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**HURDLES IN THE IMPLEMENTATION
OF
COPYRIGHT LAWS IN THE DIGITAL EPOCH**

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CHALLENGES OF ENFORCEMENT OF PROTECTION OF COPYRIGHT LAWS IN THE DIGITAL ERA

ABSTRACT

Hellen Keller in her autobiography mentioned an anecdote where she was being accused of spinning a literary piece of work which really wasn't her own. She was condemned for having stolen another artist's ideas, whereas she revealed, that her writings were simply a recollection of what she might have heard somewhere when she was much younger. Presently this act has evolved an offence known as **copyright infringement**.

Let us fast forward to the modern era where technological **digitalization** is occurring at the speed of light. Where a tambola company's originally engineered tickets were being replicated by another fellow company, followed by a suit by the former, The Delhi Court declared that it is a case of copyright infringement, as a tambola ticket is an original literary work where the maker is continuously taxing his mind to produce a different ticket.¹ Currently the level of copyright infringement has reached a summit, where mammoth firms and big brand companies are trying to grab each other's ideas and under their disguise, striving to prosper.

According to **Tech Law Journal**, copyright is a statutory or common law right of authors, artists and developers to publish their works, and to prevent others from copying their works. Infringement includes the unauthorized or unlicensed copying of a work which is subject to copyright. Copyright has a nexus with **Intellectual Property Rights** in the sense that it is one of the avatars of intellectual property.

Just like any law in India which is sound and makes sense is violated, there presently are obstacles in the path of nurturing copyright protection laws with safety in digital era as well. In our research paper we will present a follow-up of what the pin-point meaning of copyright and copyright infringement is, followed by a sneak peek into how it is a gigantic emerging problem, how digitalization is acting like a catalyst in accelerating this coupled with the cavalier attitude of Indian masses in overcoming it plus finally the solutions that can be applied in combating this predicament.

¹ *Rai Toys Industries and Ors. Vs. Munir Printing Press*, Delhi, 1982, PTC 85

“When you have wit of your own, it’s a pleasure to credit other people for theirs.”

- **Chriss Jami, Killosophy**

Every person everywhere has possession over some assets, holdings and fortune which constitute his property. Through enactment of several laws individuals have been granted protection of possession over their tangible and intangible properties. **Intellectual Property (IP)** can be loosely defined as creations of the human mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.² **Intellectual Property Rights** usually give the creator an exclusive right over the use of his or her creation for a certain period of time.³ This term covers a bundle of rights, such as patents, trademarks or copyrights, each different in scope and duration with a different purpose and effect.⁴ These mentioned IPRs are shielded from being exploited by any outside or third agency without proper consent of the owner.

INTRODUCTION TO COPYRIGHT

The term “copyright”, if broken down into “copy” and “right” contains a sharp contradiction within itself. The literal meaning of copyright is the right to copy, which should be granted to a third person. But paradoxically, copyright actually is a protection endowed upon the creator of some work against its replication. Copyright, by contrast is a right given against the copying of defined types of cultural, informational and entertainment productions. Classically these have been “literary and artistic works”- the creations of authors, playwrights, artists and film directors.⁵

There exists a thin line of difference in interpretation of copyright by foreign and Indian lawmakers. While the former have limited the definition of copyright strictly as a protection to the owner of a creation against copying, the latter in addition accrues certain rights also that can be exercised by the creator with regard to his work. Hence copyright can also be defined as a person’s

² What is Intellectual Property?, WORLD INTELLECTUAL PROPERTY ORGANISATION (WIPO), (Sept. 30, 2019, 4:44 PM) <https://www.wipo.int/about-ip/en/>

³ What are intellectual property rights?, World Trade Organization, (Sept. 30, 2019, 4:26 PM), https://www.wto.org/english/tratop_e/trips_e/intell_e.htm

⁴ Jayashree Watal, INTELLECTUAL PROPERTY RIGHTS IN THE WTO AND DEVELOPING COUNTRIES 1 (4th ed. 2010).

⁵ William Cornish and David Llewelyn, INTELLECTUAL PROPERTY: PATENTS, COPYRIGHT, TRADEMARKS AND ALLIED RIGHTS 8 (6th ed. 2007).

exclusive right to authorize certain acts (such as reproduction, publication, public performance, adaptation) in relation to his or her original work of authorship.⁶

The first Copyright Act in India was brought by the East India Company in 1847, which was known as the **Indian Copyright Act**. The Act guaranteed copyright to the author for his natural lifespan and for a further 7 year period after death, the total of which should in no case exceed 42 years.⁷ Thereafter came the **Indian Copyright Regulations** in 1914 which mostly extended provisions of the 1911 **United Kingdom Copyright Act** to India with certain minor modifications. Firstly, there was admission of copyright infringement as a criminal offence. Secondly, the term of the copyright was changed and was reduced to a period of 10 years from the date of first publication of the work. This Act remained in force till it was replaced by **The Copyright Act of 1957** which came into force on 21th January, 1958.

THE COPYRIGHT ACT, 1957

The Copyright Act of 1957 currently governs copyright issues in India. **Section 13** of the Act provides the works in which copyright subsists. They include original literary, dramatic, musical, artistic works, cinematograph films and sound recordings.

Copyright shall not subsist in any work unless such published work is first published in India or where the work is published outside India, the author at the date of publication is an Indian citizen. For sustaining copyright over unpublished work the author has to be a citizen of India or domiciled in India. In case of architectural work, copyright is granted only if the work is located in India.⁸

Section 14 of the Act lays down the meaning of copyright as the exclusive right subject to the provisions of this Act, to do or authorize the doing of certain acts in respect of a literary, dramatic or musical work, cinematographic films, computer programs or sound recordings or any substantial part of the work.

Chapter V of the Act deals with the term of copyright. Under **Section 22**, the term of copyright in published literary, dramatic, musical and artistic works is available during the lifetime of the author

⁶ Limitations and Exceptions to Copyright and Neighboring Rights in the Digital Environment: An International Library Perspective, International Federation of Library Associations (IFLA), (Sept. 30, 2019, 6:28 PM) https://www.ifla.org/files/assets/clm/position_papers/ilp.pdf

⁷ Section 1, The Indian Copyright Act, Act No. XX of 1847 (Dec. 18, 1847)

⁸ Section 13(2), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

plus 60 years after death. In joint ownership, the additional 60 years are counted from the date of death of the last author.⁹ For a work published anonymously, pseudonymously¹⁰ or posthumously¹¹ the first holder of such work possesses copyright for a period of 60 years from the date of publication. The term of copyright in cinematograph film¹², sound recording¹³, government works¹⁴, works of public undertakings¹⁵, works of international organizations¹⁶ the copyright shall subsist till 60 years from the date of publication.

Copyright infringement is rampant in today's society and what comes under infringement has to be decided meticulously. Clause (a) of **Section 51** states that copyright in a work shall be deemed to be infringed when any person who is not the right holder and does not have a license granted by the owner does anything which is the exclusive right of the owner of the copyright or permits for profit, the communication of such work to the public where such communication constitutes an infringement of the copyright in the work unless he was unaware of such infringement. Further Clause (b) of the section states that when any person sells or gives on hire or distributes for the purpose of trade or exhibits in public or imports such work into India, he/she is infringing the copyright of the right holder.

THE COPYRIGHT (AMENDMENT) ACT, 2012

This Act received the assent of the President on 7th of June, 2012 and updates certain provisions of the original act imperative for the current times. A significant development took place in the global copyright scenario when the WCT and WPPT internet treaties were signed in 1996.¹⁷

The definitions of cinematographic film and visual recording have been altered to meet today's digital challenges such as an unprecedented upsurge in piracy rates in regard to movies and songs. Visual recording means the recording in any medium, by any method including the storing of it by

⁹ Explanation to Section 22, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

¹⁰ Section 23, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

¹¹ Section 24, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

¹² Section 26, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

¹³ Section 27, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

¹⁴ Section 28, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

¹⁵ Section 28A, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

¹⁶ Section 29, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

¹⁷ S. Sivakumar, Chapter III SALIENT FEATURES OF COPYRIGHT AMENDMENT ACT, 2012, JSPUI (2016)

any **electronic means**, of moving images or of the representations thereof, from which they can be perceived, reproduced or communicated by any method.¹⁸

Section 14 has been amended with regard to cinematographic films, artistic works and sound recordings to also include the right of the author to **store it in any medium by electronic or other means**. In a manner of speaking, it can be stated that copyright has been extended to the ‘right of storing’ of works.¹⁹ The word hire used in Section 14, which could mean hiring for commercial or non-commercial purposes has been replaced by the term “**commercial rental**” to make clear that hiring for a commercial purpose happens under appropriate license. It has also deleted the words ‘regardless of whether such copy has been sold or given on hire on earlier occasions’ in case of cinematograph films and sound recordings. This has led to application of **Doctrine of First Sale Exhaustion** on cinematographic films and sound recordings, whereby the owner cannot tender copyrights to some other person for a second time.

Before this amendment, there was no existence of **performers’ rights** but the same have been introduced now under **Section 38A** and **38B**. Any performer has an exclusive right to perform any of the following activities such as to make a sound recording or visual recording of the performance including its reproduction in any material form or storing it in any medium by electronic or other means, issuance of copies, communication of the performance to the public and to broadcast or selling or giving the performance on commercial rent.²⁰ Further moral rights of the performer have been provided in line with Article 5 of WPPT considering the possibility of **digital alteration of performances** in a digital environment.²¹ The performer even after the assignment of the right shall have the right to claim to be identified as the performer of the performance and to restrain or claim damage in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.²² The acts which are not to be considered as an infringement of copyrights have been listed in **Section 52** of the Act and are as follows:

¹⁸ Section 2(xxa), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

¹⁹ Abhai Pandey, Inside Views: Development In Indian IP Law: The Copyright {Amendment} Act 2012, Intellectual Property Watch, (Oct. 2, 2019, 7:45 PM), <https://www.ip-watch.org/2013/01/22/development-in-indian-ip-law-the-copyright-amendment-act-2012/>

²⁰ Section 38A, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

²¹ Ramesh Chandra, Issues of Intellectual Property Rights 184 (2004)

²² Section 38B, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

1. A fair dealing with any work not being a computer program for the purposes of personal use including research, criticism or review, the reporting of any current events or current affairs²³ and the storing of any work in any electronic medium for this purpose including incidental storage of any computer program²⁴;
2. Making copies or adaptation of a computer program by its lawful possessor if done in order to utilize the computer program for the purpose for which it was supplied or to make a backup copy purely as a temporary protection against loss of such computer program²⁵;
3. Any act necessary to obtain information essential for operating inter-operability of an independently created computer program with other programmes by its lawful possessor²⁶;
4. The observation, study or test of functioning of the computer program to determine the ideas and principles underlining the elements of the program while performing such acts for which the computer program was supplied²⁷;
5. The making of copies or adaptation of the computer program for non-commercial personal use²⁸;
6. The transient or incidental storage of a work or performance purely in the technical process of electronic transmission popularly known as caching²⁹ or communication to the public³⁰;
7. Exemption of internet service providers (ISP)³¹ from liability in case of transient or incidental storage of work or performance while providing electronic links, access or integration unless there is express prohibition on doing so by the right holder³². In the case of *Super Cassettes v. MySpace (Redux)*³³ it was held that MySpace is not liable for secondary infringement of copyright of Super Cassettes Industries Limited as in the case of internet intermediaries like MySpace there should be actual knowledge of the infringement and not mere awareness of it. The judgment stated that the nature of internet

²³ Section 52(1)(a), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

²⁴ Explanation to Section 52(1)(a), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

²⁵ Section 52(1)(aa), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

²⁶ Section 52(1)(ab), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

²⁷ Section 52(1)(ac), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

²⁸ Section 52(1)(ad), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

²⁹ Process of storing digital information temporarily in a particular space on the computer called cache.

³⁰ Section 52(1)(b), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

³¹ Organization for providing services for access, participation or usage of the internet.

³² Section 52(1)(c), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

³³ (2017) 236 DLT 478 (DB)

media is such that the interpretation of knowledge cannot be the same as that is used for a physical premise; or

8. The storing of a work in any medium by electronic means for a non-commercial purpose (preservation from destruction and creation of libraries on internet) by the public library if the library is already in possession of a non-digital copy of the work³⁴.

After amendment there was introduction of **Sections 65A** and **65B** for **Protection of Technological Measures (PTM)** and for protection of **Right Management Information (RMI)**³⁵ respectively. These amendments have been made to prevent piracy especially in the music, film and publishing industries. Any person who circumvents an effective technological measure applied for protecting any copyright with an intention of infringing such copyright shall be punished with imprisonment which may extend to two years along with fine. A person who knowingly removes or alters any RMI without authority or knowing that RMI has been removed or altered without authority distributes, imports for distribution or broadcasts or communicates to the public such work or performance shall be punishable with imprisonment which may extend to two years along with a fine.

SHORTCOMINGS UNDER THE AMENDED ACT

In the digital realm, piracy is one major difficulty which leads to unbridled violation of copyrights of right holders. Surprisingly, in the amended Act of 2012 also, there has been given no ‘express’ coverage to the term and to anything in relation with it. This Act also fails to give a definition of “digital work” or “internet”³⁶. Since digital information is much easier to be replicated, piracy rates are at the summit currently. India holds the 5th position in the world when it comes to software piracy.³⁷ 70 percent of the young generation is involved in illegal downloading of online content. Pirated sites are visited by 46 percent of the internet users.³⁸

³⁴ Section 52(1)(n), The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

³⁵ Used by authors of digital works to provide their identity and terms and conditions of usage of the work.

³⁶ Salai Varun Isai Azhagan, COPYRIGHT INFRINGEMENT ON THE INTERNET, iPleaders, (Oct. 3, 2019, 6:29 PM), https://blog.iplayers.in/copyright-infringement-on-the-internet/#_ftn1

³⁷ 2018 Revulytics Software Piracy Statistics and Thoughts on BSA Global Software Survey, Revulytics Blog, (Oct. 2, 2019, 12:15 PM), <https://www.revulytics.com/blog/2018-revulytics-software-piracy-statistics>

³⁸ Juhi Saraswat and Rekha Chaturvedi, Copyright Protection in the Digital Environment: Indian Perspective and International Obligations, J Intellec. Prop. Rights (Nov. 2017)

There is disequilibrium between the protection of copyrights of right holders of works, performances on internet and the rights of users of the internet. Under Section 52(1)(c) of The Copyright Act, 1957 if the right holder forwards a written complaint to the ISP stating that certain piece of information if featured online will infringe his copyrights, the ISP must immediately censor that particular information for the next 21 days after which the ISP is under no legal mandate to re-exhibit the information which may lead to undue continuance of blockage for rightful users to access the information.

ADVENT OF DIGITIZATION IN THE MODERN WORLD

One of the greatest milestones in the history of mankind is considered to be invention of the internet which occurred in the 1960s. Former CEO of Microsoft, Bill Gates commented, “The internet is becoming the Town Square for the global village of tomorrow.”³⁹ Another breakthrough leading us into the modern era of digitization was the invention of the **World Wide Web** by Tim Berners-Lee in 1989. World Wide Web is rudimentarily the platform through which information available on the internet is accessed through creation of hyperlinks like “www” or “https://”, and which is located and retrieved through a **Uniform Resource Locator (URL)**. Conversion of physical information into digital form can be considered as **digitization**. Information in the digital form is represented through numbers. It is admitted in number form and then converted and conveyed to the user.

Modern world’s most famous and advanced search engine, known as **Global Organization of Oriented Group Language of Earth (GOOGLE)** was established in 1998 by Larry Page and Sergey Brin. In 2004 Google started to scan books by taking permission from libraries to make its own digital collection of books without the consent of the right holders. This led the Authors Guild to file a case against Google since they felt that their copyrights were violated. It was in the case of *Authors Guild v. Google, Inc.*⁴⁰ that the copyrights of the right holders were not violated because the act of Google came under the category of fair use of library books and that the public display of text was limited and thus it did not infringe their commercial interests.

³⁹ Bill Gates, *Bill Gates Quotes*, Brainy Quote, (Oct. 3, 2019, 6:39 PM) https://www.brainyquote.com/quotes/bill_gates_384628

⁴⁰ 804 F. 3d 202 (2d Cir. 2015)

Infringement of copyrights regarding digital information is due to the reasons such as easy and free of cost access to the internet, reach of the internet to almost every corner of the world and minimum time requirement to access and copy such works and performances.

When information is represented digitally, access inevitably means making a copy, even if only an ephemeral (temporary) copy.⁴¹ Upon accessing a page on the internet, the remote computer sends a copy of the page to the hard disk of the user's computer, from where it is copied to the computer's memory and then viewed on the screen. This process is known as **caching** whereby a material is copied from an original source to the cache, such material would be available to the user for a temporary period of time.⁴² However, under Section 52(1)(c) of The Copyright Act, 1957, incidental caching while facilitating access to internet by internet service providers has been considered as an exception to the infringement of copyrights for benefit of the users. Mr. Blakefield who was a poet, attorney and a member of the State Bar Association of Nevada, USA uploaded an original poem named "Good Tea" on the internet on his self created blog page. Later in September 2004, he filed a complaint against Google claiming that in course of indexing his blog it created a cached copy of his poem. He claimed that when Google served, and users clicked on the cache copy of his poems Google was not only distributing unauthorized copies of his work but also creating its unauthorized copies. Thus in this case of *Field v. Google, Inc.*⁴³ it was held that there is no case of direct infringement by Google since the entire process of displaying the search results and then viewing the cached page was a non-volitional act on the part of Google. There is no liability if the act was an automated process and not volitional.

Framing is an html technique that allows authors to display multiple documents in the same window. It was first introduced in 1996 by the Netscape browser.⁴⁴ It is a process wherein some person can take content from a website and display it in a different frame on another website, the frame basically being a mini version view of the original page contents. Under section 14(a)(vi) of The Copyright Act, 1957, only the owner has the right of adaptation. The framing site could take some elements from the framed websites and create its own, thereby affecting the right of making

⁴¹ Supra 20

⁴² Pankaj Jain and Pandey Sangeet Rai, Copyright and Trademark Laws Relating to Computers 278 (2005)

⁴³ 412 F Supp.2d 1106(D. Nev. 2006)

⁴⁴ Jonathan Bailey, Framing: Copyright Infringement or Legitimate Linking?, PlagiarismToday, (Oct. 3, 2019, 7:38 PM), <https://www.plagiarismtoday.com/2005/09/16framing-copyright-infringement-or-legitimate-linking/>

a derivative work of the framed site because taking some elements from the framed website and combining them with some other comes under the definition of adaptation.⁴⁵

The advent of Uniform Resource Locators (URLs) has made it a cake walk to access websites. Through the process of **linking**, links in the form of URLs are created and displayed at places, which upon being clicked open up the website. Within linking, the URLs which lead to the home page of the website is known as surface linking and the URLs which lead directly to the specific page of the website which contains the information is known as deep linking. In the case of *Ticket Master v. Tickets.com*⁴⁶, both the parties operated websites which sold tickets of certain events and displayed time, date, location, description and ticket prices of the events. Both parties had exclusive agreements with the events so that the tickets were only available in their website. Since some events were specifically under the domain of Ticket Master, Ticket.com provided a deep link to redirect the users to the interior webpage of the Ticket Master. The plaintiff here alleged that the defendant had copied interior webpage and extracted basic information from them. The Court held that there is no copyright infringement as firstly copyright may not be claimed to protect factual data and secondly hyperlinking does not itself involve a violation of copyright as no copying is involved, the customers are automatically transferred to the genuine webpage of the original author. In Indian Law there has been placed no express bar on linking and hence it is not illegal.

Sometimes certain information needs to be stored for long periods or a piece of information becomes less wanted. In such a circumstance, that information can be moved from the original website to a less accessed storage space wherein it can be retained for lengthy time duration without being seen much. This process is known as **archiving** and is mostly unlawful if done without the author's permission. In the case of *Red Chillies Entertainment Pvt. Ltd v. BSNL & Ors.*⁴⁷ the Court issued a permanent injunction to 37 ISPs, 5 cable operators and 8 unknown defendants including The Internet Archive, a non-profit initiative that has been archiving online

⁴⁵ Mr. Sidhartha Mohapatra, Copyright Law and The Internet: The Protection of Computerized Document by the Copyright Law, Manupatra, (Oct. 3, 2019, 8:03 PM)

<http://www.manupatrafast.com/articles/PopOpenArticle.aspx?ID=394e7bf3-9764-4ae9-a530-2713b4120a89&txtsearch=Subject:%20Intellectual%20Property%20Rights>

⁴⁶ 2003 U.S. Dist. LEXIS 6483

⁴⁷ 2017 SCC Mad 29062

content like web pages, videos, audios, images, etc. since 1996. It restrained them from archiving the movie “Jab Harry Met Sejal” since they did so without the copyrights owner’s permission.

Uploading is the transmission of a file from one computer system to another. From a network user’s point of view, to upload a file is to send it to another computer that is set up to receive it.⁴⁸ To share some information, photo or a video or to publish a message on an online forum is called **posting**. However, such information if not personal shall be posted with the permission of the copyrights owner, otherwise in some cases it can lead to copyright infringement.

To establish **jurisdiction** for resolving copyright disputes in cases of material valuables is easier as compared to infringement which occurs in Cyber Space. Hardship is faced to decide if the jurisdiction shall be determined on the basis of the origin of material, or place of storage of material or the place where the material is displayed.⁴⁹ Since different nations have varying stand on copyrights infringement, it is difficult to determine if violation has actually occurred or not. Another dilemma is to decide the jurisdiction of the case since in Cyber Space it is difficult to locate the offender. Under Indian Law, it is implied that every suit or other civil proceeding regarding the infringement of copyright in any work shall be instituted in the district court within the local limits of whose jurisdiction at the time of the institution of the suit, the person instituting the suit voluntarily resides or carries on business or personally works for gain.⁵⁰

SOLUTIONS TO CURB COPYRIGHT INFRINGEMENT

Technological advancement is ruling today’s generation and most of the world has shifted to digital media. However, the online world has its pros and cons and one of the major problems is growing infringement of copyrights of right holders of works and performances on the internet. After all of the above analysis we reach certain solutions which need to be implemented in order to curtail this malign tumor.

1. The Indian Copyright Act needs urgent update to include the term “**piracy**” and the provisions that entail. More than half of the infringement cases involve piracy, especially in the music and sound industry.

⁴⁸ Margaret Rouse, Uploading, TechTarget, (Oct. 4, 2019, 7:42 PM) <https://whatis.techtarget.com/definition/uploading>

⁴⁹ Supra 35

⁵⁰ Section 62, The Copyright Act, Act No. 14 of 1957 (Jan. 21, 1958)

2. Digital Rights Management includes the techniques which have been developed to control duplication, modification and distribution of original works.⁵¹ The three DRM techniques are **access control and copy control** wherein the right holder can keep a tab on who is accessing and illegally copying work from his website, **encryption schemes** which allow the right holder to scramble the digital bits that compose the content and hence prevents unauthorized persons who cannot decrypt the bits and lastly **digital watermarks** are applied by right holders on their works which protect the uniqueness of the original work from the duplicated works.
3. Indian law must make it obligatory to take permission of authors before copying, framing, hyperlinking, archiving, uploading and posting their works and performances. There are no guidelines stated in The Copyright Act, 1957 dealing directly with these issues which are largely prevailing in the digital world.
4. Before scanning original works to create a digital library, permission of all concerned authors must be obtained respecting their copyrights.

CONCLUSION

In the current era of digitization, internet is the platform where one click leads you to any information you wish to have. The rates at which original works, information and performances are uploaded online and are copied or unlawfully extracted, infringing copyrights of owners have shot up considerably over the recent years. In relevance to growing infringement in the digital world **WIPO Copyright Treaty (WCT)** was signed in 1996 which specifically sets out the structure for the author's right in digital environment making it mandatory to protect computer software and databases. Another treaty named the **WIPO Performance and Phonogram Treaty (WPPT)** relates to the rights of the performers and producers of phonograms protecting the rights of artists, singers, musicians and producers of soundtracks working in the digital environment. India has recently acceded to these treaties and amended The Copyright Act, 1957 accordingly. However, the Act still needs to be upgraded in order to match today's level of infringement to provide adequate relief to the aggrieved.

⁵¹ Zoya Nafis, [India: Protecting Copyright in the Digital Environment](http://www.mondaq.com/india/x/370058/Copyright/Protecting+Copyright+In+The+Digital+Environment), LexOrbis, (Oct. 4, 2019, 11:20 PM)