



## Exploring Copyright Protection and Piracy Challenges in the Entertainment Sector

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Copyright is an exclusive form of intellectual property right for the protection of artistic, literary and cinematographic works. Music and films fall under the literary and cinematographic categories respectively. Music soothes the mind whereas films are a source of entertainment in a visual format. Music and movies not only provide entertainment but also offer business opportunities and numerous ways to generate revenues. There are several international organisations, treaties, agreements and Acts which cover all provisions for the protection of intellectual property. Copyright serves not only to safeguard but also to foster and incentivize innovation and expertise within the entertainment industry. Digital technology is expanding rapidly, bringing with it numerous challenges related to copyright and piracy, including issues like copyright violation, infringement, and digital piracy. It directly causes significant financial losses for individuals and organizations. A huge fall in the sale of original digital products such as DVDs, and CDs also occurred. Hence, the protection of intellectual property happens to be a prime necessity. Now, it is becoming one of the biggest challenges with the recent explosive growth of digital technology. It turns out to be a tough task to maintain a fair balance between the owner of a copyrighted work and users. Therefore, the present paper focuses on the role of intellectual property in creating business in the entertainment sector and the necessity of its protection. With the rampant growth in digital technology inclination of the people to create pirated goods is also discussed. The last section of the paper focuses on a few suggestions and recommendations for improved protection of literary and cinematographic work.

**Keywords:** Indian Copyright Act, IP, International Copyright Treaties, Digital Piracy

With the emergence and widespread adoption of digital technology, the world has entered a phase where rapid communication and distribution of content have become of utmost importance. The Internet has come up with every alternative we want to explore. In today's world, life has become incredibly convenient, allowing anyone, from any location, to enjoy concerts, movies, and music through digital services, unrestricted by geographical limitations. Digitization has added momentum and affordability in terms of economic transactions and other online electronic activities.<sup>1</sup> Further, digitization has massively affected the economic growth in the entertainment sector.

Music and films are integral aspects of our lives and serve as primary sources of entertainment. Different segments of society seek entertainment through music, movies, or cricket without being limited by social, cultural, or geographical boundaries. Music is the central requirement during parties; it soothes the environment and is a real pleasure while driving. It's a fun time watching movies during weekends and holidays. Since long music and movies/videos have

emerged as a substitute for entertainment and engage us in recreation and mental development. Apart from the entertainment it also provides business opportunities to creators, performers, broadcasters and distributors. The Bollywood sector is often projected as a sector of dreams. It is celebrity-driven and greatly hiked during the last few years. Throughout the world, the Indian film industry produces the highest number of movies compared to the foreign entertainment sector.<sup>1</sup> The Bollywood sector has broken all its previous earnings records from the box office. Indian entertainment sector provides employment opportunities to approximately two million people<sup>2</sup> and it has now become the biggest emerging market in the world.<sup>3</sup>

Foreign multinationals engaged in the entertainment sector, are looking for opportunities to collaborate with the Indian market and desire to work as a team to get quick returns and expand their businesses. Moreover, the government also generates huge revenue from the entertainment sector in the form of direct or indirect taxes. The sale of movie tickets, digital prints, and digital products in the form of an entertainment tax goes to the government. Hence there is a chain which maintains an economic balance between the

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owner/creator, the entertainment sector and the government.

The music business involves singers, artist's management, recording studios, publisher companies, distributor companies, and people engaged in creating labels, promotion, and legal counsel. Music publishers and distributors earn money by recording songs and selling it in the form of tangible mediums such as audio or video recorded in cassettes, CDs, DVDs pen drives etc. Live shows and concerts in every part of the world create direct employment for people engaged in this business, as huge revenue get generated from the sale of tickets. Performers charge huge sums for performing in a concert and it's a mode of earning for the performers and to the organizers. Apart from concerts and digital devices, there are several other possible business opportunities like diverse reality shows broadcast on television. One such program is choosing the best performer among various artists and awarding them with cash prize and exciting gifts. These performances are nothing but the intellectual property of the performer and hence protection of their creation becomes equally important.

Copyright safeguards the creator's creation by protecting expressions and not an idea. The protection of intellectual property promotes the progress of art and innovation. Copyright provides bundles of exclusive rights that exclude others from using his/her creation. It also allows the owner to control the distribution and usage of its copyrighted work. A person as soon as creates any literary or artistic work etc. has a copyright over it but registration is a safeguard against the violation and ownership of copyrighted work. Music and movies falls under literary and cinematographic work respectively and it gets protected through Copyright. A movie named '3 Idiots' was based on the famous book '5 Point Someone' written by Chetan Bhagat where the concept of the movie was brought from his book, but the way expressions were projected was different from the book.<sup>4</sup>

Copyright protection is offered for the lifetime of the author/creator plus sixty years after death. Certain exclusive rights are provided to the creator, owner or author under the Indian Copyright Act. These are

- (i) Right to reproduce
- (ii) Right to store work in any tangible medium
- (iii) Right to duplicate
- (iv) Right to communicate work to the public
- (v) Right to control the distribution of work on the internet
- (vi) Right to restrict its usage

(vii) Right to translate

(viii) Right to perform in public

The owner can license, sell, and rent his intellectual creations to the other party if he wishes to do so and can also put some barriers upon the usage of the copyrighted work.<sup>5</sup> If any person does not follow the terms and conditions and uses it for making a profit, amounts to infringement of the intellectual property of the owner.

Not only does the economic return of the owner go down due to infringement, also suppresses innovation in society. According to the World Intellectual Property Organization (WIPO), the purpose of protecting copyrighted works is to stimulate and support innovation in the arts, to reward creators for their contributions to society through innovation, and to manage the distribution of copyrighted content in the public domain, particularly on the internet.

### Music, Film and Intellectual Property Rights

Different types of intellectual property (IP) rights, including patents, copyrights, trademarks, geographical indications, etc., offer exclusive protection. Copyright specifically safeguards songs, lyrics, scripts, recordings (CDs, USB drives, cassettes, DVDs, etc.), and titles. Intellectual creativity spans various forms such as inventions, art, and design. Protecting IP is crucial for the economic advancement of businesses.

Songs, music, and recordings are protected under copyright law when they are presented in written form or recorded in a fixed medium. Live performances are protected when they are recorded in a tangible medium. Similarly, creators automatically own and enjoy copyright for music and films that are created and stored in a tangible medium of expression. The entertainment industries contribute to business promotion when there is flourishing innovation, art, and skills (Fig. 1).

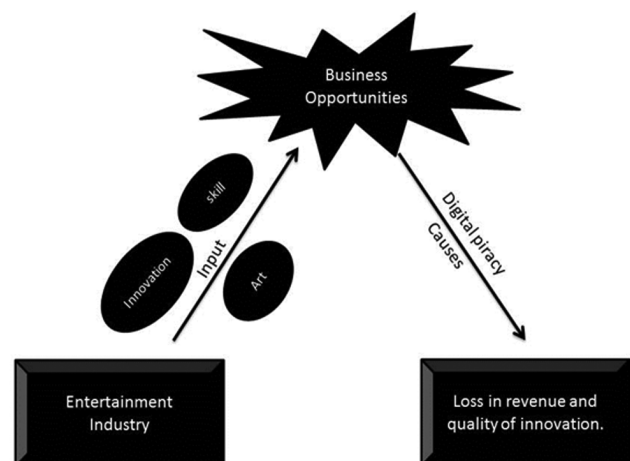


Fig. 1 — Effect of digital piracy

However, the music and film industries experience a significant decrease in economic returns due to online and digital piracy, which consequently hinders the advancement of innovation.

A person works hard to market his intellectual property to get valuable returns. Special provisions are also provided to copyright owners for safeguarding literary and cinematographic works, among others. The primary issue arises when these rights are infringed upon and violated.

The development and expansion of digital technology leads to easiness in networking and communication, electronic transactions, distribution of knowledge, online shopping and innovation in research and development etc. Digitization has brought several advantages accompanied by a few disadvantages. With the use of digital technology, copyright infringement has become more prevalent due to the ease of accessing information and downloading songs and movies from the internet. Unauthorized distribution or transfer of copyrighted works, whether in whole or in part, constitutes infringement and piracy. Online piracy is widespread on a global scale.

In the past, before technology advanced, data storage relied on large computers and hard drives. Downloading MP3 audio or videos was time-consuming, and downloading films seemed impossible due to technological limitations. Digital growth has brought revolution and there are wide formats of storing music and movies. It is easy to download, hear, and watch digital copies of music and movies without knowing that whether it is right to do such activities. The distribution of films and music over the Internet augmented the market. The distribution and flow of information do not require any physical medium as it was needed earlier. The content can be easily transmitted through digital mediums such as pen drives, DVDs, CDs, memory cards and peer-to-peer networking. Hence, the protection medium of transmission becomes important, to protect these digital mediums there is a WIPO treaty named as 'Berne Convention' under Article 9 and India is a signatory to this convention.

The advent of digital technology brought several new problems, especially with the ownership and distribution of copyrighted work on the Internet. Today, the Internet serves as a primary channel for accessing global information quickly and easily. The telecom sector now competes by offering enticing internet packages to attract customers. The widespread

availability of affordable internet access has contributed to the rise of piracy, making the protection of digital content more challenging.

### **Issues Related To Music, Films and Digital Technology**

The development of digital technology has brought a revolutionary change in the society's outlook towards ideas and innovations. Digitization has touched nearly all sectors and with the ongoing advancement, there is reorganization and modification of the existing strategies to become in line with the present demands. It has become very easy for people to work online and access online businesses worldwide. Recently, the promotion of digital media has gained popularity in every respect be it an electronic transaction or entertainment. Besides entertainment and business, it is also helping the government to reduce the black market. However, several advantages of digital technology are accompanied by various disadvantages which in turn cause a direct effect on tangible and intangible assets of the owner. Some related problems and their effects will be discussed in the present article.

The Indian entertainment industry is one such sector where several digital issues like copyright violation and piracy have emerged with music and cinematographic work. Piracy is simply copying and getting access to the content without spending extra money. Downloading new songs and movies from the internet and creating pirated CDs and DVDs at low cost or zero cost are common these days. Unidentified numbers of pirated audio and video copies are marketed at a lower cost than the original CDs and DVDs without compromising quality. It brought a huge impact on the economic returns from the sale of original CDs and DVDs. Now the task of protecting the rights of the creators in the digital domain is becoming even tougher.

The evolution of digital technology has introduced new portable devices like iPods, tablets, and compact laptops to the market. MP3 files, which require minimal storage space, have become popular for listening to music during everyday activities. The use of these portable devices has significantly increased the downloading of music. Alongside this trend, people frequently transfer movies and songs through platforms such as WhatsApp, Wi-Fi, Bluetooth, and other digital sources without compensating the copyright holders. MP3s are extensively sought after and downloaded online, significantly reducing creators' rights and exacerbating digital piracy of

music and films. The advancement of new digital technologies has had a profound economic impact, driven by the affordability and low maintenance costs associated with digital technology, which have become primary factors contributing to the rise in online piracy. These technologies are user-friendly and require no specialized training, offering a convenient, resource-free environment for piracy.

Piracy has increased in order to get cheap and easy access to all the new releases; it is being practiced by each and every one of us in some or the other way each day. There are innumerable copyright issues in the Bollywood industry such as online piracy of movies, copying the storyline of movies, royalty issues, proper credit etc. It not only exploits the rights of the creator but also violates and disturbs someone else copyright present in that work. There are several ways in which piracy is being practiced such as cam-coding of movies, bit torrent, Peer-2-Peer file sharing, direct download of a movie from cyber locker sites, downloading from interlinked websites, dubbed versions of movies that there are various sites that give access to the movies and majority of them are pirated ones. The practice of digital piracy and online copyright infringement is becoming tenacious with time.

The extensive growth of digital technology has brought various advanced applications and means to download movies from the internet. Bit torrent is one such example that resulted in creating huge internet trafficking; Bit torrents contributed 30% of the internet traffic, the major cause of the decline in the economic return from the Bollywood industry in the present era.<sup>6</sup> Another, famous and very well-known example of the biggest utility for downloading MP3 from 1999 till 2001 was Napster. Napster was envisaged for peer-to-peer file sharing service which allowed people to easily download and share MP3. It became popular in a few weeks because of the exciting features embedded in it. It was convenient to download old songs, unreleased songs and even songs from the live concerts etc. High-speed downloads while using Napster software caused 61% of traffic on the internet.<sup>7</sup> People intended to download music and videos online from this software for later use leading to a sharp decline in the economic return.

Therefore, Napster was immediately turned down from the Internet by the court and further followed by long proceedings in the court. Along with the extensive use of the internet for pirating entertainment content,

the sale of original digital products suffered a lot. Besides, Internet several other factors are accountable for decreased sales and increased piracy of products. These are the high cost of original music and movies, free high definition (HD) videos on the internet, pirated substitutes of original software and applications offering exciting features of entertainment.<sup>8</sup>

Piracy is prevalent in the music industry through various methods, primarily involving the downloading of songs and remixes from various websites (Fig. 2). Movies and songs from various albums are collected and stored on one CD or DVD and further sold in the market at attractive prices. Presently, there is a huge demand for these collected songs and movies stored on one single CD/DVD and are available at a reasonable price. Yet another way of music piracy is by distribution of downloaded songs via peer-to-peer networking. Further, the collected album is copied on CDs and then circulated and distributed in the market imitated as the original. Misleading and counterfeited practices of goods cause a quick decline in the sale of the original digital product. Copyright violation also prominently exists and is being practiced in the film industry. The storyline of videos or movies is based on novels, true stories or biographies of famous personalities. The novelist, story writer and biographer are not being honoured with a reasonable amount of money as royalty or credit. Advancement in IT brings new ideas to the mind of the people to execute piracy and to grab new releases at low input costs without even waiting for the digital print to come into the market.<sup>9</sup>

Protection of cinematographic work is another challenging and complicated task. Film copyright exists with the scriptwriters, lyricists, music composers, singers, artists, performers, producers and distributors of film. Certain rights from producers are granted to distributors to make original DVDs, and

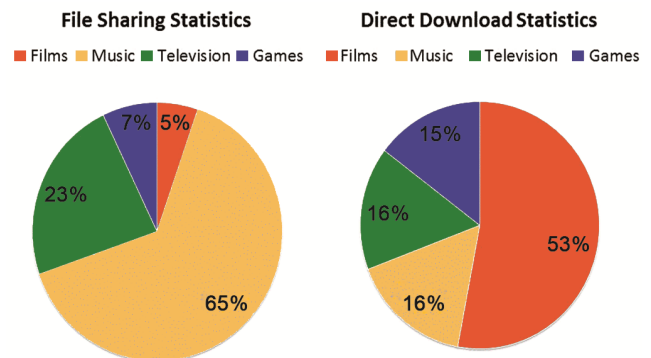


Fig. 2 — Digital piracy statistics of copyrighted content

CDs and to distribute the film along with displaying new releases in theatres. Finally, for exhibiting films, the rights are given to the broadcaster for broadcasting on satellite channels and theatres. Without getting broadcasting rights, several local channels show new releases on their channels termed as 'cable piracy' an unauthorized access to cable television services that amounts to copyright infringement. This means of copyright violation does not occur through satellite channels but by the local cable networks.

Cinematograph work is subjected to piracy in two different ways. In one case, the movie is released and if the distributor distributes video CDs/ DVDs for reasons other than household entertainment such as video parlours or cable networks that amounts to video piracy. Another is 'cable piracy' in which proper rights are supposed to be taken from the producer to broadcast a movie on a channel but local channels don't follow this rule and broadcasting without taking rights from the producer is an act of copyright violation.<sup>10</sup>

Yet another issue is movie piracy, a movie gets leaked before its actual release date. Several movies have suffered a lot from this is happening such as 'Udta Punjab', 'Manjhi', 'Sultan' etc. These movies were in the public domain before releasing date. There are some fixed rules for a movie that are to be fulfilled before its release viz it has to pass the process of censor board's certification tests. To complete the certification process, the movie is shown on a projector in front of all members of the censor board. Sometimes the movies are recorded by the members working backside while being displayed on the projector. These illegal records are printed and unauthorized CDs are being sold off in the market at an attractive price. Cam-cording of a movie and marketing its content causes high revenue loss and it further troubles the producers. Moreover, the Censor board has copies of the movies which are sometimes made available illegally in the public domain either through YouTube or Daily Motion websites or to roadside vendors. Roadside vendors avail of movies at a reasonable price of Rs 20/- or 40/- per movie. This is the biggest threat to the Bollywood industry and the huge economic downfall of the market. According to a report, in the year 2008, piracy and counterfeiting pronounced up to 61% in India accounting for about 959\$ (4,411 crores in Indian rupees) losses in revenue and because of that approx. 5,71,896 people lost their jobs.<sup>11</sup>

### **Copyright Protection of Music and Films: Indian and International Perspective**

Copyrights are 'territorial rights', which means these rights do not extend beyond the territory of a specific jurisdiction. Copyright laws vary country by country therefore different aspects of national copyright laws have been unified through international copyright agreements. The Berne Convention treaty, ratified by 180 member countries administered by WIPO – sets a minimum set of standards for the protection of the rights of the creators of copyrighted works around the world.

India has also been a member of various international copyright treaties/agreements such as the Berne convention, Universal Copyright Convention, Protection of Phonogram ,TRIPS, etc. All of these international treaties and agreements have provisions to protect and promote creation, and innovation and have enough safeguards against infringement. Within India, copyright is granted to the owner as per the provisions available in the Indian Copyright Act, of 1957.

#### **Indian Copyright Act**

In India, the Copyright Act was first introduced during British empowerment in 1911. At that time the term of copyright protection was the lifetime of the author plus seven years after the author's death. In the year 1914, several major changes were incorporated in the Copyright Act including a criminal section against copyright infringement. The Act was further revised in 1957 to make it compliant with the Berne Convention and it was enforced in the year 1958. Several amendments were incorporated in the Copyright Act and the latest amendment was made in the year 2012 wherein the term for original music and artistic work is 60 years following the death year of the author and for cinematographic work, the term is 60 years from the post calendar year of the release of the film. Sections of the Indian Copyright Act, 1957 which protects music and cinematographic work are:

- (i) Section 13-classifies the work as literary, artistic work, cinematographic, or music work.
- (ii) Section 14 -states the meaning and purpose of copyright which is very important to decide when there is a conflict between producer, performers distributor or any infringer.
- (iii) Section 17-deals with the matters related to the ownership of copyrighted work.
- (iv) Section 51-tells about the violation of copyright
- (v) Section 60- contains remedies for copyright ownership issues.

- (vi) Section 65-latest amendments in 2012 wherein
- (vii) Section 65(A) deals with various safeguards for the protection of original literary and cinematographic creation.
- (viii) Section 65(B) deals with the legal action to be taken against copyright infringement.<sup>12</sup>

#### **Berne Convention**

It was framed on 9 September 1886, and came into force on 5 December 1887 in Berne, Switzerland. Various provisions are underlined under the Berne convention for the protection of literary and artistic work such as musical work and cinematographic works etc. The author or the owner of the copyrighted work belongs to any country that is a member of the Berne Convention, can publish his or her creation under the convention countries and this specific work is protected under the Berne Convention. Several principles are mentioned in the convention that clearly explain provisions for the owner to protect or restrict the usage of their intellectual property.<sup>13</sup> However, the Berne convention lacks its ability to enforce compliance against piracy issues<sup>14</sup> and therefore to overcome this, new amendments were introduced in 2012 in the Indian Copyright Act that correspond with internet treaties like the World Copyright Treaty (WCT) and WIPO Performance and Phonogram Treaty (WPPT).

#### **Rome Convention**

It was framed on 26 October 1961, at a Diplomatic Conference held in Rome, and came into force on 18 May 1964. Protection of performers' rights, producers of phonograms and broadcasting organizations falls under the ambit of the Rome Convention. Protection to performers is granted against certain activities such as the distribution, communication and broadcasting of live performances to the public. Provisions of fair dealing including private use, use of artistic work for current events, fair use solely for scientific research education purpose and any other purpose which is not meant for the economic benefit of users also underlined in the Rome Convention. Article 14 of the Rome Convention has given clear explanations about the term of protection for broadcast and performances which is 20 years from the date of broadcast and performances.<sup>15</sup>

#### **Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement**

TRIPS Agreement helps member countries to protect their artistic and cinematographic work from

international exploitation and also sets minimum standards on worldwide protection of intellectual property associated with cinematographic and artistic work. These standards were set requiring compliance with the main conventions of WIPO, the Paris Convention and the Berne Convention. Except for moral rights provisions of the Berne Convention, all substantive provisions of this convention have been incorporated and the member countries are under obligation to follow all these provisions to remain members of these conventions. TRIPS also talk about a substantial number of additional obligations on the matters on which the Berne convention is silent therefore sometimes TRIPS agreement is referred to as a "Berne-plus" Agreement.<sup>16</sup>

TRIPS Agreement sets out additional provisions and principles for the protection of intellectual property in developing and underdevelopment countries. TRIPS Agreement comprises all primary and important obligations and exceptions which were silent and did not comply with the current requirement in pre-existing main treaties *per se* Berne and Paris. TRIPS Agreement binds the entire nation under one principle of "National Treatment". It benefits all the nations which are the members of Berne and Paris conventions. It means each member of one national accord no less favourable treatment to the nationals of other members than it accords to its nationals about the protection of intellectual property.<sup>17</sup>

#### **World Copyright Treaty (WCT)**

It was concluded in 1996 in Geneva, Switzerland and came into force on 6 March 2002. Advancements in digital technology developed a big challenge to protect intellectual property in the digital domain. A treaty like the Berne Convention was not competent enough to meet the requirement to protect IP in the digital domain. World Copyright Treaty (WCT) is a special agreement under the Berne Convention which deals with the protection of the rights of the author and work in the digital domain. Various provisions are highlighted in WCT to control the distribution and usage of work in the digital domain and digital content (information in the form of PDF, eBook and digitally displayed content) that also account for copyright violation in the digital domain.<sup>18</sup>

#### **World Phonogram and Performance Treaty (WPPT)**

It was framed on 20 December 1996, in Geneva, Switzerland and came into effect on 20 May 2002.

WPPT came into existence to protect the form of IP video performance and phonogram and its distribution on the internet. It grants protection specifically in the digital domain. Various rights are available in the treaty for the protection of phonograms as:

- (i) Right of rental
- (ii) Right of reproduction
- (iii) Right of distribution
- (iv) Right of reproduction
- (v) Economic rights

Whereas, for the protection of performances in the digital domain there are several rights granted to performers, such as:

- (i) Right of broadcasting
- (ii) Right of communication to the public
- (iii) Rights of fixation etc.

The treaty aims to maintain a fair balance between the rights of the performer and the ultimate users. There are several circumventions in the treaty to fight against copyright infringement in the digital domain.<sup>19</sup>

As WCT and WPPT both deal with the protection of intellectual property in the digital domain, they are collectively named 'Internet Treaties'. India is a non-signatory to these international copyright treaties because the latest amendment in the year 2012 Indian Copyright Act has made the Act comply with these treaties.

In recent times, the internet has become an efficient source for quick marketing and distribution of content across the globe. Songs, music, movies and digital data are mostly transferred and distributed without spending money. With digitization, the promotion and advertisement of film, music and digital files has become effortless. Now it is easy to search for specific albums, old songs and another category of music. Quick access to content on the internet has drastically changed people's outlook and has brought dynamism to the world. Digitization on one side has helped in growing businesses and developing fast networking but on the other side has brought huge economic losses due to a decline in the sale of original products. Huge economic losses in the music and film industry occur due to piracy and online copyright infringement. If internet piracy and illegal downloading continue for a longer duration, it will have a direct effect on the level of creativity and a huge impact on innovation.

Various software is being developed from time to time to reduce online piracy such as YouTube, iTunes

etc. In the last few years, YouTube has become the world's biggest search engine for music and movies and the content available on this channel is copyrighted. Watching it on YouTube does not account for infringement as the user authenticates themselves on YouTube before using it. Recently, YouTube has come up with the technological development to fight against copyright infringement. In certain cases, if a video is uploaded on a YouTube channel, violating the copyright of the owner and is subjected to infringement or any other copyright issues then it is immediately removed from the server. YouTube is further improvised with new features where the users can watch videos even in the absence of internet availability by saving them when there is internet connectivity. To some extent, this has reduced the illegal downloading.

Similarly, iTunes Music Store (iTMS) is a service provider that offers music with a Pay-per-download policy. A series of songs are scrutinized and catalogued under different categories in AAC file format thereby protecting these digital songs from unauthorized use. There are various other applications and software available for listening to music online like RealPlayer store, MSN Music, Wynk Music etc. Several telecommunication companies are providing a free subscription to access songs under various recharge schemes that help in promoting subscription policies and policy of Pay-per-download to reduce music piracy.<sup>20</sup>

In 2003, India finally entered the 'John Doe Orders era' to reduce piracy. The entertainment industry is increasingly seeking John Doe orders against illegal unlicensed distributors, cable operators and internet service providers. Using this order the website displaying pirated content or a link exhibiting infringed material is immediately blocked. It is helpful in cases where the identity of an infringer is not known. John Doe order can be issued for movies, books and sports events (live telecast rights). Now the producers can protect their rights by securing a John Doe order before the release of a movie or even after the release and the telecasting or copying and selling unauthorized copies of a movie.<sup>21</sup> John Doe's order has been taken up in several cases and strict decisions are given against infringers. A 25-year-old boy uploaded a movie named 'Udta Punjab' on his website before its actual release in Mumbai.

The court granted a John Doe Order to the producer of this movie and this particular website

containing illegally downloaded movies was traced and content was immediately removed from the website. The boy was arrested by the Cyber cell of Mumbai police. In 2015, another movie named 'Piku' wherein a piracy restraining order was passed to restrict the broadcasting of the movie before the release date.<sup>22</sup> There are several other well-known cases and facts in the history of Bollywood and the music industry which show the adverse effect of copyright infringement and the profit, the infringer gains from it. The downloading statistics of a well-known movie "Kaminey"; show this movie is being downloaded more than 3,50,000 times in India and abroad.<sup>22</sup> It indicates a huge loss in economic return from this movie.

Several steps are being taken by the producers and owners to fight against infringement as producers now release all their movies and music in the form of digital print, digital prints and other prints of movies and music released on the same day to reduce the possibility of piracy. Another safeguard adopted by producers is that release their creations in digital prints only and no physical prints are made available till a certain period.

Any offence under Section 63 of the Indian Copyright Act is bailable and no severe punishment is given to the infringer.<sup>4</sup> which means if a person is arrested for pirating music or films in any manner gets bail immediately. This is the major loophole in this section; after getting bail he is ready to continue the same crime, Section 63 of the Indian Copyright Act does not provide a fair and clear judgment against this offence so there is a requirement for revision of this section so that it could be made even more strict.

Piracy is prevalent in the digital domain, especially in the music industry hence protection measures and systems are required. Copyright protects the innovation and creation of artists and performers. Copyright provides rights to protect their creation and contains several distribution and broadcasting rights to control the delivery of media and also licensing and agreements to manage copyright violations.

Likewise, there should be a development in technology in existing software which allows music and films online so that online piracy can be reduced. There should be development of other software with new and more advanced terms and conditions for downloading. The existing policies, terms and conditions should be revised so that the problem of piracy can be sliced to some extent. Another very

important reason for economic loss and declining of original digital products that has to be looked after carefully, is the movie cafe in which pirated movies are played and the audience pay less money to these cafe owners for watching films. Police must keep an eye on and should become more active towards these serious matters and should control copyright violations. Various steps have been taken to control piracy; recently there have been many successful IP enforcement. Approximately, 30,000 raids across India have been reported against piracy and Chandigarh Police are awarded with 1<sup>st</sup> position for successful IP enforcement.

### **Conclusion**

The progress of a nation's cultural, social, and economic spheres hinges on the innovation and creativity of its inhabitants and the output they generate. However, achieving this without support and policies from the government is exceedingly challenging. Currently, global trends are leaning heavily towards digitization, which has significantly simplified daily life. Digitization has played a pivotal role in advancing every facet of society and has contributed substantially to global development across all sectors.

Copyright has emerged as a critical issue in the era of digitization. The prevalence of digital piracy has escalated significantly, driven primarily by factors such as the widespread availability of affordable internet services, the increased capabilities of computers, and a lack of awareness among the younger generation regarding the importance of intellectual property (IP). The Indian Copyright Act exhibits several loopholes, and inadequate planning and enforcement have further exacerbated the rise of digital piracy, resulting in economic losses. Among various industries, the film and music sectors have been particularly hard hit. Digitization has facilitated the effortless duplication, download, and global distribution of music and video files over the internet.

Discussion and debate on digital piracy and copyright infringement always provoke social, cultural and economic questions on how to control piracy and how to reduce the possibility of new evolving ways of piracy hence there is a need for management of policy, rules and regulations, they have to be revised and must be reformed so that they become competent enough to fight against the serious problem of copyright violation and piracy with the emerging trend of development in digital technology.

To fight against copyright piracy a legal awareness must be created amongst the youngsters. Strict laws and order must be built up to fight against an economy-breaking issue of 'digital piracy of films & music'.

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