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With this thought, we hereby present to you

CHALLENGES AND ISSUES RELATED TO COPYRIGHT PIRACY IN THE DIGITAL ERA WITH THE REFERENCE TO OTT

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ABSTRACT

Digital technology has led to a rise in online piracy of copyrighted content. Piracy is the act of copying, distributing, or selling a product without the permission of the creator. Author says copyright is a right granted to the creator to protect their work in digital world. The emergence of VPNs, which allow users to access material online, exacerbates the tracing issue. In addition, it is difficult for Internet Service Providers (ISPs) to find and punish internet pirates. The purpose of this paper is to explore the implications of copyright piracy in the media industry. This paper focuses on the OTT platform and its implications in the creative industry. OTT platforms should prioritize user education regarding the implications of copyright piracy. By creating awareness campaigns & providing information on the legal alternatives available, users can be encouraged to support the content creators & respect intellectual property rights. Platforms should also proactively monitor & take down any infringing content. They should collaborate with law enforcement to address piracy and ensure that users are held responsible for their conduct. Finally, to incentivize users to use legal sources of content, platforms should provide discounts and other benefits.

PREFACE

This paper highlights the major concern of Copyright Piracy in today's world with giving reference to OTT Platforms. The paper starts with the brief Introduction of the topic giving an overview of the whole paper, then with the second chapter there is an attempt to guide the public about what is Copyright, what all constitutes as Copyright under the Indian Copyright Law & what are necessary requirements for a work to be considered as original work protected under law. Then the light is thrown on topics like Copyright Piracy, how does it occur in today's world and what is Fair Dealing. Then the third chapter deals with the discussions about OTT Platforms, how they affect the media industry & theatres, some examples of popular OTT Platforms of India are also given. The fourth chapter deals with the judicial pronouncements and precedents that serve the copyright law in India. Then the last chapter end this paper with the concluding the discussion we have gone through this paper along with citing some suggestions to overcome the problems of copyright piracy in India.

CHAPTER 1 – INTRODUCTION

In today's world, the advances in digital technology are the most ground breaking thing created by the human mind. These advances have opened a world of possibilities in many aspects of digital life, such as education, advertisement, media & entertainment, particularly in Over the Top (hereafter will be referred as OTT) platforms. On the other hand, there is a downside to this unlimited internet access & that is copyright piracy concerns.

In Intellectual property, copyright comes under the most important part as it gives the creator a right to produce work in literary and artistic work rights like creating and publishing of books, films, painting, music, & database. Piracy is defined as the act of copying, distributing, or even selling a product without the explicit agreement of the maker or originator. Online distribution and sales may result in considerable financial losses, making it tough for original creators to cope with. The problem is exacerbated by the fact that many individuals are either unable or unwilling to pay the necessary amount of money to resolve it. Games, movies, software, and other things are sold and distributed without the original creators' knowledge or approval in a practice known as "piracy," which is a sort of online copyright infringement.

In certain cases, copyrighted material from different OTT platforms has been copied and disseminated

by software engineers who are often engaged for other purposes. The demand for unrestricted access to premium OTT content like movies and web series has resulted in a rise in illicit online video distribution. Viewers are able to circumvent the typically secure OTT platforms, such as Amazon and Netflix, to locate unauthorized versions. For instance, users of the mobile app with head quarters in Dubai that provides voice over IP service & cloud based instant messaging have been distributing such content illegally. There has also been a surge in links that allow users to exchange & transmit illegally obtained digital media. This has heavily impacted the income of content providers & platforms, reducing their potential profits. Because it is difficult to identify individuals who are engaged in this illegal activity, it is inexpensive to distribute it illegally, and it is difficult to assess and control the people who access pirated material, managing this illegal activity becomes difficult.

The emergence of VPNs, which allow users to freely access material online without being connected with their IP addresses, exacerbates the tracing issue. Identifying the individual responsible for the piracy of OTT content may not guarantee a straightforward resolution, as the case could be complex due to involving multiple countries, making the determination of jurisdiction challenging. Second issue is that several persons may be engaged in the different steps leading to the circulation of pirated version in the society, making it challenging to pinpoint offender & place blame for the crime. Online piracy fundamentally comes in five essentials:

1. **Network Piracy:** The unlawful downloading & uploading any video games, applications & movies for free is referred to as network piracy. To use copyrighted content, usually, a formal purchase must be made. In contrast, software & other protected products are made freely available for download in cases of internet piracy.
2. **End User Piracy:** It describes the unauthorized, unlawful copying, replication & use of copyrighted works.
3. **Forgery:** It speaks about the unauthorized purchase or transfer of replicas of original copyrighted works.
4. **Hackneyed Multitier:** It alludes to a type of piracy when essential software is utilized by an excessive number of users concurrently & without a license.
5. **Disk Drive Load:** It explains the unauthorized loading of copyrighted software on to new computers' hard drives. Often, this is done to increase revenues.

CHAPTER 2 – ROLE OF COPYRIGHT PIRACY IN

DIGITAL WORLD

2.1 What are Copyright, Copyright Protection & Copyright Piracy?

Copyright is an exclusive legal right granted to a creator or group of persons to protect their work or idea from being copied, adapted, translated, distributed & publicly performed by others without the creator's prior permission. The purpose of copyright is to protect the creator's work, ensuring its availability for public use and benefit, while simultaneously safeguarding and rewarding the author's endeavors. It motivates writers to continue producing new works. To qualify for safety by copyright law, the work:

1. Should be an original work.
2. Should not be copied or plagiarized from other websites.
3. Should be in tangible form.

According to Section 13 of the Indian Copyright Act of Chapter III, protection is granted to the following¹:

1. Musical Works²
2. Dramatic Works³
3. Artistic Works⁴
4. Cinematograph & Films⁵
5. Sound Recordings⁶
6. Computer Program or Software⁷

Author having a Copyright Protection is essential because it provides & helps to safe guard the creator's hard work & the uniqueness of his creation from the third party's infringement. This prevents the work from being used & copied to the extent that the credit & privileges are not getting to the creator.

¹ Copyright Act 1957, Government of India, Available at <https://copyright.gov.in/>, last visited 28th February, 2024.

² Section 2 (p), Copyright Act 1957, Available at <https://copyright.gov.in/>, last visited 28th February, 2024.

³ Section 2 (h), Copyright Act 1957, Available at <https://copyright.gov.in/>, last visited on 28th February, 2024.

⁴ Section 2 (c), Copyright Act 1957, Available at <https://copyright.gov.in/>, last visited on 28th February, 2024.

⁵ Section 2 (f), Copyright Act 1957, Available at <https://copyright.gov.in/>, last visited on 28th February 2024.

⁶ Section 2 (xx), Copyright Act 1957, Available at <https://copyright.gov.in/>, last visited on 28th February, 2024.

⁷ This information was last accessed on February 28, 2024, from the Copyright Act of 1957, Section 2 (ffc).

Copyright promotes innovation in this manner by pushing artists to work effectively, enabling them to be recognized for their skill while also ensuring their financial security. The importance of the copyright is it protects rights of the creator's hard work. Where the authorities have the right to control his work & provide them an exclusive right, the main significance of the copyright is that it provides the ownership to the creator or the author of the work⁸. To claim copyright protection, no registration is necessary & it starts the minute the work is produced. However, registering the work is encouraged for better protection because it will act as evidence if there will be a dispute. According to Section 13 of the Copyright Act, 1957, a copyright protection may only be granted for an original work⁹. Typically, copyright protection lasts for 60 years after life¹⁰. There is harmony between Indian copyright law and the international standards set forth in TRIPS. Both the "Universal Copyright Convention" and the "Berne Convention for the Protection of Literary and Artistic Works, 1886" were completely mirrored by the 1999-enacted revised Indian Copyright Act of 1957. In addition to being an active member of the UN Educational, Scientific, and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO), India is a party to the "Geneva Convention for the Protection of Rights of Producers of Phonograms."¹¹ It is the firm belief of India, as one of the signatory countries to the "Berne Convention for the Protection of Literary and Artistic Works, 1886 (Berne Convention)," that all works, whether originated in India or elsewhere, should have the same level of protection. The idea that copyright registration is not necessary to benefit from legal protection is central to the Berne Convention, and it is similarly not necessary in India.¹²”

2.2 How Does Digital Piracy Occur?¹³

Online piracy, digital piracy, and internet piracy are some of the many names for the same crime. Whatever you call it, copyright infringement occurs when someone makes multiple copies of protected material without the owner's permission. This includes things like illegally downloading or streaming content or making copies of copyrighted media such as movies, music, games, software, and electronic books.

⁸ Is it copyright trolling or fighting image piracy? (Eckhouse M). An Empirical Analysis of Copyright Infringement Claims in the Photography Industry, *SSRN Electronic Journal*, 2022!

⁹ *Supra note 1* at 3.

¹⁰ Iyengar P, Copyright Enforcement and Privacy in India, *SSRN Electronic Journal*, 2011.

¹¹ First published in 2017 by the *SSRN Electronic Journal*, "Regime Interaction Between the WIPO and WTO TRIPS Agreement: Beyond the Debate of Institutional Fragmentation in International Law"(1).

¹² This page was last viewed on February 29, 2024, and it is titled "New Developments in Copyright Law" and was written by Manish Jindal.

¹³ Nanda SM, Administrative Remedies to Combat Digital Piracy in India, *SSRN Electronic Journal*, 2020.

Digital piracy is a well-known notion that drew public notice as the internet and its widespread usage gained popularity. It's possible that digital media, including movies, videos, and software, was distributed without permission. However, one sees widespread "piracy" a practice of violating the rules that are meant to safeguard information of the relevant products. What is notable is that unauthorized copyrighted work reproduction & distribution is not just a criminal business's conduct (so called "commercial piracy"), but also a consumer's act (so called "end-user piracy"). Commercial piracy doesn't require much investigation since the driving force behind it is clear, criminal organizations are drawn to the substantial profit margins that the wide spread copying & distribution of intellectual goods produces. Following are the several reasons for digital piracy¹⁴:

1. The primary driver behind digital piracy is a reluctance to make payments. Clearly, there is a widespread desire for obtaining free content. Torrent websites and peer-to-peer sharing have significantly facilitated the downloading process, allowing easy access to a range of items, including software, movies, and books. Often, it takes less than a minute to complete such downloads. People often download illegally owing to financial problems. They just cannot afford to purchase it. Many folks just do not have the financial resources to make a lawful purchase.
2. Another common reason is the belief that businesses already possess sufficient financial resources. This perspective may lead to the notion that there is a right to share resources freely with those who have less, enabling everyone to benefit or utilize them without cost.
3. Some do it for monetary benefit. Hackers download illegal material with the purpose of reselling it for profit. Hackers and social engineers exploit pirated material to distribute malware and infect users' systems.
4. Another motivation for pirating copyrighted material is the desire for one-time usage. Individuals might want to assess the quality of a movie before deciding to watch it in a cinema. Similarly, someone may opt to download software for a specific task, and after using it once, they delete or uninstall the application.

Nevertheless, at the time when the legislature passed copyright laws, technology was not as sophisticated, and we had not yet embraced the digital era. However, as technology has progressed, copyright law has struggled to address challenges related to data transmission and emerging digital

¹⁴ Manish Jindal, Reasons for Digital Piracy in India, Available at <https://bytescare.com/blog/online-piracy-in-india>, last visited on 29th February 2024.

technologies. Thus, with the development of technology, it confronts the following significant difficulties and impediments that it must address¹⁵:

1. The primary issue with copyright law is that, in the digital era, there will inevitably be an increase in online work piracy, and copyright law offers no practical remedies to address this breach. Due to privacy concerns, legal considerations, and the public's continuous acceptance of digital copying, it is difficult to identify online infractions. Consequently, both situations would make it a lot more problematic to enforce copyright laws¹⁶.
2. The second major issue in the digital era is the protection of fair use provided under the Copyright Act. The Act permits personal use copies of the work under the fair use paradigm. Consequently, anybody will be able to unlawfully copy and publish copyrighted works online for fair use, making it harder for the Copyright Act to forbid such unapproved usage¹⁷.

2.3 The Concept of “Fair Dealing”

In the digital era, "fair dealing" pertains to finding equilibrium between the rights of users and copyright holders concerning the utilization of copyrighted works. The legal concept of fair dealing, sometimes called fair use, permits the restricted use of copyrighted works in certain contexts without necessitating compensation or authorization from the owner of the copyright. Since information may be easily shared and accessible in the digital era, fair dealing is of the utmost importance. It guarantees that copyright law can adapt to the rapidly changing technological world, while still protecting the rights of copyright holders and the public's freedom of speech and access to information.

In order to provide the author or copyright holder with the protection they deserve, public rights must be honored. Protecting the human rights of another does not necessitate limiting the rights of any one person. As a result, the notions of fair dealing and fair use have developed within the realm of copyright. The pivotal agreement in this domain is acknowledged as the Berne Convention of 1883. Article 9(2) of the convention outlines that legal measures within its member states may be undertaken to permit the reproduction of such works under specific conditions provided it does not disrupt the regular commercialization of the work and does not legitimate the author's interest¹⁸."

¹⁵ *Supra note* 14 at 5.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Supra note* 12 on 4.

In a similar vein, the TRIPS agreement states in Article 13 that exceptions to exclusive rights should only be made in very exceptional circumstances that do not interfere with the normal use of the work and do not cause the right holder reasonable damage.¹⁹” What constitutes an act not infringing upon a copyright is defined under Section 52 of India's Copyright Act, 1957. Here are a few things that people nowadays don't see as violations in the digital age:²⁰:

1. Researching or studying, and then publishing copies of the results online for the sole purpose of learning.
2. A lecturer whose scenes from a movie make humorous points in class.
3. Using the university's website or library to access a journal.
4. Making backup copies on a hard drive to offer defense against theft, damage, and/or destruction in the meantime.
5. Copying or adapting a computer code from a law fully owned copy for personal, non commercial use.
6. Playing music in a room that is enclosed and meant for residents to enjoy together at a housingplace or as club activity with a philanthropic goal using a CD, DVD, pen drive, or other multimedia device.

CHAPTER 3 – OTT PLATFORMS & THE PROBLEMS OF THE PIRACY

3.1 Meaning of OTT Platforms:

OTT platforms are streaming services that circumvent conventional broadcast or cable TV channels to transmit audio, video, and other media content directly to users online. These platforms have skyrocketed in prominence in recent years, completely changing how consumers consume information.

The characteristics of OTT Platforms are as follows²¹:

Content is distributed by OTT platforms over the internet, making it accessible to users whenever and

¹⁹ WTO TRIPS AGREEMENT, Available at https://www.wto.org/english/docs_e/legal_e/27-trips_04_e.htm, last visited on 29th February 2024.

²⁰ Section 52, Copyright Act 1957, Available at <https://copyright.gov.in>, last visited on 29th February 2024.

²¹ 1Singh DrR, Binge Watching on OTT Platforms: Loneliness in Adolescents, *International Journal of Social Science And Human Research*, 05 (08) 2022 3720–3725.

wherever they have an internet connection. This eliminates the need for conventional distribution methods like cable and satellite. With over-the-top (OTT) platforms, a vast array of films, TV series, documentaries, and other media material are available for on-demand viewing. Users may choose what and when to watch with greater ease and freedom than with schedule programming.

Many over-the-top systems rely on subscription revenue. Subscribers make regular monthly or yearly payments to gain entry to the platform's collection of content. Access to exclusive or original content, ad free viewing, simultaneous streaming across multiple devices, and other benefits may be included in subscription plans²².

Many OTT platforms engage in original content creation in order to differentiate themselves and attract users. They create and distribute unique films, television series, documentaries, and other material available only on their platform. This method has resulted in a rise of well known shows created by OTT platforms.

OTT platforms have a global presence, allowing viewers worldwide to access their content libraries. They transcend geographical boundaries, making it possible for users to watch content from different countries and cultures, broadening the range of choices available.

3.2 Popular OTT Platforms in India²³

Netflix: In 2016, Netflix launched in India & quickly gained popularity with Indian viewers. It has a lot of international and Indian content, like movies, documentaries, and television shows.

Amazon Prime Video: In 2016, Amazon Prime Video went live in India. It provides a blend of content from India and around the world, encompassing Indian-produced movies, TV shows, and original content.

HotStar for Disney+: Disney+ HotStar is a well liked OTT platform in India that provides a mix of Indian and international content, including news, sports, movies, and television shows.

Zee5: The Zee Network has launched an OTT platform in India called Zee5. It has a lot of Indian content, like movies, TV shows, and Zee produced original content.

²² 1Nisal KS, The Convergence Model and Content Regulation of OTT Platforms In India: An Analytical Study, *Sanshodhan*, 10 (1) 2021 36.

²³ 1Sontakke KS, Trends in OTT Platforms Usage During COVID-19 Lockdown in India, *JOURNAL OF SCIENTIFIC RESEARCH*, 65 (08) 2021 112–114.

Voot: Viacom18 launched the Indian OTT platform Voot. Movies, TV shows, and Viacom18 produced original content are among the international and Indian offerings.

SonyLIV: Sony Pictures Networks India launched the Indian OTT platform SonyLIV. It provides news, movies, television shows, sports, and a mix of Indian and international content.

Regulations on OTT Platforms

Laws governing print and broadcast media in India include the Information Technology Act of 2000, the Code of Criminal Procedure of 1973, and the Cable Television Networks Regulation Act of 1995. Additionally, the channels are required by the self-regulatory bodies not to air scenes of violence, smoking, or dead bodies, among other things²⁴. The media has undoubtedly overstepped this boundary, but for the most part, they endeavor to follow the law; nevertheless, there were no laws of this sort for internet platforms. Their work is self-certified, which is why we argue that there should be equal opportunities for all. Since internet platforms also produce content, some should be subject to restrictions while others should be allowed more freedom. The Censor Board oversees and accredits films that are shown in theaters; however, no third party certification exists, at least not on the internet. Customers who pay a high membership cost should be able to access ethically created material.

In India, no legislation or autonomous authority governed digital material. OTT platforms collectively made an appeal for self-regulation to oversee the content on their platform. Unlike various media platforms, OTT platforms in India lack specific legislation or a regulatory body overseeing them. The absence of regulations for OTT platforms can potentially contribute to an uptick in piracy.

3.3 OTT Effect on Media Industry

The media sector has undergone significant changes since the advent of OTT platforms. Instead of using more conventional distribution methods like cable or satellite television, digital services that are referred to as "OTT platforms" are being used to distribute video and audio content over the Internet. OTT platforms have had a significant impact on content creation, distribution, and consumer behavior, among other things, on the media industry. The media business has been significantly impacted by the ascent of OTT stages, which have changed how content is disseminated and upset

²⁴ IPand BNP, Satpathy S, & Sharma I, Binge Watching to Binge Serving in India: Revolution, Regulations and Restrictions of Over-the-Top (OTT) Platforms, *Rupkatha Journal on Interdisciplinary Studies in Humanities*, 13 (4) 2021.

conventional dispersion models²⁵. Traditional approaches to deal with content creation have been upset by OTT stages. They make it possible for a wide range of substance manufacturers, including independent producers, to reach people all over the world without requiring a large, decentralized organization. On the other hand, there has been an increase in the demand for original programming on OTT platforms, which have led to the creation of niche, high quality content aimed at audience interests. It has transformed content delivery by enabling on-demand access to a massive collection of films, television series, documentaries, and other material. Content may be watched on multiple technologies, including mobile phones, tablets, smart televisions, and game consoles, for viewers' enjoyment²⁶. The way that watchers can now get to content straight forwardly from the OTT stage without buying into link or satellite has introduced a test to conventional transmission and link organizations.

3.4 OTT Effecton Theatres

The emergence of OTT platforms has significantly impacted the theatre industry. OTT platforms are online streaming services that provide on demand access to movies, TV shows, and other video content. The introduction of OTT platforms has changed the way people consume entertainment, including theatrical productions²⁷.

One of the most significant effects of OTT on theatre is the democratization of access to theatrical productions. With the rise of OTT platforms, people who are unable to attend live theatre performances can now enjoy them from the comfort of their homes. This has opened new opportunities for theatre producers to reach a wider audience and generate more revenue. They make it possible for a wide range of substance manufacturers, including independent producers, to reach people all over the world without requiring a large, decentralized organization.

CHAPTER 4 – JUDICIAL TRENDS TO THE ONLINE PIRACY

John Doe/Ashok Kumar orders are among the most used remedies for copyright infringement in Indian courts. These judicial orders are issued against unidentifiable defendants & are injunctive orders, intended to deter copyright infringement during the release of new content, usually targeting

²⁵ *Supra note 24* at 9.

²⁶ *Supra note 24* at 9.

²⁷ *Supra note 24* at 9.

infringing websites. It is undeniable that John Doe's orders present a legitimate remedy against unidentified copyright infringers²⁸. Additionally, to safeguard new content, copyright holders may need to repeatedly approach the courts, which can be costly & time consuming, particularly for smaller creators²⁹. It is crucial how ever to accept that in certain cases involving live events such as sporting events of national or global importance, or new movies or songs, it may become critical for copyright holders to act swiftly, and for courts to be cognizant of the enormous economic harms that may arise due to piracy. Due to the anonymity associated with internet piracy, it is difficult for intellectual property owners to find and punish internet pirates. John Doe Orders, also known as Ashok Kumar Orders in India, allow courts to issue injunctions against anonymous persons in order to safeguard the rights of intellectual property owners, which is a solution to this problem.

Just so we're clear, a John Doe order is an injunction sought against someone whose identity is concealed at the time the order is made. As a result, those with legal stakes in the matter may serve notice and pursue legal action against infringers. In the case **Garcia v. Google, Inc. (2015)**³⁰, this case included a contention over a disputable film called "Honesty of Muslims," which was transferred to YouTube. Cindy Lee Garcia, an actress who appeared in the movie, filed a law suit against Google claiming that her performance had been used without her permission & that she had been threatened with death. YouTube was initially ordered to remove the video by the court; however, the decision was later overturned on appeal. The case brought up significant issues about the risk of online stages like YouTube for the substance posted by their clients.

In the landmark case of **Viacom International Inc. v. YouTube, Inc. (2011)**³¹, Viacom initiated legal action against YouTube for copyright infringement, asserting that the platform allowed users to upload and share copyrighted content without permission. The court finally ruled in favor of YouTube after an extended legal struggle, saying that the site was protected and subject to the DMCA's safe harbor clause. The Indian judicial system has been instrumental in developing sound intellectual property law in the nation. The fundamental freedom of creators to disseminate their works to the general public was acknowledged by the Copyright Act of 1957. In addition to offering legal remedies

²⁸ 1Aradhya S, John Doe orders in online copyright infringement cases in India, *Journal of Intellectual Property Law & Practice*, 12 (1) 2017 20–22.

²⁹ Summary of Taj Television v. Rajan Mandal, Available at <https://www.mondaq.com/india/trademark/76820/delhi-high-court-revisits-john-doe-type-of-order>, last visited 29th February 2024.

³⁰ A USA case, Available at <https://www.eff.org/cases/garcia-v-google-inc>, last visited on 29th February 2024.

³¹ A USA case, Available at <https://www.eff.org/cases/viacom-v-youtube>, last visited on 29th February 2024.

for copyright owners, Indian law also imposes criminal penalties for copyright infringement. By suspending websites, issuing injunction orders, and restricting illegal broadcasts, the Indian court system has taken aggressive action against internet piracy. A plaintiff has to show three things to get a John Doe Order: first, that they have a good case; second, that the order's denial would probably lead to irreparable harm; and third, that the plaintiff comes out on top in terms of convenience. The plaintiff is also authorized to search properties and gather proof of defendants' rights breaches, regardless of their identity, according to this ruling.

The High Court alluded to the standard set down in **Star India Pvt. Ltd. V Piyush Agarwal**³², The statement made it clear that minute-by-minute live updates, ball-by-ball updates, and unofficial match warnings must be delayed by 15 minutes. The High Court likely maintained the customary fifteen-minute delay in light of its motion. The High Court, applying the aforementioned principle, issued an ex parte ad interim injunction in the case of Akuate Internet Providers Pvt. Ltd. V. Star India Pvt. Ltd., preventing the defendants from making public any audio or radio streaming of the ICC tournament, including live reporting and delayed updates, without the plaintiff's consent. However, it was made quite clear that any defendant subject to the interim injunction might postpone the distribution of the amended score by 15 minutes. Aside from soliciting anonymous answers, the break request was also intended to function as a John Doe request.

Furthermore, the High Court instructed search engines to eliminate posts from their website pages containing content that infringes upon the copyright of the aggrieved party. This action is taken promptly upon receiving a complaint from the concerned party.

CHAPTER 5 - CONCLUSION AND SUGGESTIONS

The digital era has brought forth numerous advancements & opportunities, particularly in the realm of entertainment. The emergence of OTT platforms has transformed our media consumption habits, exploring the evolution of copyright in relation to OTT platforms like Netflix, YouTube, and Spotify. The significance of copyright in the time OTT stages is featured, and the authentic setting of intellectual property regulation is given. The Intellectual property regulation in India is additionally examined exhaustively, including the Copyright Act, 1957, key arrangements of the demonstration,

³² Star India Pvt. Ltd. V. Piyush Agarwal 2012 SCC OnLine Del 5984.

and copyright enlistment in India. But in addition to these platforms' ease of use and accessibility, there are important problems and obstacles relating to copyright infringement that must be resolved. In the digital era, copyright violation poses a significant threat to creative industries encompassing music, literature, and movies. The rapid expansion and effortless sharing of content over the internet have heightened the difficulty of protecting intellectual property rights. With their vast libraries of content, OTT platforms are particularly vulnerable to copyright infringement. One of the major challenges in combating copyright piracy is the anonymity & global nature of the internet. Pirated content can be easily shared and accessed across borders, making it difficult for authorities to enforce copyright laws. Additionally, the emergence of peer to peer file sharing networks & streaming websites further exacerbates the issue, as they provide platforms for users to distribute copyrighted material freely. Another challenge is the lack of awareness and education regarding copyright laws & the consequences of piracy. Many users may not fully understand the implications of their actions when they engage in copyright infringement. Therefore, it is crucial to enhance public awareness regarding the importance of preserving intellectual property rights and the detrimental impact that piracy inflicts on the creative industries. Furthermore, technological advancements have made it increasingly challenging to detect and prevent copyright piracy. Pirates are constantly finding new ways to bypass digital rights management (DRM) systems & encryption techniques, making it difficult for content creators & distributors to protect their work effectively. This necessitates the continuous development of robust anti piracy measures to stay one step ahead of infringers. Furthermore, the increased availability of digital tools and services has made it simpler for pirates to reproduce and disseminate copyrighted material.

Suggestions to Combat Digital OTT Piracy:

Governments & regulatory bodies should work collaboratively to strengthen copyright laws & enforce stricter penalties for copyright infringement. This will act as a deterrent for potential pirates & provide legal protection to content creators & OTT platforms. Copyright laws play a crucial role in safeguarding the intellectual property rights of content creators. By fortifying these laws and imposing more stringent penalties, OTT platforms receive assurance that they are investing in a secure market. Simultaneously, content creators gain confidence that their work is shielded from infringement. This will also help to create a more stable environment for business operations & foster further innovation in the industry. OTT platforms should invest in robust technological solutions to detect & prevent copyright piracy. Advanced content recognition algorithms can help identify

unauthorized copies of copyrighted material. Additionally, implementing digital rights management (DRM) systems can restrict unauthorized access & ensure that only legitimate subscribers can enjoy the content. Using these solutions, OTT platforms can protect their content from being illegally downloaded & distributed. Furthermore, implementing water marking technologies can make it easier to trace any unauthorized copies of copyrighted material & take action against copyright infringers. OTT platforms should collaborate with internet service providers (ISPs) to curb copyright piracy. Through the surveillance and restriction of illegal streaming sites, as well as the implementation of measures to deter VPN usage, Internet Service Providers (ISPs) can play a vital role in minimizing unauthorized access to copyrighted content. This proactive approach serves to safeguard the interests of content creators and mitigate financial losses. Additionally, it will provide a better user experience for OTT viewers, as they will have access to higher quality content that is free from piracy. OTT platforms should prioritize user education regarding the implications of copyright piracy. By creating awareness campaigns & providing information on the legal alternatives available, users can be encouraged to support the content creators & respect intellectual property rights. Platforms should also proactively monitor & take down any infringing content. They should collaborate with law enforcement to address piracy and ensure that users are held responsible for their conduct. Finally, to incentivize users to use legal sources of content, platforms should provide discounts and other benefits.

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