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Digital Piracy and Protection of Audiovisual Works In India: A Legal Analysis

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Digital Piracy and Protection of Audiovisual Works in India: A Legal Analysis

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Abstract

The rapid growth of digital technology and online streaming platforms has transformed the creation, distribution, and consumption of audiovisual works in India. While technological advancement has enhanced accessibility and commercial opportunities for creators and entertainment industries, it has simultaneously intensified the problem of digital piracy. Unauthorized reproduction, online streaming, illegal downloading, and dissemination of copyrighted audiovisual content through digital platforms have emerged as serious challenges affecting the economic rights of creators, producers, broadcasters, and copyright owners. Digital piracy not only causes substantial financial losses to the entertainment industry but also undermines creativity, innovation, and the effective enforcement of intellectual property rights.

This research paper critically examines the legal framework governing the protection of audiovisual works in India, with particular emphasis on the Copyright Act, 1957, the Information Technology Act, 2000, and judicial interpretations relating to digital copyright infringement. The study analyzes the nature and forms of digital piracy, the liability of intermediaries, online platforms, and internet service providers, and the role of technological protection measures in combating unauthorized access and distribution of copyrighted content. It further evaluates the effectiveness of anti-piracy mechanisms adopted by Indian courts, including dynamic injunctions, website blocking orders, and enforcement strategies against online piracy networks.

The paper also explores the impact of international legal instruments such as the TRIPS Agreement and WIPO Internet Treaties on India's copyright regime. Through a doctrinal and analytical approach, the research identifies the limitations and challenges in the existing legal framework, including jurisdictional issues,

enforcement gaps, technological complexities, and balancing copyright protection with digital access and freedom of expression. The study concludes by suggesting legal and policy reforms aimed at strengthening digital copyright enforcement, enhancing accountability of intermediaries, promoting technological safeguards, and creating greater public awareness regarding intellectual property rights. The research ultimately seeks to contribute to the discourse on protecting audiovisual creativity in the evolving digital environment while ensuring a balanced and effective copyright regime in India.

Keywords: *Digital Piracy, Audiovisual Works, Copyright Protection, Intellectual Property Rights, Online Infringement, Information Technology Act, Intermediary Liability, Anti-Piracy Laws.*

1. Introduction

The rapid advancement of digital technology and internet-based communication has significantly transformed the manner in which audiovisual works are created, distributed, accessed, and consumed. Online streaming platforms, social media applications, cloud storage systems, and peer-to-peer sharing networks have increased public access to films, music, television programmes, and other digital content. While these technological developments have contributed positively to the growth of the entertainment and media industry, they have simultaneously intensified the problem of digital piracy. Unauthorized copying, downloading, streaming, reproduction, and online dissemination of copyrighted works have emerged as serious challenges affecting the economic and moral rights of copyright owners. In the digital environment, piracy can occur instantly and on a large scale, making enforcement of copyright laws increasingly complex.¹

India, being one of the largest consumers and producers of audiovisual content, has witnessed a substantial rise in digital piracy over the last decade. The expansion of affordable internet services, increased smartphone penetration, and the growing popularity of Over-the-Top (OTT) platforms have contributed to the widespread circulation of pirated content through websites, mobile applications, messaging services, and illegal streaming platforms. Such acts not only result in significant financial losses to creators, producers, broadcasters, and streaming platforms, but also undermine the objectives of copyright law, which seeks to encourage creativity and protect intellectual labour. The issue becomes more critical in the case of cinematograph films and sound recordings, where unauthorized distribution often occurs even before official release through digital leaks and illegal uploads.

To address these concerns, India has developed a legal framework comprising

¹ Sahni, Sanjeev P., and Indranath Gupta, *Piracy in the digital era* 978-981 (Springer, Singapore, 2019).

statutory provisions, regulatory mechanisms, and judicial remedies aimed at protecting copyrighted works in the digital sphere. The Copyright Act, 1957 serves as the primary legislation governing copyright protection in India and provides exclusive rights to authors and copyright owners over literary, dramatic, musical, artistic, and cinematographic works. Over time, the Act has undergone several amendments to accommodate technological developments and international obligations, particularly through the Copyright (Amendment) Act, 2012, which introduced provisions relating to digital rights management, technological protection measures, and protection of rights management information.

2. Evolution and Historical development of Copyright Law in India

The concept of copyright protection in India has evolved significantly from traditional protection of literary and artistic works to the modern regulation of digital content and online dissemination. Initially, copyright law primarily focused on protecting printed works and artistic creations against unauthorized reproduction. However, with the advancement of communication technologies, broadcasting systems, and digital platforms, the scope of copyright law gradually expanded to include cinematograph films, sound recordings, and digital audiovisual content. The growth of the entertainment industry, coupled with increasing internet accessibility and digital consumption, has transformed copyright infringement into a complex transnational issue requiring stronger legal and technological safeguards.²

Copyright regime of India has been shaped by both domestic legislative developments and international obligations under various intellectual property treaties and conventions. Over time, amendments to copyright legislation have attempted to address emerging technological challenges, particularly those arising from digital piracy and online infringement. The transition from physical piracy, such as unauthorized CDs and DVDs, to digital piracy through websites, peer-to-peer networks, mobile applications, and streaming platforms has created new enforcement concerns. Consequently, copyright protection in India has evolved from a conventional rights-based framework into a broader digital regulatory mechanism aimed at safeguarding creators and the entertainment industry in the internet era.

The origin of copyright law in India can be traced back to the colonial period when the British government introduced copyright legislation based on English legal principles. The earliest legislation relating to copyright in India was the Indian Copyright Act, 1847, enacted during British rule. This legislation was largely influenced by the English Copyright Act and provided limited protection to authors

² Prathiba M. Singh, *Evolution of Copyright Law-The Indian Journey* 38 (Indian JL and Tech.,2020).

and publishers against unauthorized reproduction of their works. However, the Act primarily focused on literary publications and offered minimal recognition to artistic and dramatic works.³

Subsequently, the Indian Copyright Act, 1914 was enacted in line with the British Copyright Act of 1911. This legislation expanded the scope of copyright protection and formally recognized rights relating to literary, dramatic, musical, and artistic works. The 1914 Act remained in force until after independence and laid the foundation for a more comprehensive copyright framework in India.

After independence, the need for a separate and modern copyright legislation became increasingly important due to the growth of Indian literature, cinema, music, and broadcasting industries. Consequently, the Copyright Act, 1957 was enacted as the principal legislation governing copyright law in India. The Act provided comprehensive protection to literary, dramatic, musical, and artistic works, cinematograph films, and sound recordings. It also recognized the economic and moral rights of authors and established civil and criminal remedies against infringement.⁴

Over the years, the Copyright Act, 1957 has undergone several amendments to address technological developments and to comply with international copyright obligations such as the Berne Convention, TRIPS Agreement, WIPO Copyright Treaty (WCT), and WIPO Performances and Phonograms Treaty (WPPT). Among these amendments, the Copyright (Amendment) Act, 2012 is particularly significant as it introduced provisions relating to digital rights management, protection of rights management information, and liability concerning technological protection measures. These reforms were intended to strengthen copyright protection in the digital environment and align Indian copyright law with international standards.

3. Copyright Act, 1957: Statutory Framework

The Copyright Act, 1957 is the principal legislation governing copyright protection in India. Enacted to safeguard the rights of authors and creators, the Act provides a comprehensive legal framework for the protection of literary, dramatic, musical, artistic, and audiovisual works. The legislation seeks to balance the interests of creators and the public by granting exclusive rights to copyright owners while also permitting certain limitations and exceptions in the larger public interest. Over time,

³ Garima Singh and Srishti Roy Barman, *History and Evolution of Copyright: International and National Perspective* 1 (Indian JL & Legal Research, New Delhi, 2021).

⁴ Monika Malik and Parmod, *Historical Development of Copyright Law* 561 (Int'l JL Mgmt. & Human, 2022).

the Act has undergone several amendments to address technological developments, international obligations, and challenges arising from digital communication and online piracy.⁵ The emergence of digital technology, internet-based distribution, and online streaming platforms has significantly altered the nature of copyright infringement. Unauthorized downloading, uploading, streaming, and communication of copyrighted content through digital platforms have expanded the scope of infringement beyond traditional forms of piracy. In response, the Copyright Act has evolved to include provisions relating to digital rights management, technological protection measures, and online enforcement mechanisms. The Act now plays a central role in protecting audiovisual works such as cinematograph films and sound recordings against digital piracy and unauthorized exploitation in the online environment.

3.1 Scope and Meaning of Copyright under the Copyright Act, 1957

Copyright refers to the exclusive legal right granted to the creator or owner of an original work to control its reproduction, distribution, communication, adaptation, and commercial exploitation. Under the Copyright Act, 1957, copyright protection subsists in original literary, dramatic, musical, and artistic works, cinematograph films, and sound recordings. Section 13 of the Act specifically provides for the categories of works in which copyright subsists.⁶

The objective of copyright protection is to encourage creativity and innovation by granting creators certain exclusive rights over their intellectual labour. Copyright does not protect ideas, facts, or concepts themselves; rather, it protects the original expression of such ideas in a tangible form. The protection granted under the Act is automatic and arises upon creation of the work, provided the work satisfies the requirement of originality.

The Copyright Act grants copyright owners exclusive rights such as the right to reproduce the work, issue copies to the public, perform or communicate the work to the public, make adaptations and translations, and authorize others to exercise such rights. In the context of digital technology, the concept of “communication to the public” has gained particular significance as it includes online streaming, broadcasting, and digital transmission of copyrighted content through internet platforms. The Act also recognizes moral rights under Section 57, which protect the right of authors to claim authorship and restrain any distortion or mutilation of the work that may harm the his reputation. Thus, the Copyright Act, 1957 not only

⁵ Yadav and Varsha, *Copyright Laws: Challenges in the Digital Era Issue 3* (Indian JL & Legal Rsch. 4 2022).

⁶ Bhagyamma G., *Protecting creative works: exploring copyright protection under Indian copyright law* 56-70 (ILE International law review, 2023).

protects the economic interests of creators but also safeguards their personal and reputational rights in relation to their creations.

3.3 Copyright Protection of Cinematograph Films and Sound Recordings

The Copyright Act, 1957 specifically recognizes cinematograph films and sound recordings as separate categories of protected works. Section 2(f) defines a “cinematograph film” to include any work of visual recording accompanied by sound, including films, videos, and digital audiovisual content. Similarly, Section 2(xx) defines “sound recording” as a recording of sounds from which such sounds may be reproduced, regardless of the medium used.⁷

Audiovisual works occupy a significant position within the copyright framework due to their commercial value and cultural importance. Copyright protection for cinematograph films and sound recordings grants exclusive rights to producers and owners to make copies, sell or rent copies, communicate the work to the public, and authorize digital transmission. Such protection extends to both physical and digital forms of exploitation.⁸

In the digital era, cinematograph films and sound recordings are highly vulnerable to piracy through illegal streaming websites, torrent platforms, social media sharing, and unauthorized uploads. Pirated copies of films are frequently circulated online before or immediately after official release, resulting in substantial economic losses to producers, distributors, and streaming platforms. Consequently, legal protection for audiovisual works has become increasingly important to preserve the commercial interests of the entertainment industry.

Indian courts have also recognized the significance of protecting cinematograph films and sound recordings against digital piracy. Judicial decisions have repeatedly emphasized that unauthorized online dissemination of films and music amounts to copyright infringement and requires strict enforcement measures, including injunctions and website blocking orders.

3.4 Rights of Copyright Owners

The Copyright Act, 1957 grants several exclusive rights to copyright owners in order to ensure effective control over the use and exploitation of their works. These rights differ according to the nature of the work protected under the Act. In general,

⁷ Mr Naveen Gaur, *Copyright: Protecting Creativity in the Digital Age* 206 (HANDBOOK ON INTELLECTUAL PROPERTY RIGHTS).

⁸ Rachana Desai, *Copyright infringement in the Indian film industry* 259 (Vand. J. Ent. L. & Prac., 2004).

copyright owners possess both economic rights and moral rights.

Economic rights enable the owner to commercially exploit the work and derive financial benefit from its use. These include the right to reproduce the work, issue copies to the public, communicate the work to the public, perform the work publicly, make adaptations or translations, and authorize third parties to exercise such rights through licensing arrangements. In the context of audiovisual works, the right of communication to the public has particular relevance due to online streaming and digital broadcasting.⁹

The Copyright Act also grants rights to performers and broadcasting rights to protect the interests of performers and broadcasting organizations. These rights are especially important in relation to digital dissemination of films, music, and live performances.

Apart from economic rights, authors are entitled to moral rights under Section 57 of the Act. Moral rights protect the claim of authors to authorship and provide protection against any distortion, mutilation, or modification of the work that may prejudice the author honour or reputation. Such rights remain with the author even after assignment of copyright.

The exclusive rights granted under the Act form the basis for legal action against unauthorized reproduction, streaming, distribution, or online sharing of copyrighted content. Any unauthorized exercise of these rights constitutes infringement under the Act.

3.5 Copyright Infringement and Liability

Copyright infringement occurs when any person, without authorization from the copyright owner or without legal permission under the Act, performs any act that is exclusively reserved for the owner of copyright. Section 51 of the Copyright Act, 1957 lays down the circumstances under which copyright infringement occurs.¹⁰

Infringement may take place through unauthorized reproduction, distribution, public performance, communication to the public, adaptation, or storage of copyrighted works in electronic form. In the digital environment, infringement commonly occurs through illegal downloading, online streaming, file sharing, torrent websites, cyberlockers, and unauthorized uploads on social media platforms and messaging applications.

⁹ V. Jadhav, *Intellectual property rights with special reference to copyright Laws in India* (Int. J. Sci. Res. Retrieved online DOI, 2012).

¹⁰ Lichtman Douglas, and William M. Landes, *Indirect liability for copyright infringement: an economic perspective* 395 (Harv. JL & Tech. 16, 2002).

The liability for copyright infringement may extend not only to the direct infringer but also to intermediaries and online platforms that facilitate the dissemination of infringing content. This has raised complex legal issues concerning intermediary liability and safe harbour protection under the Information Technology Act, 2000. Courts have increasingly examined the extent to which digital platforms can be held liable for hosting or transmitting pirated content.¹¹

Indian courts have recognized that digital piracy causes serious economic harm to copyright owners and the entertainment industry. Consequently, courts have adopted strict approaches in granting injunctions and blocking access to infringing websites. The development of dynamic injunctions and John Doe orders reflects judicial efforts to address the evolving nature of online infringement.

3.6 Civil and Criminal Remedies under the Copyright Act

The Copyright Act, 1957 provides both civil and criminal remedies against copyright infringement. Civil remedies primarily aim at preventing further infringement and compensating the copyright owner for losses suffered. Under Section 55 of the Act, civil remedies include injunctions, damages, accounts of profits, delivery of infringing copies, and destruction of pirated material.¹²

In cases of digital piracy, courts frequently grant interim and permanent injunctions restraining unauthorized dissemination of copyrighted content. Indian courts have also introduced John Doe orders and dynamic injunctions to prevent unknown persons and future mirror websites from distributing infringing content online. Such remedies have become particularly important in cases involving film piracy and illegal streaming platforms.

Criminal remedies are provided under Sections 63 and 65 of the Act. Copyright infringement is treated as a criminal offence punishable with imprisonment and fine. The Act also penalizes possession and distribution of infringing copies for commercial purposes. Criminal liability acts as a deterrent against organized piracy operations and large-scale unauthorized distribution networks.¹³

¹¹ Thilini kahandawaarachchi, "Liability of Internet service providers for third party online copyright infringement: A study of the US and Indian laws" *Journal of Intellectual Property Rights* 12.6 (2007).

¹² Apoorv Kumar Chaudhary, "Criminal enforcement of copyright in India" 141-154 *The Journal of World Intellectual Property* 28.1 (2025).

¹³ S. K. Rahul and Raj Kumar Yadav, "The Copyright Quandary: Criminalization and Judicial Backlog in India" 188-196 *Journal of Intellectual Property Rights (JIPR)* 30.2 (2025).

Further, the Act empowers police authorities to seize infringing copies without warrant in certain circumstances. However, practical enforcement of criminal remedies often faces challenges such as jurisdictional limitations, technological anonymity, and delays in investigation and prosecution.

3.7 Copyright (Amendment) Act, 2012 and Digital Reforms

The Copyright (Amendment) Act, 2012 marked a significant development in Indian copyright law by introducing reforms aimed at addressing challenges arising from digital technology and internet-based exploitation of copyrighted works. The amendment was enacted to align Indian copyright law with international obligations under the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT).

One of the major reforms introduced by the amendment was recognition of technological protection measures and rights management information. The amendment also strengthened the rights of authors and performers, particularly in relation to royalties and digital exploitation of works. Provisions relating to storage of works in electronic form and digital communication to the public were clarified to address online dissemination of copyrighted content.¹⁴

The 2012 amendment introduced Section 65A, which provides protection against circumvention of technological protection measures used by copyright owners to prevent unauthorized access to their works. Section 65B further protects rights management information by penalizing unauthorized removal or alteration of such information. These provisions were specifically designed to combat digital piracy and unauthorized online access to copyrighted content.

The amendment also expanded access to works for persons with disabilities and introduced provisions concerning statutory licensing for broadcasting organizations. Overall, the Copyright (Amendment) Act, 2012 modernized Indian copyright law and strengthened its relevance in the digital environment.

4 Information Technology Act, 2000 and Digital Piracy

The rapid growth of internet-based communication and digital platforms has significantly transformed the manner in which copyrighted content is accessed, distributed, and exploited. While the Copyright Act, 1957 remains the primary legislation governing copyright protection in India, the increasing prevalence of

¹⁴ Raj kumar and Asheesh Yadav. "Reimagining Copyright Law in the Digital Age: Challenges, Reforms, and Educational Access in India" (2025).

online infringement and cyber-related offences necessitated the enactment of a separate legal framework to regulate activities in the digital environment. Consequently, the Information Technology Act, 2000 was introduced to provide legal recognition to electronic transactions, regulate digital communication, and address cyber offences arising from technological advancements.¹⁵

With the emergence of online streaming services, file-sharing websites, peer-to-peer networks, and social media platforms, digital piracy has become one of the most significant challenges in the protection of audiovisual works. Unauthorized uploading, downloading, streaming, and transmission of copyrighted content through internet platforms often involve intermediaries such as internet service providers, hosting platforms, search engines, and social networking services. The Information Technology Act, 2000 therefore plays a crucial role in regulating the liability of such intermediaries and establishing mechanisms for removal of infringing content from digital platforms.

The Act seeks to balance the interests of copyright owners, intermediaries, and internet users by providing conditional immunity to intermediaries while simultaneously imposing obligations to prevent unlawful activities. Provisions relating to intermediary liability, safe harbour protection, and due diligence requirements have become central to the regulation of digital piracy in India. Judicial interpretation of these provisions has further shaped the evolving legal framework governing online copyright infringement.

4.1 Role of the Information Technology Act in Combating Digital Piracy

The Information Technology Act, 2000 serves as an important supplementary legislation in addressing digital piracy and online copyright infringement in India. Although the Act does not specifically deal with copyright law, it provides the legal and regulatory framework necessary for controlling unlawful activities conducted through electronic communication systems and internet-based platforms.

Digital piracy largely occurs through online transmission and storage of copyrighted content in electronic form. Pirated films, music, web series, and software are frequently uploaded and shared through websites, social media applications, messaging platforms, cloud storage services, and peer-to-peer networks. The Information Technology Act addresses such activities by regulating electronic records, computer networks, and intermediary platforms involved in dissemination

¹⁵ Sumanjeet, "The state of e-commerce laws in India: a review of Information Technology Act" 265-282 *International Journal of Law and Management* 52.4 (2010).

of digital content.¹⁶ The Act empowers authorities to investigate cyber offences and take action against unlawful online activities. It also provides legal recognition to electronic evidence, which plays a significant role in prosecution of digital piracy offences. Further, the Information Technology Act facilitates blocking of access to infringing websites and online platforms involved in circulation of pirated content. Section 69A of the Act empowers the Central Government to direct blocking of public access to information generated, transmitted, received, stored, or hosted in any computer resource in the interest of sovereignty, public order, or prevention of unlawful activities. This provision has been increasingly used in cases involving piracy websites and illegal streaming platforms.

The Act also complements the Copyright Act by establishing obligations for intermediaries and online service providers to cooperate in removal of infringing material. In the digital environment, where unauthorized content spreads rapidly across platforms and jurisdictions, the Information Technology Act plays an essential role in strengthening copyright enforcement and regulating online dissemination of infringing content.

4.2 Intermediary Liability under the IT Act

One of the most important aspects of the Information Technology Act, 2000 in relation to digital piracy is the concept of intermediary liability. An intermediary refers to any person or entity that receives, stores, transmits, or provides services relating to electronic records on behalf of another person. This includes internet service providers, social media platforms, search engines, online marketplaces, cloud storage services, and video-sharing platforms.

In cases of digital piracy, intermediaries often become the medium through which copyrighted content is uploaded, transmitted, streamed, or shared. This raises complex legal questions regarding the extent to which intermediaries should be held responsible for unlawful activities conducted by users through their platforms. Imposing absolute liability on intermediaries could hinder technological innovation and freedom of communication, whereas complete immunity may encourage large-scale online infringement.¹⁷

The Information Technology Act adopts a balanced approach by providing conditional exemption from liability to intermediaries under certain circumstances.

¹⁶ Subhajit Basu and Richard Jones “Indian Information and Technology Act 2000: review of the regulatory powers under the Act” *International Review of Law, Computers & Technology* 19.2 (2005).

¹⁷ Indranath Gupta and Lakshmi Srinivasan “Evolving scope of intermediary liability in India” *International Review of Law, Computers & Technology* 37.3 (2023).

The liability of intermediaries depends on whether they merely act as passive facilitators or actively participate in unlawful activities. Courts have generally distinguished between platforms that provide neutral technological services and those that knowingly host or promote infringing content.

Judicial interpretation of intermediary liability has become particularly significant in copyright infringement cases involving digital platforms. Indian courts have examined whether intermediaries exercise control over content, possess actual knowledge of infringement, or fail to act upon receiving notice regarding unlawful material. Cases such as *Super Cassettes Industries Ltd. v. Myspace Inc.* highlighted the responsibility of intermediaries to remove infringing content upon receiving notice from copyright owners.

Thus, intermediary liability under the Information Technology Act forms a crucial component of India's legal framework for combating digital piracy and regulating online platforms.

4.3 Safe Harbour Protection under Section 79

Section 79 of the Information Technology Act, 2000 provides "safe harbour" protection to intermediaries by exempting them from liability for third-party information, data, or communication links hosted or transmitted through their platforms, subject to fulfillment of certain conditions. The provision recognizes that intermediaries merely provide technological infrastructure and may not always have direct control over user-generated content.¹⁸ Under Section 79, intermediaries are protected from legal liability if they act as passive facilitators and observe due diligence while discharging their functions. However, the exemption is not absolute. Safe harbour protection is unavailable if the intermediary initiates transmission, selects the receiver of transmission, modifies the information contained in the transmission, or actively participates in unlawful activities.

Further, safe harbour protection may be lost if the intermediary fails to remove or disable access to unlawful content after receiving actual knowledge or notification from appropriate authorities. This provision has particular importance in cases involving digital piracy, where copyrighted content is uploaded and shared through online platforms. Intermediaries are expected to act expeditiously upon receiving notice regarding infringing material. The interpretation of "actual knowledge" under Section 79 became a major legal issue in *Shreya Singhal v. Union of India*, where the Supreme Court clarified that intermediaries are required to remove content only upon receiving court orders or notifications from competent government authorities.

¹⁸ Aradhya Sethia, "The troubled waters of copyright safe harbours in India" 398 *Journal of Intellectual Property Law & Practice* 12.5 (2017).

This judgment sought to balance freedom of speech with intermediary obligations while preventing arbitrary censorship. In copyright infringement cases, courts have increasingly examined whether intermediaries have complied with due diligence requirements and takedown obligations. Safe harbour provisions therefore attempt to strike a balance between protecting intermediaries from excessive liability and ensuring accountability in preventing digital piracy.

4.4 Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 were introduced under the Information Technology Act, 2000 to strengthen regulation of intermediaries and digital media platforms. These Rules impose additional obligations on intermediaries relating to due diligence, grievance redressal, removal of unlawful content, and compliance with government directions. The Rules classify intermediaries into categories such as social media intermediaries and significant social media intermediaries based on user strength and operational scale. Significant social media intermediaries are required to appoint grievance officers, nodal officers, and compliance officers to ensure accountability and prompt response to complaints.¹⁹

In the context of digital piracy, the Rules require intermediaries to remove or disable access to infringing content upon receiving actual knowledge in the form of court orders or government notifications. Intermediaries are also required to preserve information and cooperate with law enforcement agencies during investigation of cyber offences and unlawful online activities.

The Rules further impose obligations to establish grievance redressal mechanisms for users and copyright owners. OTT platforms and digital publishers are also subject to ethical and regulatory standards under the Rules. These provisions seek to strengthen accountability of digital platforms and enhance enforcement against online piracy and unauthorized dissemination of copyrighted content.

However, the Rules have also generated debate regarding their impact on privacy, freedom of speech, and intermediary autonomy. Critics argue that excessive compliance obligations may increase censorship and burden online platforms, while supporters maintain that stronger regulation is necessary to address unlawful online activities, including digital piracy.

¹⁹ Sumeet Guha and Shreya Matilal, *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021-A Reassessment of the Contours and Limits* 32 (NUJS J. Regul. Stud. 8 2023).

5. Enforcement Mechanisms and Challenges

The effectiveness of copyright protection in the digital environment depends largely on strong enforcement mechanisms capable of addressing rapidly evolving methods of online infringement. Although India has established a legal framework under the Copyright Act, 1957 and the Information Technology Act, 2000, enforcement of digital copyright laws continues to face serious practical and technological challenges. Unlike traditional piracy involving physical copies, digital piracy enables instant reproduction and global distribution of copyrighted content through online platforms, peer-to-peer networks, social media, and file-sharing websites.²⁰ Investigation and prosecution of digital piracy offences involve tracing unauthorized uploading, transmission, and storage of copyrighted material using electronic evidence such as IP addresses, server logs, and digital transaction records. Authorities may seize infringing material, initiate criminal proceedings, and seek judicial orders directing internet service providers to block piracy websites. Courts in India have increasingly granted injunctions and dynamic blocking orders to curb unauthorized dissemination of films, music, and audiovisual content online.

Regulatory and enforcement authorities including police agencies, cybercrime cells, the judiciary, and the Ministry of Electronics and Information Technology play an important role in combating online piracy. Intermediaries and OTT platforms also contribute through notice-and-takedown procedures, encryption, watermarking, and digital rights management technologies.

However, enforcement remains difficult due to anonymous piracy networks, cross-border operations, mirror websites, VPNs, and rapid technological developments. Jurisdictional limitations, lack of specialized infrastructure, and evolving digital technologies continue to weaken the effectiveness of existing anti-piracy enforcement mechanisms in India.

6. Conclusion

The rapid advancement of digital technology and internet-based communication has fundamentally transformed the manner in which audiovisual works are created, distributed, and consumed. While technological developments have expanded access to entertainment and digital content, they have simultaneously intensified the problem of online piracy and unauthorized dissemination of copyrighted works. Digital piracy has emerged as a major challenge for the entertainment industry, particularly in relation to cinematograph films, sound recordings, and online streaming content, causing substantial economic losses and undermining the rights

²⁰Paritosh Awasthi, *Digital Piracy and Copyright Infringement: Current Issues and Law Enforcement Challenges* (IUP Law Review 2024).

of creators and copyright owners. India has developed a legal framework aimed at addressing these challenges through the combined operation of the Copyright Act, 1957 and the Information Technology Act, 2000. The Copyright Act provides statutory protection to audiovisual works by granting exclusive economic and moral rights to copyright owners and establishing civil as well as criminal remedies against infringement. The Copyright (Amendment) Act, 2012 further modernized the legal framework by introducing provisions relating to technological protection measures, digital rights management, and protection of rights management information in accordance with international standards.

The study therefore demonstrates that although India possesses a developing and increasingly adaptive legal framework for combating digital piracy, significant gaps remain in implementation and enforcement. Strengthening technological safeguards, improving institutional coordination, enhancing intermediary accountability, and adopting clearer digital enforcement mechanisms are necessary for effective protection of audiovisual works in the digital era. Greater international cooperation and modernization of legal strategies will also be essential in responding to evolving forms of online infringement. Ultimately, an effective copyright regime must not only safeguard the interests of creators and copyright owners but also maintain a balanced approach that promotes innovation, accessibility, and sustainable growth of the digital entertainment industry.

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