



CRITICAL ANALYSIS ON EFFECT OF DIGITAL MEDIA ON COPYRIGHT

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ABSTRACT

The article discusses the scenario in which an individual's copyright is violated through online means or within the realm of cyberspace. The progressions in technology and the age of digitalization have facilitated a convenient means of communication and availability. While it is undeniable that digitalization offers numerous advantages, it is equally important to acknowledge and consider the associated drawbacks. The proliferation of digital media has engendered a formidable challenge to the protection of copyright content, as the ease and speed with which such content can be copied has been greatly facilitated by the advent of the internet. The article addresses the copyright obstacles encountered in the digital age, where the dissemination of information has become effortless and expeditious.

The safeguarding of rights management information in India is governed by section 65B of the Copyright Act. This provision facilitates the implementation of the Digital Right Management System, which serves to prevent the replication or unauthorised use of content. The objective of the article is to comprehensively comprehend and scrutinise the legal provisions that safeguard the copyright owner's entitlements in the contemporary digital age, via judicial elucidation. During the course of their research, the author has identified a pressing need for society to recognise and prioritise the safeguarding of copyright holder rights in order to prevent any additional instances of unauthorised content usage.

Keywords: IP, Copyright, Digital Media, Digitalization.

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INTRODUCTION

The emergence of digital media has fundamentally transformed the processes of information generation, dissemination, and consumption. The advent of the digital era has yielded manifold advantages, yet it has also engendered considerable obstacles, particularly with respect to safeguarding copyright. The legal construct of copyright, which confers upon creators exclusive entitlements to their unique creations, is a pivotal factor in promoting ingenuity and furnishing impetus for novelty. The expeditious expansion of digital media has prompted inquiries regarding the efficacy of copyright legislation and its capacity to conform to the dynamic technological terrain.

The facile replicability and dissemination of digital media is considered a fundamental attribute. In contrast to conventional physical media, such as books or CDs, digital content can be replicated and distributed seamlessly across various platforms. The proliferation of creative works in the digital age has led to enhanced availability and accessibility, but has also posed a formidable challenge to the enforcement of copyright protections.

The proliferation of copyright infringement has become increasingly prevalent within the expansive network of interconnected devices that comprise the internet. The proliferation of websites, social media platforms, and file-sharing services has facilitated the ease with which individuals can upload, download, and distribute copyrighted content without obtaining the requisite permissions. The aforementioned phenomenon has resulted in an increase in acts of piracy, as well as the dissemination of digital media materials such as movies, music, books, and other related content without proper authorization.

Copyright law safeguards an individual's original work and confers upon them a sole entitlement to it, enabling the copyright possessor to reap financial gains. The artistic, literary, musical, and dramatic works of an individual are safeguarded under the Copyright Act of 1957 in India.¹ The objective of copyright law is to foster innovation and incentivize creators, such as authors, composers, and directors, to produce their unique works by granting them exclusive rights.

The possessor of the copyright is entitled to various privileges, such as the ability to duplicate the work, execute it publicly, and create adaptations, translations, as well as selling or renting rights in diverse types of work. The proliferation of e-business has been facilitated by the advancements

¹ The Copyright Act 1957.

and growth in technologies, which have made communication, accessibility, and convenience easier and faster.

While it is undeniable that technological advancements and the internet offer numerous benefits, it is equally important to acknowledge their drawbacks. The proliferation of technological advancements and widespread internet accessibility has facilitated the infringement of copyright holder rights, rendering it a relatively effortless and expedient task. The gradual advancement of technology during the digitalization era has posed a threat to the content and copyright ownership rights of creators.

COPYRIGHT ISSUES IN DIGITAL ERA

The progressions in technology and the age of digitalization have resulted in the development of copyright legislation. The ease and speed of transmitting and disseminating information or work has been facilitated by technological progress. The protection of copyright in a digital platform presents a pressing challenge for copyright owners due to the multitude of legal issues that arise in the context of the internet. One of the primary obstacles pertains to the preservation of equilibrium between copyright regulations and the internet.² The proliferation of the internet has resulted in a significant challenge to copyright protection, as the ease with which content can be duplicated or copied has increased substantially. The proliferation of digital technology has rendered it challenging to differentiate between authentic and replicated content.

The advent of digitalization and technological progress has facilitated convenient, expeditious, and economical accessibility worldwide. The subject under consideration possesses certain benefits that are indisputable, yet it also harbours drawbacks that cannot be disregarded. The proliferation of technological advancements has eliminated barriers to audience reach, as the widespread availability of internet access has rendered limitations obsolete. In contemporary times, a plethora of work types are readily accessible on the internet, encompassing computer software, literary pieces, multimedia creations, artistic endeavours, and more.

Digital content that is accessible on the internet can be readily obtained and acquired by individuals without incurring any expenses. The challenges pertaining to copyright infringement are on the rise due to the continuous evolution and advancement of technologies. The issue of copyright infringement has become increasingly intricate to resolve due to various intricacies, with the internet posing a formidable challenge to copyright legislation.

² *Ibid.*

THE EMERGENCE OF NOVEL BUSINESS MODELS

The advent of the digital era has caused a significant disruption to conventional business models in the creative industries. The emergence of digital media platforms, including online marketplaces and streaming services, has presented novel prospects for content producers to access worldwide viewership and generate revenue from their creations. Nevertheless, these platforms have posed difficulties in terms of equitably remunerating creators and safeguarding their intellectual property rights.

The consumption of music and video content has been revolutionised by streaming services. Although streaming services offer convenient access to extensive collections of content, there are concerns regarding the equitable remuneration of creators due to the relatively small royalties they receive per stream. Furthermore, the simplicity with which digital content can be shared and repurposed on various online platforms such as YouTube and social media has resulted in a blurring of the distinction between personal usage and commercial exploitation. This has presented a challenge for creators in terms of regulating the utilisation and monetization of their work.

POSITION IN INDIA

The advent of technological advancements has presented a challenge to the protection of copyright. The act of violating copyright has become increasingly accessible, as individuals with access to a computer and the ability to modify or duplicate online content can readily engage in such behaviour. According to Section 51 of the Copyright Act of 1957³, there are specific actions that may constitute copyright infringement. The Copyright Amendment of 2012 has introduced several modifications to the existing legislation in response to the increasing demand for digitalization and technological advancements. The 2012 amendment to the copyright act introduced sections 65A and 65B, which pertain to safeguarding rights management information in the context of implementing Digital Rights Management System.⁴ The primary aim of these provisions is to protect copyright and prevent piracy. Digital Rights Management (DRM) refers to a collection of policies, techniques, and tools that are employed to oversee and regulate the authorised utilisation of digital content. Several techniques employed in Digital Rights Management include digital watermarking, encryption, and electronic signatures.

One of the primary challenges faced by the Indian judiciary is to uphold a delicate equilibrium between the realm of the internet and the domain of copyright. The judicial interpretation below

³ The Copyright Act 1957 s 51.

⁴ The Copyright (Amendment) Act 2012 s 65A 65B.

highlights the utilisation of the internet to violate the copyright of the proprietor in the age of digitalization. The Delhi High Court rendered a verdict in the matter of Super Cassettes Industries v Myspace Inc. & Anr. T-Series⁵, also known as the Super Cassettes, is a prominent record label company in India that holds numerous copyrights for its recordings and enjoys widespread popularity. Myspace & Anr. were in possession of a significant cable network in Uttarakhand, which disseminated T-series' copyrighted material to the general public without obtaining their consent, thereby rendering it accessible for online downloading and streaming. T-Series initiated legal action against Myspace and petitioned the Delhi High Court in pursuit of the aforementioned objective.

The High Court has determined that the act of broadcasting copyrighted material and making it accessible to the public via online platforms without obtaining prior permission and authorization from the copyright owner constitutes a violation of the owner's rights and constitutes copyright infringement. Additionally, the court issued a permanent injunction against Myspace and mandated that they provide compensation to the plaintiff.

The Delhi High Court rendered a verdict in the matter of Disney Enterprises v. Kim Cartoon⁶ and other parties. Disney Enterprises is the proprietor of the enterprise responsible for the conception, development, and dissemination of cinematic productions and motion pictures. Kim Cartoon is a website that provides unauthorised access to copyrighted films by streaming them on their platform, free of charge to users. Disney Enterprises initiated legal proceedings against Kim Cartoon and two other websites, with the Ministries of Telecommunication and several Internet Service Providers named as defendants. Disney has alleged that the defendants are exhibiting and transmitting their copyrighted material without obtaining their consent and authorization. The Delhi High Court ruled that the actions of the defendants constituted a violation of the plaintiff's copyright. As a result, an interim injunction was issued against the defendants, prohibiting them from broadcasting any unlawful content. Additionally, the ministries were instructed to confiscate the internet service providers' network that is disseminating the content of the plaintiff.

CONCLUSION

The safeguarding of an individual's copyright, regardless of whether it is in a tangible or digital format, is imperative due to the personal investment of skill, effort, and ingenuity. The act of copyright infringement runs counter to the fundamental purpose of copyright law, which is to

⁵ Super Cassettes Industries v Myspace Inc. & Anr. T-Series [2011] C.M.APPL.20174/2011.

⁶ Disney Enterprises v. Kim Cartoon [2020] CS(COMM) 275/2020.

confer upon the copyright owner an exclusive right. The recent amendment to the Copyright Act in India has reinforced the legal framework for protecting copyrighted works in both physical and digital formats. Its primary objective is to ensure the safeguarding of intellectual property rights.

The proliferation of innovations and technological advancements has led to the need for the evolution of copyright laws to align with the current societal needs. The advent of digitalization has introduced new threats to copyright law, necessitating a review of existing legislation. There exists a significant imperative for individuals within society to acquire comprehension and knowledge regarding the essentiality of safeguarding one's copyright, as this can aid in mitigating instances of unpermitted utilisation of said work. It is imperative to comprehend that any material deemed worthy of replication is inherently deserving of safeguarding.