



# The Indian Journal for Research in Law and Management

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## COPYRIGHT PROTECTION IN THE DIGITAL AGE

### 1. Introduction

The production, dissemination, and consumption of intellectual property are currently in a transformational period thanks to the digital age. The copyright protection environment presents unparalleled potential and difficulties as technology continues to advance quickly. A cornerstone of intellectual property law, copyright has long sought to strike a careful balance between encouraging invention and preserving a thriving public domain. This equilibrium teeters on the precipice in the current digital environment, motivating a critical analysis of the mechanisms and structures that support copyright protection. The spread of the internet and the digitization of almost all forms of artistic expression have democratized content creation, enabling people and organizations from all backgrounds to create and share their works around the world. Parallel to this, the digital age has made it simpler to copy, distribute, and alter protected content—often without the authors' knowledge or permission. The idea of traditional copyright enforcement has been questioned in this interconnected digital world, necessitating creative solutions and a reexamination of established legal precepts. In-depth exploration of the complex topic of copyright protection in the digital era is the goal of this research study. It aims to investigate the dynamic changes in copyright law, new technological developments, and the delicate balance between the rights of authors and the general public's access to knowledge and culture. This study aims to provide a thorough understanding of the issues and opportunities surrounding copyright in the digital age by examining the current state of copyright protection, critical legal precedent analysis, technological solution evaluation, and international implications. This study tries to illuminate the complex web of copyright protection in an age where the digital world both empowers and confounds authors, consumers, and politicians. Understanding the complexity at play will help us navigate the future with greater confidence, ensuring that copyright law continues to play its vital role in fostering and protecting human creativity while adjusting to the rapidly changing digital reality.

### 2. Research Design

#### 2.1 Research Objectives:

The main objective behind this research is

- to give a thorough account of the development of copyright law throughout history and how it has changed to reflect the digital era.
- to examine the different technical developments that have impacted copyright enforcement and protection, such as blockchain, artificial intelligence, and content recognition algorithms.
- to assess critically how copyright protection affects supporting innovation, creativity, and cultural diversity while addressing issues with access, fair use, and public domain.

## **2.2 Research Questions:**

- How has the framework of copyright protection and enforcement changed as a result of the digitization of creative content?
- What are the main obstacles to copyright protection in the present period and potential opportunities?
- What are the effects for creators, customers, and copyright holders and how has the idea of fair use changed in reaction to the digital age?
- What impact do cutting-edge technologies like blockchain and artificial intelligence have on copyright protection in the digital sphere?
- How much does the efficacy of copyright protection in the digital era depend on the differences between national copyright laws and enforcement procedures?
- What ethical questions should be raised about copyright protection in the digital age, and how do these ethical questions interact with legal frameworks?

## **2.3 Research Methodology**

Doctrinal research methodology is the type used in this. Surveys and various fact-finding inquiries are combined in a research method known as "doctrinal research." This kind of research concentrates on explaining the situation as it is right now. The researcher can only present the facts as they actually happened or are happening because they cannot change the variables that are in play in this research design. Researchers frequently use a descriptive study approach when conducting research to identify traits, frequencies, or trends. Even when they are unable to control the variables, researchers who conduct ex post facto studies still make an effort to pinpoint causes. Observations, surveys, and case studies are the main research techniques employed in doctrinal studies.

## **2.4 Literature Review**

For centuries, copyright protection has been a cornerstone of intellectual property law, acting as a way to encourage creation and safeguard creators' rights. However, the onset of the digital age has presented copyright holders with unheard-of difficulties, prompting a reevaluation of the rules and procedures that govern legal frameworks and enforcement. With a focus on important challenges, new trends, and prospective solutions, this literature review investigates the changing environment of copyright protection in the digital age.

It is essential to look at how copyright law has changed through time in order to comprehend the difficulties that the digital age presents. The primary goal of early copyright laws was to safeguard physical copies of works. The scope and application of copyright law expanded along with technological development.

The idea of "fair use" has grown in importance in the digital era since it permits limited unrestricted use of copyrighted materials for purposes like criticism, commentary, and education. In order to clarify the limits of copyright protection, this section examines how courts have construed fair use in relation to digital media and transformative works.

## **3. Meaning and Origin:**

### **3.1 Key Terms:**

Intellectual property rights include the right to fair use. Indian law provides copyright

protection rights to authors of original works, including publications (computer programs, tables, collections, electronic databases, expressed in terms, statutes, regulations, in other contexts any medium, including machine-readable media), drama, music and art including works, photographic films and recordings. Copyright law<sup>1</sup> protects expression of ideas rather than ideas. Under Section 13 of the Copyright Act of 1957, creative works such as plays, music, sound recordings, graphic films and all literary works are protected by the Copyright Act as, computer programs and novels which are literary works is protected by the Law.

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<sup>1</sup> Copyright Act of 1957.

Section 14 of the Act gives the copyright holder exclusive rights, called "copyright". These are rights that can only be exercised by anyone with the permission of the owner. Adaptation, reproduction, publication, translation, and public communication are just a few of the rights included. Registration of a work in the Copyright Register maintained by the Copyright Registry automatically gives it access to certain information; It doesn't give you ownership of anything.

### **3.2 Digital Age:**

The present time, in which many things are done by computer and large amounts of information are available because of computer technology<sup>2</sup>.

### **3.3 Copyright in the digital domain:**

The digital age has brought new opportunities and challenges to copyright. Global copyright issues, especially those related to digital content, have been addressed through international agreements such as the Agreement on Trade in Intellectual Property (TRIPS) and the World Intellectual Property Organization (WIPO) Upon approved Rights Agreement.

Technological advances, changes in the creative industries, and global initiatives to modernize and legislate copyright have all contributed to the continued growth of copyright with the goal of creative and new balances in the interests of clients, artists and the general public have developed.

The Copyright (Amendment) Act of 2012, was recently passed. The primary objective of this law was to align the act with the 1996 World Copyright Treaty and the 1996 Performance and Phonogram Treaty of the World Intellectual Property Organization. Regulations for copyright protection in the digital sphere were extended by the Copyright Amendment Act of 2012. Infringement penalties, management information rights, internet service provider accountability, and the creation of statutory licenses for cover versions and transmission plans were among the other aspects it covered.

## **4. Copyright Protection in Digital Age**

### **4.1 Protecting Creativity in Digital Age:**

Owners, with some justification, contend that copying has become too easy and that strong protections for their assets must be implemented in order to ensure the continued production of creative work. Users respond, with some justification, that such strong protections place intolerable constraints on their rights to browse in digital space, of contemporary culture and

fairly use copyright works. The form of the debate, with both sides raising valid problems and neither finding an easy solution inside the existing structure of copyright law, suggests a need to rewrite copyright to ensure remuneration to copyright owners while still providing easy, cheap access for users.<sup>3</sup>

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2. Digital age, Cambridge dictionary <<https://dictionary.cambridge.org/dictionary/english/digital-age>>

3. Richard H. Chused, 'Rewrite Copyright: Protecting Creativity and Social Utility in the Digital Age' (2005) 38(3) Israel Law Review < <https://www.cambridge.org/core/journals/israel-law-review/article/rewrite-copyright-protecting-creativity-and-social-utility-in-the-digital-age/0B906FE03D21574AEED099CDDDB4547FE>>

## **4.2 Author's Right in Digital Age:**

Within the 'post-print' culture of binary systems, digital forms, and techno-practices, author rights and copyright law have undergone several modifications. By encouraging the open internet and digital markets, technological advancement helps the brand-new information of author's rights. It additionally contributes to the cutting-edge cultural enjoy that is primarily based on virtual era, mass conversation, the multimedia realm, and virtuality. While digital and computer technologies have benefited writers and customers in many ways, they have also created surroundings this is very conducive to the sharing of copyrighted fabric, which has ended in a first-rate deal of copyright violations and criminal disputes.

## **5. Scope and Limitations**

The Copyright Act, 1957, which governs copyright protection in India, has undergone revisions to reflect the evolving nature of creative works, particularly in the digital age. Although copyright law offers crucial protection to creators, it also has its bounds. The extent and restrictions of copyright protection in India are described here:

### **5.1 Scope of Copyright Protection in India**

#### **Original Works:**

In India, literary, dramatic, musical, and artistic original works are all protected by copyright laws. Additionally, it consists of movies, audio files, and software.

#### **Exclusive Rights:**

Owners of copyrights have the sole authority to make copies, offer their works for public performance, and modify them. Their creations can be used and profited from in any way they choose thanks to this.

#### **Timeframe:**

In India, a work is protected by a copyright for the author's lifetime plus 60 years. It's 60 years from the publication date for company-created works.

#### **Fair Use:**

The Copyright Act allows for "fair dealing" for activities such as criticism, research, journalism, education, and research. This exemption allows for the free use of copyrighted material permissible under certain circumstances.

### **5.2 Restrictions on copyright protection in India:**

**Ideas and Facts:** ideas and facts are not protected by copyright law. It simply protects the physical manifestation of these beliefs. Copyright protection is not permanent, but it will last for a long time. Once the copyright expires, the work is freely available to the public.

**Fair use:** Despite its existence, the definition of fair use under the Indian Right to Use Act is not as clear as in many other countries. Legal problems arise in defining what constitutes "legitimate employment," which can be subjective.

**Reverse engineering:** The Copyright Act allows computer programs to be studied and analyzed in order to determine how they work. This is true even if the software is copyrighted. Orphaned books: Orphaned books have challenges because it is impossible to identify or trace the rightful owner of the orphaned books. India does not have adequate legal framework to curb orphan activities.

**DRM, or Digital Rights Management:** While digital content can be protected through DRM technology, this technology can also place restrictions on the permissible uses, prompting discussions about how to balance copyright protection and the exercise of the right.

**International Copyright Conventions:** The Bern Convention and the TRIPS Agreement are two examples of international copyright treaties ratified by India. This means compliance with international standards, which may reduce the degree of liberalization in national copyright laws.

**Parallel Imports:** The importation of protected works can raise serious legal questions in terms of territorial rights and copyright infringement. In India, parallel imports are not explicitly regulated.

**Compulsory License:** The government has the right to restrict the use of only works protected by copyright by issuing compulsory licenses for use.

**Non-Creative Works:** Unless they included substantial creative work in their development, copyright protection does not apply to non-creative works such as telephone directories or data collection.

## 6. Judicial Responses

The internet has grown so quickly that the established legal system has found it difficult to keep up. Around the world, legislation has been passed in response to the digital revolution. Legislators and judges will not be able to quickly put in place workable solutions. Nonetheless, fixes for the aforementioned copyright issues in the digital sphere have been made possible by modifications to current legislation and harmonization for developed and developing nations.

### 1. *Super Cassette Industries Ltd. and Google and YouTube*

According to Super Cassettes Industries Limited (SCIL), YouTube's profit model is based on the unauthorized use of copyrighted content posted without the approval of the authorities and without any royalty compensation. SCIL alleges that YouTube makes huge profits from this approach and makes huge profits as a result. In response to the appeal, the court ruled that YouTube, as well as Google, must stop distributing, reproducing, performing, or any audiovisual works exclusively owned by SCIL they advertise on their platforms.

## **2. *SUPER CASSETTES INDUSTRIES LTD v. MY SPACE INC. & ANR, 2011(48) PTC49(Del)***

They feature illegal copyright infringement on networks through distribution, music streaming, etc., which is illegal for their copyrighted property, and sought as an injunction. The court upheld the decision of the Supreme Court. Standards for temporary injunctions, providing that the court must examine the claimant's case by three Criteria: (a) primary, (b) balanced performance, and (c) catastrophic damage. Respondent relying on his books. In terms of revenue, in terms of investment decisions, in terms of profits taken from those profits, etc., it was all.

### **7. Conclusion:**

The protection of copyright in the digital age is a dynamic and complicated matter that necessitates a careful balancing act between the rights of the public interest and content creators' rights. In the field of intellectual property, the digital revolution has created previously unheard-of opportunities as well as obstacles. In order to guarantee access to knowledge and culture for the general public while also encouraging content creators, copyright rules and enforcement methods need to change with the times. Digital technology has simplified the production, distribution, and accessibility of material, but it has also increased the difficulty of copyright enforcement. Maintaining a balance between safeguarding the rights of creators and encouraging innovation and creativity is crucial for copyright law. Overly stringent copyright regulations have the potential to hinder the free exchange of ideas and hinder innovation, whereas insufficient copyright protection may deter content creators from creating new works. In the digital age, achieving this balance is crucial.

### **8. Bibliography:**

- <https://www.legalserviceindia.com/legal/article-10639-copyright-protection-in-the-digital-age-challenges-and-solutions.html#:~:text=The%20Copyright%20Act%2C%201957%3A,legal%20remedies%20for%20copyright%20infringement.>
- [https://www.researchgate.net/publication/353121763\\_Copyright\\_Protection\\_in\\_Digital\\_Age](https://www.researchgate.net/publication/353121763_Copyright_Protection_in_Digital_Age)
- <https://blog.ipleaders.in/an-overview-of-the-copyright-act-1957/>
- Jane C Ginsburg "The Exclusive Right to Their Writings: Copyright and Control in the Digital Age" University of Maine School of Law Lecture Series, Maine Law Review 54 Me. L. Rev. (2002)

