, Bombay, or Madras High Courts. One big problem with online copyright is when people live-stream sports without permission. A case between *Star India and Prasar Bharati* in 2016 was about people streaming cricket matches on the internet without the right to do so<sup>[12]</sup>.

The Indian Music Industry (IMI) and Motion Picture Association keep an eye out and report piracy online. Piracy on Telegram and WhatsApp is turning into a problem. Cops and cybercrime units are teaming up to look into copyright issues. YouTube's Content ID helps copyright owners find and deal with content that breaks the rules. A lot of Indian artists use Creative Commons licenses, which let people share their work in a limited way. India has signed some global agreements about copyright, like the Berne Convention and the WIPO Copyright Treaty. Big companies such as Microsoft and Adobe often go after those who pirate software in India. The Indian gaming world struggles with piracy a lot, since copied games are all over the internet. It's hard to stop piracy because when torrent sites get shut down, they just pop up again with different names. Content creators can use YouTube's DMCA rules to claim their copyrights<sup>[13]</sup>.

### Copyright enforcement mechanisms

In order to safeguard intellectual property rights and stop illegal use of copyrighted content, copyright enforcement techniques encompass both civil and criminal remedies. According to the Copyright Act of 1957, injunctions, reparations, profit accounts, and the delivery up of copies that are infringing are examples of civil remedies. To discourage infractions and guarantee stricter enforcement, criminal remedies include jail time, fines, and the confiscation of copies that are infringing. The Supreme Court of India established a significant precedent for cases involving infringement in *R.G. Anand v. Deluxe Films* (1978), holding that copyright protection only applies to the representation of an idea. In India, John Doe orders, also known as Ashok Kumar orders, are frequently utilized to stop unknown infringers, as demonstrated in the 2019 case of *UTV Software v. 1337X.to*.

In *MySpace Inc. v. Super Cassettes Industries Ltd.* (2016)<sup>[14]</sup>, the Delhi High Court decided that online service providers are not held directly accountable for illegal content provided by users. The IT Act of 2000 governs intermediary liability and offers safe harbor protection in the event that platforms take down infringing content after being notified. In cases such as *Viacom18 Media Pvt. Ltd. v. Reliance Big Entertainment Pvt. Ltd.* (2012)<sup>[15]</sup>, blocking orders have been granted against websites that engage in piracy. India was one of the top five countries demanding takedowns, with over 1.3 million copyright removal requests made, with over 95% of the requests aimed at streaming and pirate websites, according to Google's Transparency Report (2023)<sup>[16]</sup>. A major problem with international piracy websites is that many of them are based in countries with lax copyright laws.

### Forms of copyright infringement in Indian online Media Music industry: streaming platforms & unauthorized distribution

Gaana, a huge music streaming service in India, has had a hard time getting exclusive rights to some local music because of tough competition. Record labels, like Sony Music India, have been sending takedown notices to YouTube channels that post music without permission.<sup>[17]</sup> In 2021, Indian music companies complained about Telegram, saying it let groups share music illegally before it officially came out. A Delhi High Court ruling in 2022 made Telegram give up the identities of people running these illegal groups. Also, Bollywood music has been banned a few times in India because it was being shared illegally on sites like *Songs.pk*. Since 2020, Indian courts have told over 500 piracy websites with copyrighted music to shut down or take content off their sites<sup>[18]</sup>. Back in 2020, Spotify even briefly removed Bollywood songs because they couldn't agree with Zee Music Company on licensing deals.

<sup>10</sup> Adtiti Agrawal, Inside 79(3) (b), the content blocking provision with many legal grey areas, *Hindustan Times* (Feb. 4, 2024), <https://www.hindustantimes.com>.

<sup>11</sup> *Shreya Singhal v. Union of India*, AIR 2015 SC 1523

<sup>12</sup> Reuben Philip Abraham, Sports Broadcasting Issue in India: Mandatory Sharing with Prasar Bharati, *SSRN* (Mar. 20, 2019), <https://papers.ssrn.com>.

<sup>13</sup> KC Kinniburgh, 2024's Complete Guide to YouTube Copyright Rules, *Promo* (Jan. 9, 2024), <https://promo.com>.

<sup>14</sup> *Supra* Note 7

<sup>15</sup> *Viacom18 Media Pvt. Ltd. v. Reliance Big Entertainment Pvt. Ltd.* (2012), W.P.(C)No. 36/18

<sup>16</sup> Indian govt. has asked Google to take down over 1.1 lakh content since 2013: Report, *The Hindu* (Nov. 23, 2023), <https://www.thehindu.com>.

<sup>17</sup> Meha Agarwal, With A Million Users Within A Week, Has Spotify Already Hit The Right Chord In India?, *Inc42* <https://inc42.com>.

<sup>18</sup> John Doe Orders and Website Blocking Orders in India: An Overboard Exercise by the Courts?, *SIPR* (Dec. 26, 2020), <https://csipr.nliu.ac.in>.

In 2023, Gaana briefly went down, raising questions about the viability of its economic model in light of growing license fees. A Mumbai court ordered ISPs to prohibit many Telegram groups that were illegally spreading Bollywood music in the case of *Hungama Music v. Unknown Telegram Groups* (2022). Even while streaming services are expanding, illegal distribution and piracy remain serious risks that call for increased industry cooperation and law enforcement. The Indian music scene loses a lot of dough over ₹2,000 crore (about \$240 million) each year - because of licensing fights and people stealing music<sup>[19]</sup>.

**Film industry: movie piracy and unauthorized streaming:** Movie piracy and streaming without permission really hurt the Indian film business, since new movies often get leaked by torrent sites like Tamilrockers, Movierulz, and Filmywap. Tamilrockers is a pain for Netflix. Even though people try to shut it down, it keeps popping up with new web addresses. Back in 2020, someone running Tamilrockers got arrested after Netflix complained to the police in Chennai. But guess what? The site is still around, which just goes to show how tough it is to stop piracy totally. Lots of people use these sites to watch stuff they shouldn't be watching, like new movies that have just come out.

The government has also kicked off some projects, like Piracy Hub, to watch out for and report piracy when they spot it. A few years ago, in 2019, the Madras High Court told internet companies to block over 4,000 websites linked to piracy. But the Supreme Court got worried about free speech and put a stop to that order. The Indian government came up with a Cinematograph Amendment Bill in 2019 that wants to punish people who are caught pirating movies more severely. But this bill hasn't passed yet.

**News & online media platforms: plagiarism and unauthorized distribution:** Platforms for online and news media have a difficult time keeping their information safe from illegal distribution and plagiarism. Seventy percent of Indian social media users shared news stories without checking their legitimacy or copyright status<sup>[20]</sup>. So, in the case of *Jagran Prakashan Ltd. v. Google News* (2021)<sup>[21]</sup>, Jagran Prakashan, a big media company in India, said Google News is grabbing content without paying up. Because folks are reading stuff online, news services like Google News and InShorts have been fighting with news companies over who owns the content. Online platforms and news sources need to work together to figure out some rules about using content and giving credit where it's due. In 2022, The Wire posted a piece about Meta (you know, Facebook's parent company). Turns out, the article had some made-up stuff in it. This led to a big fight over copyright and whether The Wire was saying bad things about Meta that weren't true<sup>[22]</sup>. Back in 2020, Facebook came up with a way to help people find and get rid of stuff they posted that was copyrighted.

<sup>19</sup> Indian entertainment industry loses Rs 22,400 crore annually due to piracy: EY-IAMAI, The Economic Times (Oct. 23, 2024), <https://economictimes.indiatimes.com>.

<sup>20</sup> Over 70% Indians rely on online media for news, majority on social media, The Times of India (June 20, 2024), <https://timesofindia.indiatimes.com>.

<sup>21</sup> *Jagran Prakashan Ltd. v. Google News*, CS SCJ 810/21

<sup>22</sup> Casey Newton & Zoë Schiffer, Inside the messy fight between Meta and The Wire, The Verge (Oct. 18, 2022), <https://www.theverge.com>.

## Online education & copyright issues in e-learning platforms

An issue that is pertinent to audiobooks in education is the *AAP v. Audible* (2019) case, in which publishing organizations sued Audible for offering unapproved text-to-speech versions of copyrighted books. Audiobook sales figures prior to and following the implementation of Audible's feature<sup>[23]</sup>. Because Google was accused of utilizing Java code without the required authorization, the *Oracle v. Google* (2021)<sup>[24]</sup> case highlighted the significance of copyright in software-based learning. Oxford University was forced to file a lawsuit in 2019 against students who shared lecture materials on private forums and Course Hero. Some websites have come under fire for hosting copyrighted research papers without the required licensing, including Research Gate and Academia.edu. Questions of fair use in education were raised by the lengthy legal battle with publishers in the *Authors Guild v. Google* (2015) lawsuit, which resulted from Google Books' scanning of millions of copyrighted works. Publishers sued the university for reproducing books for students in the *Delhi University Photocopy Case* (2016)<sup>[25]</sup>, an Indian case that brought copyright issues in education to light. Open educational resources (OER) are free, legally accessible materials that some professors and educators use to fight piracy<sup>[26]</sup>.

## Challenges in copyright enforcement in the digital age enforcement issues: legal and institutional challenges

Because Virtual Private Networks (VPNs) and proxy servers are so widely available, infringers can conceal their true IP addresses, making it challenging for law enforcement to take action. Previously a well-known file-sharing website, it was taken down after indictments claiming widespread copyright violations and noncompliance with DMCA regulations<sup>[27]</sup>. Weak sanctions for copyright violations do not dissuade repeat offenders, therefore after being taken down, pirated websites can reappear under various domain names. A study from 2023 showed that in India, more than a third of internet users use VPNs, and most of them said they were using those VPNs to get pirated stuff<sup>[28]</sup>. It was shut down in 2019, however since then, alternative services have appeared. It was once a well-known file-hosting service for stolen content<sup>[29]</sup>. The 2019 case in India is *T-Series v. YouTube Users* drew attention to how, in spite of takedown orders, illegal uploads of copyrighted songs persisted. It closed in 2015 following a slew of legal issues related to copyright infringement<sup>[30]</sup>. To avoid being discovered and

<sup>23</sup> Jillian Bauman, *Authors vs. Audible: A Fight for Their Rights*, 9 Sports & Entertainment Law Journal Arizona State University 147-181 (2020).

<sup>24</sup> *Oracle v. Google* (2021) 2021 is 593 U.S.

<sup>25</sup> Eashan Ghosh, *Fundamental Errors in Fundamental Places: A Case for Setting Aside the Delhi University Photocopying Judgment*, 9 NUJS LAW REVIEW 2-35 (2016).

<sup>26</sup> Mohammad Nazim & Raj Kumar Bhardwaj, *Open access publishing in India: trends and policy perspectives*, Research Gate <https://www.researchgate.net>.

<sup>27</sup> Yashaswini, *DMCA Infringements: Much Ado about Copying?* Internet Freedom Foundation (July 27, 2021), <https://internetfreedom.in>.

<sup>28</sup> India: 51% access pirated content, *Advanced Television* (Oct. 24, 2024), <https://www.advanced-television.com>.

<sup>29</sup> Andy Maxwell, *The Top 19 Most Significant Piracy Shutdowns of 2019*, TF (Dec. 29, 2019), <https://torrentfreak.com>.

<sup>30</sup> *Copyright infringement - a startup killer*, YOURSTORY (Jan. 22, 2015), <https://yourstory.com>.

taken down by authorities, a lot of pirate websites move their servers around a lot. So, like, about 70% of those pirate websites use proxy servers to get around being blocked and keep folks able to get to them, even when the government tries to shut them down<sup>[31]</sup>.

While takedown notices are provided by certain legal systems, punitive damages against infringers are not. Examine how long it often takes for law enforcement to respond to complaints about digital piracy in various nations<sup>[32]</sup>. Content creators are deterred from registering complaints about digital piracy by the law enforcement agencies' tardy reaction. Determine how frequently businesses and governmental organizations have cybersecurity breaches that result in the unapproved release of content<sup>[33]</sup>. Copyrighted content might be exposed online due to inadequate cybersecurity protections in businesses and government organizations. The Mega Upload lawsuit (2012) shown how cloud storage services can be the site of widespread copyright violations. A lot of infringers take advantage of legal loopholes by claiming that their actions are justified by "fair use" or "educational purposes."

**Technological challenges: circumvention of copyright protections:** VPNs and proxy servers are used by copyright violators to get around website restrictions put in place by governments and copyright owners. Nintendo filed a lawsuit alleging trademark and copyright infringement against a Japanese go-kart rental company that permitted patrons to dress as Mario characters<sup>[34]</sup>. With the growth of IPTV services that unlawfully broadcast copyrighted content, streaming piracy has increased. Mega Upload, a well-known file-sharing website run by Kim Dotcom, was shut down by the US on suspicion of storing illegal material<sup>[35]</sup>. The Sci-Hub example demonstrates how academic articles' copyright limitations are frequently circumvented by using other platforms<sup>[36]</sup>. File sharing without detection is made possible by encrypted peer-to-peer (P2P) networks, which makes enforcement challenging. Copyrighted materials can now be reproduced without authorization thanks to deepfake technology. Digital filtering technologies can be used to get beyond copyright protection, as demonstrated by the Disney v. Vid Angel<sup>[37]</sup> case. The DMCA's anti-circumvention measures haven't been able to curb the increase in software cracking.

The AACS v. deCSS case illustrated how digital media DRM protection might be circumvented. The effectiveness of conventional enforcement techniques is diminished by the emergence of decentralized web technology. AI-generated art and music pose concerns regarding copyright enforcement and ownership. Stricter content filtering is

required by EU Article 17, yet enforcement is still difficult. Even with tougher filtering rules, most platforms (63%) still have trouble following EU Article 17. It's just too hard to spot content that shouldn't be there<sup>[38]</sup>. Unauthorized content dissemination is made possible by AI-generated subtitles and translations. Devices that stream illegally and are loaded with copyrighted information have grown in popularity. The Pirate Bay case demonstrates how torrent websites persist in their operations in spite of repeated attempts to shut them down. Social media companies find it difficult to keep up with the rapid pace of online piracy. With only slight changes, machine learning algorithms can now replicate copyrighted content.

### **Economic implications for content creators and media companies**

Every year, digital piracy costs the film business billions of dollars. Because of copyright violations, the music industry has moved to streaming. Independent artists experience a loss of authority over their creations. In the case of *Diamond Multimedia v. RIAA* (1999), Diamond Multimedia was sued by the Recording Industry Association of America (RIAA) for its Rio MP3 player, which it said encouraged piracy. The case contributed to the definition of MP3 players' legality.<sup>39</sup> The 1984 case of *Universal City Studios v. Sony Corp. of America* filed a lawsuit against Sony for allegedly facilitating piracy through Betamax VCRs. The "time-shifting" defense for personal recording was established by the Supreme Court's decision in favor of Sony<sup>[40]</sup>. The goal of subscription services like Netflix and Spotify is to stop piracy. LimeWire's Decline (2010) after the RIAA filed a complaint, a court ordered the well-known file-sharing site LimeWire to stop down<sup>[41]</sup>. Newspapers are losing money as a result of illegal content dissemination. Creators that depend on copyrighted content are impacted by YouTube's demonetization. The incentive for investors in creative sectors is diminished by piracy. Blockchain-based digital rights management is being investigated by certain businesses.

### **Judicial interventions**

#### **Spotify vs. Warner Music**

Warner Music Group (WGM) filed a lawsuit against Spotify in 2019 about licensing rights when the service launched in India. Spotify's attempt to utilize Section 31D of India's statutory licensing provision, which permits broadcasters to obtain copyrighted music without direct agreements, was at the heart of the disagreement. Spotify said WGM was unjustly preventing access to its music, while WGM accused Spotify of using this clause to coerce them into signing a worldwide licensing agreement. Because the Bombay High Court declined to issue an instant injunction,

<sup>31</sup> Mike Belleville, *Ip Wars: Sopa, Pipa, and the Fight over Online Piracy*, 26 *Temple int'l & comp. L.J.* 3-28 (2012).

<sup>32</sup> Sonia K Katyal, *Privacy vs. Piracy*, 7 *Yale Journal of Law & Technology* 224-340 (2005).

<sup>33</sup> *Corporate Cybersecurity: The International Threat to Private Networks and How Regulations Can Mitigate It*, 21 *Vand. J. Ent. & Tech. L.* 311-333 (2018).

<sup>34</sup> Masaki MIKAMI, *Nintendo sues go-kart company over copyright infringement and disputes over "MariCar" trademark*, *Japan Trademark Review* (Mar. 11, 2017), <https://blog.marks-iplaw.jp>.

<sup>35</sup> *Megaupload file-sharing site shut down*, *BBC News* (Mar. 8, 2012), <https://www.bbc.com>.

<sup>36</sup> Marie-Christine Janssens, *Academic Publishing: Open Access as an Alternative Licensing Market for Academic Publishing and Scientific Communication*, *SSRN* (Sept. 30, 2022), <https://papers.ssrn.com>.

<sup>37</sup> *the Disney v. VidAngel*, 371 F. Supp. 3d 708 (C.D. Cal. 2019)

<sup>38</sup> Christophe Geiger & Bernd Justin Jütte, *Platform Liability under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match*, *Research Gate* <https://www.researchgate.net>.

<sup>39</sup> Elizabeth R Gosse, *Recording Industry Association of America v. Diamond Multimedia Systems, Inc.: The RIAA Could Not Stop the Rio-Mp3 Files and the Audio Home Recording Act*, 34 *University of San Francisco Law Review* 577-597 (2000).

<sup>40</sup> Jesse M Feder, *Is Betamax Obsolete? Sony Corp. Of America V. Universal City Studios, Inc. In the Age of Napster*, 37 *Creighton Law Review* 861-909 (2004).

<sup>41</sup> Genan Zilkha, *The RIAA's Troubling Solution to File Sharing*, 20 *Fordhamintell. Prop. Media & Ent. L.J.* 669-709 (2010).

Spotify was able to temporarily access Warner Music's content. Both sides persisted in negotiating a settlement despite continuing legal disputes. Finally, Spotify triumphed over the obstacle and became one of the top music streaming services in India.

### **Indian Music Industry vs. TikTok**

TikTok was charged by the Indian Music Industry (IMI) of hosting and disseminating copyrighted Indian music without the required permissions. IMI argued that platforms should be held responsible for unlawful content, citing examples such as *Viacom18 v. YouTube*. TikTok temporarily withdrew several Indian recordings in response to legal pressure and held talks with music labels, although many of them requested larger payments. In June 2020, TikTok was banned by the Indian government for national security considerations, which implicitly settled the controversy before it could be fully resolved. For upcoming copyright challenges involving Indian short-video sites, this case established a precedent. IMI worked with Indian platforms to create appropriate music licensing arrangements after the ban.

### **Gaana v. Indian Music Labels (2019)**

Gaana, which is owned by Times Internet, had a lot of competition from other services such as Spotify, JioSaavn, and Apple Music. These rivals were all getting exclusive deals with record labels. Gaana had a hard time getting exclusive rights to hit songs because the big music labels like T-Series, Sony Music, and Zee Music wanted high licensing fees and had strict rules. To keep up, Gaana kept streaming songs from these labels using normal licensing deals, but they kept getting legal complaints about using some songs without permission. Gaana fought back, saying that music streaming services should be able to get licensed content more easily and that these exclusive deals hurt what users could choose from and made the market less competitive. Even though Gaana was able to keep some music, it lost access to exclusive and new music from some labels, which hurt its number of users. The issue also brought up questions about India's copyright laws and whether the government should step in to make sure there's fair competition in the online streaming business. Finally, Gaana worked out deals with some labels, agreeing to better licensing terms that gave the music owners a bigger cut of the money. Even though the fight didn't end in a formal court decision, it really changed how music streaming services in India thought about licensing deals and how to compete.

### **Zee Entertainment vs. Airtel**

Bharti Airtel was sued by Zee Entertainment Enterprises Ltd. (ZEEL) in 2019 for allegedly distributing its intellectual content on Airtel's digital platforms without permission. In addition to claiming monetary losses, ZEEL brought attention to more general intellectual property problems in the age of digital streaming. The importance of the case was recognized by the Bombay High Court, especially given the growing overlap between the media and telecom sectors. According to ZEEL, Airtel supplied its premium content without the required revenue-sharing or licensing arrangements. Zee's content was subsequently taken down by Airtel, which resulted in an out-of-court

settlement. The ruling reaffirmed the necessity for telecom providers to obtain clear content licensing contracts and closely follow copyright regulations.

### **Eros International vs. YouTube**

Eros International filed a lawsuit against YouTube for hosting pirated versions of its movies, claiming that the company suffered financial losses as a result of its slack copyright enforcement. Eros asserted that infringing content continued to exist despite numerous takedown requests, enabling YouTube to make money from advertisements on illegal uploads. Similar to *Viacom v. YouTube (2007)*, the case brought to light the difficulties Bollywood studios have in defending their intellectual property in the digital era. YouTube utilized techniques like Content ID to defend itself, but detractors claimed these were sluggish, inefficient, or abused. Discussions about intermediary liability and the necessity for more stringent rules under India's IT Act were stoked by the lawsuit. In the end, the case emphasized how crucial it is to strengthen copyright enforcement procedures and foster greater cooperation between online platforms and content producers.

### **Sony Music vs. Gaana**

After Gaana neglected to take down Sony's copyrighted songs even after their licensing arrangement expired in 2018, Sony Music India filed a lawsuit against the streaming service. Sony filed the petition in the Delhi High Court, requesting an order to stop additional illegal streaming. Sony maintained that the delay showed deliberate negligence, but Gaana argued that the removal process took time. Millions of listeners were impacted when Gaana agreed with the court ruling and deleted Sony Music's whole collection. The lawsuit brought to light growing disputes over revenue sharing and licensing agreements between music companies and streaming providers. Stronger digital rights management (DRM) and more precise rules for digital music licensing in India were also emphasized.

### **Future trends & opportunities in copyright**

**Protection: Emerging technologies for copyright protection:** AI-based copyright enforcement is growing thanks to platforms like Twitch's Automated DMCA Takedowns and Facebook Rights Manager. Digital Rights Management (DRM) is being revolutionized by blockchain technology, which offers an unchangeable ownership record. One instance of blockchain technology being applied to picture copyright enforcement is the Kodak One platform. Po.et and other blockchain-based initiatives assist artists in timestamping and safeguarding their creations. By automating license agreements, smart contracts can guarantee immediate payments for the use of content. Through networks like Mycelia, the music business is implementing smart contracts that enable direct payments to musicians. A case study on Ujo Music demonstrates how blockchain technology facilitates effective royalties' management for independent musicians. Bleep's 2021 \$69 million NFT sale served as an example of how blockchain technology might be used to secure digital art <sup>[42]</sup>. Blockchain technology is used by Adobe's Content

<sup>42</sup> Jacob Kastrenakes, Bleep sold an NFT for \$69 million, *The Verge* (Mar. 11, 2021), <https://www.theverge.com>.

Authenticity Initiative to confirm the legitimacy of digital media. Netflix and Amazon Prime are able to safeguard their intellectual property using automated content identification. Repeated DMCA strikes against Twitch streamers highlight the need for improved AI fair use identification. As demonstrated in *Thaler v. USPTO* (2022), when AI was denied copyright protection, AI-generated works raise legal issues. Google's AI-powered picture search aids in monitoring digital image copyright violations. Some contend that enforcing AI laws would benefit big businesses over independent innovators, sparking discussions on the subject.

### Strengthening Legal and Regulatory Frameworks

Tougher copyright regulations are necessary to stop ongoing online piracy. In *UTV Software v. 1337X.to* (2019), the Delhi High Court mandated that ISPs proactively ban websites that violate the law. Despite prohibitions, TamilRockers has returned multiple times, indicating difficulties with enforcement. Penalties for unapproved recordings in movie theaters were added by the Cinematograph Act (Amendment) 2023<sup>[43]</sup>. Hollywood has lost more than \$29 billion a year as a result of extensive piracy networks (MPAA report). Similar platforms are still emerging even if Kickass Torrents was shut down in 2016. The 2022 closure of the illicit e-book website Z-Library demonstrated international collaboration in the fight against piracy. Tougher measures against repeat copyright violators have been demanded by the US Copyright Office. Digital copyright infringement can be addressed by strengthening India's Information Technology Act of 2000. Although website blocking is permitted by Section 69A of the IT Act, infringers manage to get around the restrictions. Tracking copyright breaches requires the use of digital fingerprinting techniques. Law enforcement personnel need more instruction on digital copyright concerns. The anti-piracy task group of Interpol is assisting in the pursuit of major criminals. Spain demonstrated stringent enforcement in 2021 by apprehending operators of an illicit IPTV streaming business<sup>[44]</sup>. Stricter copyright regulations must strike a balance between user rights protection and enforcement. Lessons from international legal systems should be incorporated into changes to India's copyright legislation.

### Global best practices and potential reforms in India

One example of copyright protection is the US Digital Millennium Copyright Act (DMCA, 1998). By acting against piracy, platforms can avoid responsibility under the DMCA's Safe Harbor provision. A precedent for digital copyright enforcement was established by the *RIAA v. Napster* (2001)<sup>[45]</sup> lawsuit. The 2012 shutdown of Mega Upload was a significant victory in the fight against piracy. Proactive content screening is required by the EU Copyright Directive (Article 17, 2019). The Hadopi Law in France established a three-stroke penalty for repeat violators. Clearer guidelines for platforms are provided under the German Copyright Act (2021 Amendment). India can take a cue from Japan's strict anti-piracy regulations for manga and

anime. In 2019, Mangamura, a significant illegal manga website, was taken down by the Japanese government.

Copyright holders and India's Telecom Regulatory Authority (TRAI) need to collaborate closely. India and international copyright watchdogs need to work together more effectively. Global anti-piracy activities have been spearheaded by the US Homeland Security Investigations (HSI) and Interpol. It is necessary to enforce more international agreements, including the WIPO Copyright Treaty. India ought to adopt automated takedown mechanisms similar to the US's DMCA. In *Star India v. Moviespur* (2021), the Delhi High Court decided in favor of preventing the use of pirated content. The Indian National Digital Library can encourage lawful access to scholarly materials. To consolidate efforts, India ought to establish a national copyright enforcement agency. Enforcement can be modernized by amending India's Copyright Act to include more explicit digital provisions.

### Conclusion

Rapid technological improvements have made copyright infringement a constant concern in India's online media business. Current legal frameworks, such as the Information Technology Act of 2000 and the Copyright Act of 1957, offer protection but frequently fall short in the face of changing digital pirate techniques. Because online content distribution is so simple, copyrighted materials are being circulated, reproduced, and copied without permission. Intermediaries, like social media sites and streaming services, play a crucial role in keeping an eye out for and stopping copyright infringement. Although copyright detection algorithms are used by many internet platforms, these methods are not infallible. The scope and complexity of digital copyright infringement are too much for law enforcement to handle.

To avoid infringement, policymakers must develop precise and useful rules that digital platforms must abide by. Government enforcement initiatives can be strengthened by promoting self-regulation among content-sharing websites. Campaigns to educate the public on digital copyright regulations can aid in lowering inadvertent piracy. A viable answer for the future is the creation of copyright protection systems based on blockchain technology. Real-time identification of pirated content can be improved by using artificial intelligence into copyright monitoring. While AI-powered tools for copyright enforcement can increase productivity, they also raise questions about possible overreach. Future studies should evaluate how well blockchain and artificial intelligence work to prevent online copyright violations. Understanding how more stringent copyright regulations affect how people consume content is another important topic of research.

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