



**INSIGHT OF DISTINCTION BETWEEN LAW ENFORCEMENT IN ONLINE  
AND OFFLINE COPYRIGHT INFRINGEMENT IN INDIA**

**RIYA CHAUDHARY\***

---

**ABSTRACT**

This article examines the key differences in law enforcement practices pertaining to online and offline copyright infringement in India. With the rapid growth of digital technologies and the internet, copyright infringement has become a pressing concern for intellectual property holders. However, the enforcement mechanisms for addressing copyright violations vary between the online and offline realms. In the online sphere, the article explores the challenges of identifying and prosecuting infringers, tracing digital footprints, and the role of intermediary liability. It discusses the legal provisions, such as the Information Technology Act and the Copyright Act, that are employed to combat online copyright infringement. The article also highlights the significance of digital rights management systems and the emergence of specialized cybercrime units in law enforcement efforts. In contrast, the article examines the traditional methods of addressing offline copyright infringement, including raids, seizure of counterfeit goods, and civil litigation. It analyses the legal framework, such as the Copyright Act, that governs offline infringement and the role of enforcement agencies. By elucidating the nuances in law enforcement practices between online and offline copyright infringement, this article aims to provide a comprehensive understanding of the challenges and measures required to safeguard intellectual property rights in India's evolving digital landscape.

**Keywords:** IPR, Copyright, Online, Offline, Governance.

---

---

\* LLM Student at Amity Institute of Advanced Legal Studies, Noida.

## INTRODUCTION

In today's digital age, copyright infringement has become a pressing concern for creators and intellectual property rights holders. With the proliferation of online platforms and the ease of sharing and distributing content, the battle against copyright infringement has expanded into the digital realm. However, enforcing copyright law in the online world presents distinct challenges when compared to traditional offline infringement.<sup>1</sup> This article explores the key differences in law enforcement efforts between online and offline copyright infringement and the unique strategies required to combat each.

## UNDERSTANDING COPYRIGHT INFRINGEMENT

Copyright infringement refers to the unauthorized use, reproduction, or distribution of copyrighted materials without the permission of the copyright holder. The Copyright Act, of 1957, governs copyright protection in India. It grants exclusive rights to creators and authors, allowing them to control the use and exploitation of their works.<sup>2</sup> While copyright infringement can occur in both online and offline contexts, the challenges posed by the digital environment are unique and require specialized law enforcement approaches.

Copyright infringement happens when someone uses, repeats, scatters, or shows a safeguarded work without the assent of the copyright owner. Copyright infringement can occur in different designs, including:

1. *“Reproducing or recreating the safeguarded work without assent.*
2. *Distributing or sharing the safeguarded work without approval.*
3. *Displaying or playing out the safeguarded work unreservedly without approval.*
4. *Creating a subordinate work considering the safeguarded work without assent.”*

Examples of copyright infringement consolidate copying and sharing films or music without assent, using safeguarded pictures or messages on a site without assent, or playing out a play or melodic creation out in the open without getting the major honors.

---

<sup>1</sup> Rocher Gachago, ‘The Effect of Technology on Copyright’ [2011] THES.

<sup>2</sup> The Copyright Act 1957.

Copyright infringement is an encroachment of the opportunities of the copyright owner, who has the prohibitive right to control how their work is used, scattered, and shown. Legal moves can be made against individuals who partake in copyright infringement, and disciplines can consolidate monetary damages and orders to prevent further infringement.

Copyright infringement can happen both on the web and detached. Disengaged copyright infringement implies the unapproved use of a safeguarded work in a genuine construction, such as repeating a book, a material, or a music Compact disc. Occurrences of disengaged copyright infringement consolidate selling stolen copies of safeguarded works or including safeguarded material without assent in a film or Program.

Online copyright infringement recommends the unapproved usage of safeguarded material in a modernized arrangement, such as copying and sharing music or records on the web. Occasions of online copyright infringement shared safeguarded content without assent for virtual redirection puts together or downloading motion pictures, music, or other protected material without support from the copyright owner.

Both confined and online copyright infringement is unlawful and can impel ensured results like fines, cases, and criminal cases. Individuals and affiliations really ought to respect protected advancement governs and get assent or licenses for any safeguarded material they wish to use. The separation between policing detached and online copyright infringement lies essentially in the parts and mechanical assemblies used to perceive and analyze copyright infringement.

Detached copyright infringement regularly implies circumstances where safeguarded material is repeated, spread, or sold without endorsement in genuine construction, as in printed books, Collections, DVDs, or other significant media. Policing, similar to the police or thought units, can analyze these cases by coordinating assaults, seizures, and quantifiable assessments of the real media.

Online copyright infringement, of course, incorporates the unapproved proliferation, transport, or proposition of safeguarded material in cutting-edge structure, similar to films, music, programming, and books, over the Internet or other PC associations. In these cases, policing rely upon explicit programming and gadgets to recognize and track down infringing works out, including web crawlers, high-level fingerprinting, and checking of dispersed (P2P) associations.<sup>3</sup>

---

<sup>3</sup> Robert H. Sloan and Richard Warner, *The Crisis in Online Privacy and Security* (2014, CRC Press) 28.

They can in like manner use real instruments, for instance, requests and court orders, to assemble proof and recognize the social occasions being referred to.

Another critical difference between disengaged and online copyright infringement is the jurisdictional issues included. Online infringement can incorporate gatherings arranged in different countries, making it more confounded to explore and summon. On occasion, worldwide coordinated effort between policing may mean a lot to determining these issues.

By and large, while there are a couple of differentiations in the frameworks and gadgets used to maintain protected innovation guidelines in disengaged and online settings, the focal principles of protected innovation guidelines go on as in the past. Copyright owners have the tip-top right to reproduce, spread, and sell their works, and policing and music are essential pie pieces of the social presence of any Indian as they edify a ton concerning the lifestyle of the people who made them. How a video or a song gets people's eye and, all the while, passes on a message can't be matched by a few different media.

As India is a non-modern country and a larger piece of its general population lives in country districts, for an enormous number of Indians, these two are similarly the principal open and sensible sorts of redirection. Numerous people consuming these can't do it through certified sources. That is when burglary comes into the picture. Burglary can be described as "the unapproved use or expansion of another's work".<sup>4</sup> Today in India, the web is astoundingly unobtrusive and accessible. That is the explanation tremendous Copyright Infringement is done throw Web-based Burglary. Online Burglary isn't just restricted to India anyway is an issue getting a handle on across limits. Throughout the decade, creators of motion pictures and tunes have fought the Web based on their work. Eventually, Online Burglary rates are still high and growing in numerous business areas, no matter what a reliable extension in the openness and refinement of Copyright security and Modernized Opportunities The chiefs' developments associations have a commitment to honors by investigating and prosecuting cases of copyright defend that infringement.

The Indian Amusement world, extensively known as Bollywood, is the greatest all around, and our country has basic film studios in Mumbai, Kolkata, Chennai, Bangalore and Hyderabad. In India,

---

<sup>4</sup> Carl Haub and O.P. Sharma, How People in India Really Live', (PRB, 18 December 2008) < <https://www.prb.org/resources/how-people-in-india-really-live/>> accessed 3 June 2023.

more than 1000 motion pictures every year are conveyed in different tongues, and for very nearly 50 years, Indian Film has been the essential kind of redirection for the people of India.

On the other hand, the verifiable background of Indian Music can be followed to the third and second hundreds of years BC, during the hour of Indus Valley civilizations. Indian Music is essentially established on rhythms and tunes. Regardless, more fundamentally, it is more stressed over the energetic shades of the rich melodic inheritance and numerous verbalizations and sentiments. Various Archeological examinations show the presence of a couple of instruments like harps and drums during that time.

In the 21st Hundred years, the security of work through Licensed innovation Guideline has become more testing because of the ascent of new classes of work, for instance, music, accounts and motion pictures in copyright can be portrayed as a store of 'specific opportunities' that the laws of most countries present on makers to make the most of the works they make. Exactly when someone has a world-class right to finish something, no other person can lawfully do it without the right holder's assent. Copyright is, in this way, a negative right as it gives the holder a choice to participate in their safeguarded development and preclude others. The whole justification for surrendering these honors in authorized development is to ensure that the owners could involve or exploit their capabilities as and when they need them. It may be said that the makers are being made up for their determined exertion in making that part out of craftsmanship.

The major idea behind Copyright confirmation is the explanation that headways require catalysts. Copyright sees this need and gives it legitimate approval.

Likewise, the business maltreatment of Copyright yields pays to the creators and hence gives monetary honors to a solitary's innovativeness. The High Court precisely communicated the meaning of Copyright in India in R.G. Anand v. Lavish Motion Pictures.<sup>5</sup> The Court, for this present circumstance, held that “We can't resist the urge to think that the chief idea of encroachment of copyright or pantomime is the encroachment of the Eighth Charge: 'But won't take', which shapes the moral reason of the cautious game plans of The Copyright Act, 1957.”

Web or the web is a borderless environment with no observable lines separating the ward. Regardless of the way that it is an indispensable data bank, all the while, it might be an ideal gadget for someone with a lawbreaker who expects to complete Computerized bad behaviors like Hacking, Computerized Following, Spamming, Online Burglary of motion pictures, music etc.

---

<sup>5</sup> R.G. Anand v. Lavish Motion Pictures, 1978 AIR 1613.

Copyright Infringement, as a result of burglary, prompts a monetary mishap for the opportunity holders. It moreover unfairly impacts the inventive potential as it denies innovative people like makers and experts their authentic obligation. The degree and nature of burglary also shift across the bits of News sources.

## **IMPORTANT FEATURES**

- **Reach and Scale**

One of the most significant distinctions between online and offline copyright infringement is the sheer scale and reach of the internet. Online platforms provide users with unprecedented access to a vast array of copyrighted content. The ease of replication, distribution, and storage of digital files amplifies the potential for widespread infringement on a global scale. Offline infringement, on the other hand, is typically limited to physical copies and localized distribution networks, making it easier to track and control.

- **Anonymity and Disguised Identities**

The online world offers a certain level of anonymity and the ability to hide behind pseudonyms and false identities. This anonymity poses a challenge for law enforcement agencies trying to identify and apprehend infringers. In contrast, offline copyright infringement often involves identifiable individuals or organizations that can be more easily traced and held accountable.

- **Jurisdictional Challenges**

The borderless nature of the internet raises jurisdictional challenges in enforcing copyright law. Online infringement can occur from any location worldwide, making it difficult to determine which jurisdiction has the authority to prosecute. Different countries have varying legal frameworks and levels of enforcement, leading to disparities in addressing online copyright infringement. Offline infringement, being location-specific, is subject to the laws of the region in which it takes place.

- **Monitoring and Detection**

Detecting copyright infringement online requires sophisticated tools and techniques due to the vast amount of data and the constant evolution of technologies and platforms. Automated scanning systems, digital watermarking, and content recognition algorithms are deployed to

identify unauthorized use of copyrighted material. In contrast, offline infringement can often be detected through physical surveillance, tip-offs, or targeted investigations.

- **Cooperation and Collaboration**

Given the global nature of online copyright infringement, cooperation and collaboration among law enforcement agencies, intellectual property owners, and online service providers are crucial. International cooperation becomes paramount when dealing with cross-border infringement cases.<sup>6</sup> Offline infringement cases, by comparison, are typically more localized, making collaboration between local authorities and copyright owners relatively simpler.

- **Penalties and Remedies**

The legal consequences and remedies for online and offline copyright infringement also differ. Many countries have specific legislation addressing online infringement, with penalties varying from fines to imprisonment. Online enforcement often involves takedown notices, website blocking, and domain seizures. In offline cases, civil actions and criminal charges may be pursued, resulting in damages, injunctions, or even imprisonment, depending on the severity of the infringement.

## **LEGAL PROVISIONS FOR ONLINE AND OFFLINE COPYRIGHT ENFORCEMENT IN INDIA**

India has enacted laws and established legal provisions to address both online and offline copyright infringement:

- **Copyright Act, 1957**

The Copyright Act provides the legal framework for copyright protection in India. It grants creators exclusive rights over their works and establishes penalties for copyright infringement. The Act covers both online and offline infringement, encompassing literary, artistic, musical, and cinematographic works.

- **Information Technology Act, 2000<sup>7</sup>**

---

<sup>6</sup> Sowdhanya Anandhajothi, 'Copyright Infringement On The Internet: A Study Of The Legal And Technological Challenges In Enforcing Copyright Law In India' (2023) 11(4) IJCRT <<https://ijcrt.org/papers/IJCRT2304570.pdf>> accessed 3 June 2023.

<sup>7</sup> The Information Technology Act 2000.

The Information Technology Act addresses various cybercrimes, including online copyright infringement. It provides legal recognition for electronic documents and outlines offences related to unauthorized access, hacking, and data theft, which can be relevant to online copyright infringement cases.

- **Digital Rights Management (DRM)**

Copyright owners utilize DRM technologies to protect their work online. DRM involves the use of encryption, licensing, and access control mechanisms to restrict the unauthorized use and distribution of copyrighted content. The Copyright Act recognizes the use of technological measures to protect copyrighted works.

## **MEASURES TO COMBAT ONLINE COPYRIGHT INFRINGEMENT**

- **Notice and Takedown**

The Indian Copyright Act includes a notice and takedown mechanism, enabling copyright owners to request the removal of infringing content from online platforms. If an online intermediary fails to remove the infringing material within a reasonable timeframe, it can be held liable for copyright infringement.

- **Intermediary Liability**

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, impose obligations on intermediaries to prevent the hosting and dissemination of infringing content. Intermediaries are required to implement mechanisms to respond to takedown notices and take proactive measures to identify and remove infringing material.

- **International Cooperation**

India actively participates in international efforts to combat online copyright infringement. It collaborates with global organizations and follows international treaties, such as the World Intellectual Property Organization (WIPO) Copyright Treaty,<sup>8</sup> to strengthen copyright enforcement.

## **CHALLENGES IN ENFORCING ONLINE COPYRIGHT INFRINGEMENT**

---

<sup>8</sup> WIPO Copyright Treaty (WCT) (1996).



- **Anonymity and Global Nature**

The internet enables infringers to hide their identities and operate across borders, making it difficult to identify and prosecute offenders. The absence of physical boundaries presents jurisdictional challenges for law enforcement agencies.

- **Digital Piracy Platforms**

Online platforms dedicated to hosting and sharing copyrighted content pose a significant challenge to copyright owners and enforcement agencies. Websites, file-sharing networks, and streaming services facilitate the mass distribution of copyrighted works, enabling infringers to reach a wide audience.

- **Technological Advancements**

Rapid advancements in technology have made it easier to replicate and distribute copyrighted content online. Encryption, peer-to-peer sharing, and anonymizing tools have amplified the scale and speed of online infringement, requiring law enforcement to adapt and stay updated.

## **ENFORCING OFFLINE COPYRIGHT INFRINGEMENT**

While online copyright infringement garners significant attention, offline infringement remains a prevalent concern. The enforcement of offline copyright infringement in India involves traditional law enforcement methods, such as raids, seizures, and legal actions against infringers.<sup>9</sup> Specialized agencies, such as the Copyright Office and the Police Intellectual Property Crime Unit, play a crucial role in investigating and prosecuting offline copyright violations.

## **CONCLUSION**

The distinction between law enforcement in online and offline copyright infringement underscores the need for a multifaceted approach to protect intellectual property rights. Combating online infringement requires international cooperation, technological advancements, and the collaboration of various stakeholders. Offline infringement, while more localized, still necessitates vigilance and effective enforcement by authorities. As the digital landscape continues to evolve, it is crucial to adapt legal frameworks and enforcement strategies to address the challenges posed by copyright infringement in both online and offline realms.

---

<sup>9</sup> Arpan Banerjee and Neil Gane, 'Copyright piracy and cybercrime: enforcement challenges in India', [2022] WIPO.