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**FROM INSIDER LEAKS TO TORRENT RELEASES:
REFORMING COPYRIGHT FRAMEWORKS TO COMBAT
PRE-RELEASE PIRACY – INDIA VS. UNITED STATES**

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ABSTRACT

The comparative legal research investigates how the criminal punishment system in India and the civil enforcement system in the United States affect their ability to stop pre-release film piracy activities which include insider information leaks and organized torrent distribution. The study shows that the Cinematograph (Amendment) Act 2023 (Sections 6AA and 6AB and 7(1A)) the Cinematograph (Amendment) Act 2023 (Sections 6AA and 6AB and 7(1A)) requires Indian law to set three months as the minimum imprisonment period which prosecutors can extend to three years with a maximum fine of 5% of the audited gross production cost of the film. The Bharatiya Nyaya Sanhita (BNS) 2023 Section 109 defines organized piracy networks as criminal syndicates which face a minimum five-year imprisonment punishment that can extend to life imprisonment. The United States system uses civil remedies from the Digital Millennium Copyright Act (DMCA) 1998 Digital Millennium Copyright Act (DMCA) 1998 which has sections 512 and 1201 that protect intermediaries through safe harbours while its anti-circumvention rules create minimal criminal enforcement under the ART Act 2005 which includes 18 U.S.C. section 2319B. The research assesses how India implements its dynamic injunctions together with government-issued blocking systems which Section 79(3)(b) of the Information Technology Act 2000 enables to disable 3142 Telegram channels and about 800 websites since March 2026. The research identifies three ongoing issues which include problems with retrospective application and difficulties in determining jurisdiction across international boundaries as well as confusion about whether owners permit pre-release leaks. The research study ends with the recommendation to establish a hybrid framework incorporating India's criminal penalties and site-blocking mechanisms with the US statutory damages regime and anti-circumvention provisions, supplemented by data-security obligations under the Digital Personal Data Protection (DPDP) Rules, 2025 and AI-driven technological measures.

Keywords: Pre-release piracy, insider leaks, Cinematograph (Amendment) Act 2023, Copyright Act 1957, BNS Section 109, DMCA, ART Act, DPDP Rules 2025, Block BEARD Act, FADPA.

INTRODUCTION

The illegal practice of releasing movies before their scheduled cinema showing which people refer to as pre-release piracy has become a fundamental danger to the entire entertainment sector. The main effect of post-release piracy on films happens because it reduces their potential for secondary income streams whereas pre-release leaks destroy a film's marketability through three different ways which include the destruction of audience interest that occurs before its first screening and the loss of digital distribution deals which also leads to financial backers and creative team members losing their trust. The Indian film industry faces extreme financial losses because film piracy costs approximately ₹20,000–22,000 crore (US\$2.7 billion) every year¹. The Motion Picture Association reported that worldwide piracy losses reached US\$29.2 billion during 2019². Union Minister Anurag Singh Thakur explained during the Cinematograph (Amendment) Bill 2023 parliamentary session that "Piracy is like cancer and we are trying to uproot it through this Bill"³.

India and the United States have responded to this challenge through markedly divergent legal frameworks. India has adopted a criminal-heavy approach which combines the Cinematograph (Amendment) Act, 2023 (Sections 6AA, 6AB, 7(1A)) with mandatory minimum penalties that require five percent of the production budget to be paid as fines and prison time⁴. The United States uses civil remedies from the Digital Millennium Copyright Act of 1998 which includes sections 512 and 1201 as its main legal framework while criminal penalties from the ART Act 2005 (18 U.S.C. § 2319B) serve only a minor function⁵. This study compares two legal systems by examining their ability to deter crimes while evaluating enforcement systems which handle international cases and analyzing how psychological factors and economic factors shape laws. Recent developments, including India's Digital Personal Data Protection (DPDP) Rules, 2025, which impose data-security obligations on production workflows, offer new avenues for

¹ Press Info. Bureau, Govt. of India, *Cinematograph (Amendment) Act, 2023 Strengthens Anti-Piracy Laws with Strict Penalties for Unauthorized Recording and Transmission* (Mar. 27, 2026).

² Motion Picture Ass'n, Statement from MPAA Chairman and CEO Charles Rivkin on USTR's Notorious Markets and Special 301 Reports (Apr. 25, 2019).

³ Rajya Sabha passes Bill to curb film piracy, revamp age-based certification, ANI News (July 27, 2023).

⁴ Press Info. Bureau, Govt. of India, *Cinematograph (Amendment) Act, 2023 Strengthens Anti-Piracy Laws with Strict Penalties for Unauthorized Recording and Transmission* (Mar. 27, 2026).

⁵ See U.S. Copyright Off., Section 512 of Title 17 (2020); see also Artists' Rights and Theft Prevention Act of 2005, Pub. L. No. 109-9, 119 Stat. 218 (codified at 18 U.S.C. section 2319B).

preventing insider leaks⁶. The research analyzes multiple dimensions to support current discussions on copyright framework reforms necessary for tackling the growing problem of pre-release piracy.

RESEARCH QUESTIONS

1. To what extent do India's criminal penalties under the Cinematograph (Amendment) Act, 2023 and the Copyright Act, 1957 deter pre-release insider leaks and organized torrent distribution compared to the United States' primarily civil remedies under the Digital Millennium Copyright Act and criminal provisions under 18 U.S.C. section 2319B?
2. How effective are India's dynamic injunctions and police seizure powers under the Cinematograph (Amendment) Act, 2023 (Section 7(1B)) in addressing cross-border jurisdictional challenges in pre-release torrent and Telegram-based piracy compared to the United States' MPA-driven civil litigation and ongoing site-blocking proposals (such as the Block BEARD Act and Foreign Anti-Digital Piracy Act)?
3. To what degree do the psychological and economic impacts of pre-release piracy such as "doomed day" scenarios for creators and annual revenue losses estimated at approximately US \$2.7 billion in India versus MPA global figures influence policy reforms in India's criminal-heavy approach (Cinematograph Act, 2023 and Copyright Act, 1957) versus the United States' technology-focused DMCA/ART framework, particularly with respect to owner-authorized leaks?
4. To what extent do India's recent updates the Digital Personal Data Protection (DPDP) Rules, 2025 (data-security obligations for production workflows) and the Cinematograph (Amendment) Act, 2023 compare with ongoing United States DMCA enforcement and industry protocols in closing insider-leak grey areas and preventing self-motivated pre-release releases by producers or directors?

RESEARCH OBJECTIVE

1. To undertake a comparative evaluation deterrent effect of India's criminal penalties under the Cinematograph (Amendment) Act, 2023 (Sections 6AA, 6AB, and 7(1A)) and the Copyright Act, 1957 (Sections 51, 63, and 63A) on pre-release insider leaks and organized torrent distribution with the primarily civil remedies under the US Digital

⁶ Ministry of Elecs. & Info. Tech., Govt. of India, Digital Personal Data Protection Rules, 2025 (Nov. 14, 2025).

Millennium Copyright Act (DMCA section 512 and 1201) and criminal provisions under 18 U.S.C. Section 2319B (supplemented by the ART Act of 2005).

2. To critically assess the effectiveness of India's dynamic injunctions and police seizure powers under the Cinematograph (Amendment) Act, 2023 (Section 7) and Bharatiya Nyaya Sanhita, 2023 (Section 109) in tackling cross-border jurisdictional challenges in pre-release torrent and Telegram-based piracy against the United States' MPA-driven civil litigation strategies and site-blocking proposals.
3. To analyze the legal permissibility for a film's rights owner (producer, director, or studio) in India and the United States to self-release pre-release content for direct profit (via fan platforms or viral marketing) without triggering statutory copyright infringement, and to evaluate how contractual mechanisms (NDAs and distribution agreements) versus statutory safe harbors (India's IT Act, 2000 section 79 vs. US DMCA section 512) create differing legal risks and economic benefits in each jurisdiction.
4. To identify systematically analyse in the pre-release piracy frameworks of both countries (such as retrospective application gaps, jurisdictional challenges, and self-authorization ambiguities) and assess their practical implications for enforcement and industry stakeholders.

LITERATURE REVIEW

The existing literature on pre-release film piracy spans multiple disciplines, including legal studies, economics, criminology, and technology policy. The research from both scholarly and official sources demonstrates how piracy evolved from physical reel theft to modern digital distribution networks and shows the economic effects of pre-release leaks while evaluating how both criminal and civil enforcement systems deter piracy and examining how data protection laws now protect content.

HISTORICAL AND LEGAL EVOLUTION: Indian official government sources show that the Cinematograph (Amendment) Act 2023 marked the first major change to the Cinematograph Act 1952 since 1984 which established new regulations to fight film piracy that causes Rs 20000 Crore losses to the film industry⁷. The amendment established Sections

⁷ Press Info. Bureau, Govt. of India, Government Strengthens Measures to Curb Digital Piracy in Film Industry (2023).

6AA and 6AB which maintain that people must not make unauthorized recordings or distribute films according to Section 7(1A) which states that offenders must face a base punishment of three months in jail and a ₹3 lakh fine which can increase to three years in jail and a fine that reaches 5% of their total production expenses⁸. A PRS Legislative Research summary confirmed that these offences are punishable with imprisonment between three months and three years and a fine between three lakh rupees and 5% of the audited gross production cost⁹. The Ministry of Information and Broadcasting established Nodal Officers as an organizational body that would accept copyright holder complaints and instruct intermediaries to delete pirated material within a required 48 hour period¹⁰. The ART Act of 2005 added 18 U.S.C. Section 2319B which specifically forbids unauthorized recording of motion pictures in theaters and creates a new criminal infringement category for unauthorized distribution of commercial copyrighted works before their official release¹¹. The US DMCA of 1998 created Section 512 safe harbors which protect online service providers from liability while Section 1201 prohibits illegal methods to bypass security measures. A 2020 US Copyright Office study found that the current operation of section 512 safe harbor system creates an imbalance because it does not match with the original purpose that Congress intended¹².

ECONOMIC AND PSYCHOLOGICAL IMPACT: Carnegie Mellon University research published in a top peer reviewed journal found that "on average pre-release piracy causes a 19.1 percent decrease in box office revenue compared to piracy that occurs post-release" and that "movie piracy can cannibalize 1.3 billion dollars in potential box office revenues annually"¹³. The EY IMAI Rob Report 2024 estimated India's piracy economy at INR 224 billion approximately US\$2.7 billion in 2023 with theatres losing 13700 crore and the OTT industry losing 8700 crore¹⁴. Industry figures have described the psychological toll as a "doomed day" phenomenon Suniel Wadhwa characterised a pre-release leak as "economic sabotage " while Union Minister Anurag Thakur stated during parliamentary debate that

⁸ Press Info. Bureau, Govt. of India, *Cinematograph (Amendment) Act, 2023 Strengthens Anti-Piracy Laws with Strict Penalties for Unauthorized Recording and Transmission* (Mar. 27, 2026).

⁹ PRS Legislative Research, The Cinematograph (Amendment) Bill, 2023 (Dec. 17, 2025).

¹⁰ Ministry of Elecs. & Info. Tech., Govt. of India, Digital Personal Data Protection Rules, 2025 (Nov. 14, 2025).

¹¹ See U.S. Copyright Off., Section 512 of Title 17 (2020); see also Artists' Rights and Theft Prevention Act of 2005, Pub. L. No. 109-9, 119 Stat. 218 (codified at 18 U.S.C. Section 2319B).

¹² U.S. Copyright Off., Section 512 of Title 17 1 (2020).

¹³ Carnegie Mellon Univ., The Impact of Piracy on Sales & Creativity (2022); Ma Lian et al., The Impact of Pre-Release Movie Piracy on Box Office Revenue, 69(1) J. Mktg. Res. 1, 10 (2022).

¹⁴ EY & IMAI, The Rob Report 2024: Unmasking the Pirates (2024).

"piracy is like cancer and we are trying to uproot it through this Bill"¹⁵.

ENFORCEMENT MECHANISMS – Indian courts have developed advanced systems for providing injunctive relief through dynamic injunctions. The Delhi High Court issued a Dynamic+ Injunction to Warner Bros which prohibited more than 40 websites from streaming their copyrighted material that included Friends and Stranger Things and Batman because The Court recognized all pirate websites operated with multiple ways of performing their unlawful activities¹⁶. The Court required all parties to organize immediate disruptions through ISPs and domain name registrars and the Department of Telecommunications. The Madras High Court issued an ad interim injunction through a John Doe suit in Reliance Big Entertainment Pvt. Ltd. v. BSNL 2026 which prohibited ISPs and cable operators from showing the film Dhurandhar The Revenge before its official launch¹⁷. The Government has also utilised Section 79(3)(b) of the IT Act, 2000 effectively: as of March 2026 the intermediary Telegram App had received notification to block access to 3142 channels which contained pirated content and ISPs had disabled access to approximately 800 websites that hosted pirated content.¹⁸

US SITE-BLOCKING PROPOSALS: The Block BEARD Act, which Senator Thom Tillis introduced, enables copyright holders to request federal court orders that will block international piracy websites¹⁹. The Foreign Anti Digital Piracy Act (FADPA) (H.R.791) introduces its amendments to Title 17 through its January 28, 2025 introduction²⁰. Neither bill has been enacted. The MPA's Alliance for Creativity and Entertainment (ACE) has pursued international civil enforcement to dismantle Streameast, which receives 1.6 billion annual visits, and the Fmovies piracy network, which law enforcement agencies did through their partnerships in Vietnam and Egypt and other jurisdictions²¹.

The existing literature establishes that India's criminal heavy framework (Cinematograph Act, 2023; BNS Section 109) provides stronger ex ante deterrence through mandatory minimum

¹⁵ Rajya Sabha passes Bill to curb film piracy, revamp age-based certification, ANI News (July 27, 2023).

¹⁶ Inside Delhi HC Order: Piracy websites illegally streaming 'Friends', 'Stranger Things', 'Batman' taken down; Warner Bros wins Dynamic+ Injunction, SCC Online (Jan. 13, 2026).

¹⁷ Madras High Court restrains illegal broadcast, streaming of Dhurandhar 2, Bar & Bench (Mar. 18, 2026).

¹⁸ Press Info. Bureau, Govt. of India, Prudent and Clear Exercise of Powers with Clarity under Sections 69A and 79(3)(b) Essential for Effective Implementation of IT Act (Oct. 7, 2025); 3,100 Telegram channels, 800 websites disabled by govt for hosting pirated contents, The Hindu (Mar. 18, 2026).

¹⁹ Block BEARD Act of 2025, S. 1234, 119th Cong. (as introduced in Senate, July 30, 2025).

²⁰ Foreign Anti-Digital Piracy Act, H.R. 791, 119th Cong. (as introduced in House, Jan. 28, 2025).

²¹ Alliance for Creativity and Entertainment – Wikipedia (noting ACE shut down FMovies in August 2024 and Streameast in September 2025).

penalties and organised crime provisions, while the US civil heavy framework relies on DMCA takedowns and MPA led litigation. Indian legal system enables faster enforcement through its dynamic injunction procedures and government notified blocking methods, while US industry enforcement capabilities operate through ACE with substantial resources.

METHODOLOGY

The Research uses a doctrinal comparative legal research methodology for its analysis. The research studies primary legal materials from India and the United States through an examination of the Cinematograph (Amendment) Act 2023 and the Copyright Act 1957 and the IT Act 2000 and the BNS 2023 and the DPDP Rules 2025 and the US DMCA 1998 and ART Act 2005. The research uses a functional comparative method to assess how each jurisdiction deters pre-release piracy through penalties, enforcement mechanisms, and injunctive relief. The analysis of key case laws through the *Jana Nayagan* and *Dhurandhar: The Revenge* decisions reveals how judicial systems interpret laws and apply them in practice. The study uses secondary sources which include PI B releases and PRS legislative briefs and government reports and parliamentary debates to establish its empirical and contextual foundation. The study examines publicly accessible legal materials which existed until April 2026 while identifying grey areas that include retrospective gaps and jurisdictional challenges and self-authorisation ambiguities. The research develops a hybrid framework together with specific legislative reforms based on its international comparison results.

HISTORY AND EVOLUTION OF PRE-RELEASE PIRACY – CAUSES, DEVELOPMENT, AND LEGAL RESPONSES **ORIGINS AND HOW PRE-RELEASE PIRACY STARTED**

In the pre-1950s era, the primary method of pre-release piracy involved physical theft of film reels heavy, flammable celluloid canisters that were transported between theatres. When a 40-pound reel of *Star Wars Episode I – The Phantom Menace* was stolen from a Wisconsin theatre in 1999, the manager noted, “In the 23 years, this is the first time I’ve had a film stolen”. Such isolated incidents, however, remained rare and did not constitute a systematic threat to the industry.

The modern era of pre-release piracy began with the diffusion of the Video Cassette Recorder (VCR) in the 1980s. In India, the introduction of colour television for the 1982 Asian Games was quickly followed by video players, giving birth to a “copy culture” that took celluloid from

cinema halls to private living rooms. Between 1985 and 2000, the spread of VCRs and cable television created “substantial opportunities for unpaid movie consumption”. By 1984, an estimated 5,000 video libraries, 2,000 video coaches and 20,000 video bars and parlours had emerged over India, with a total turnover assessed at Rs 100 crore. By May 1988, the annual turnover of the video market was estimated at Rs 1,000 crore, roughly equivalent to the gross collections of the nation’s 12,732 cinema theatres.

In the United States, the industry’s anxiety over the VCR found its most dramatic expression in 1982, when Motion Picture Association of America (MPAA) President Jack Valenti testified before a House Judiciary Subcommittee: “I say to you that the VCR is to the American film producer and the American public as the Boston Strangler is to the woman home alone”²². Valenti warned that home recording would pre-empt prerecorded tape revenue, causing the investment in quality programming to “surely decline”.

NEED AND CAUSES FOR ITS EMERGENCE

Pre-release piracy emerged and proliferated due to interconnected factors like Economic Incentives, Technological Facilitators and Consumer Demand.

In Economic Incentives, Black-market profits remain the primary driver. Organised piracy syndicates can generate substantial revenue by selling unauthorised copies or monetising pirated content through advertising on illegal streaming sites. In India, the size of the piracy economy reached INR 224 billion (approximately US\$ 2.5 billion) in 2023, ranking fourth in revenue loss compared to legal sectors such as digital media and print²³.

In Technological Facilitators, each technological leap from VCR to camcorder to digital file sharing to cloud-based distribution has lowered the barriers to copying and disseminating films. Pre-release versions now commonly derive from “cams” (theatre recordings), screeners, workprint discs, digital distribution copies (DDCs), telecine copies from analogue reels, and VOD or TV recordings. The emergence of Telegram, which allows file transfers of up to 2 GB, has further accelerated the spread of pirated content.

In Consumer Demand, A 2024 EY-IAMAI report found that 51% of Indian media consumers access content from pirated sources. The top three reasons cited are managing multiple subscriptions, unavailability of desired content online, and high subscription fees.

²² Thirty Years Before SOPA, MPAA Feared The VCR (Jan. 24, 2012).

²³ EY & IAMAI, The Rob Report 2024: Unmasking the Pirates (2024).

EVOLUTION OF PRE-RELEASE PIRACY (1990s–Present)

1990s – The period from the 1990s until the present showed multiple instances of theatrical recordings and workprint leaks, which started when warez groups released their first internet-based movie distributions in 1998. The decade used two main techniques, which involved camcording as a method to record screen content with handheld cameras and the unauthorized acquisition of workprint materials that studios sent to reviewers and post-production facilities. The unfinished workprint of *American Pie* leaked online three weeks before its scheduled theatrical release date, which makes it an important early example of this phenomenon²⁴.

2000s – The Napster Era brought new digital sharing methods into the world of music downloading when peer-to-peer networks like Napster and BitTorrent and eDonkey emerged as new ways to access copyrighted content. The United States Congress enacted the Digital Millennium Copyright Act (DMCA) of 1998 to establish legal frameworks which protected online content from unauthorized access through its anti-circumvention provisions (Section 1201) and online service provider safe harbors (Section 512). The law Section 1201(a)(1) states that “No person shall circumvent a technological measure that effectively controls access to a work protected under this title,” which means that digital locks receive protection even when no copyright violation occurs²⁵.

The Copyright Act of 1957 in India underwent multiple amendments between 1994 and 1999 and 2012 which established complete legal alignment with both WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty. The introduction of Sections 65A and 65B established penalties for both technological protection measure circumvention and unauthorized rights management information changes, which result in a two-year prison sentence and financial penalty.

2010s–2020s – The period from 2010 to 2020 showed how smartphones and high-speed internet networks together with over-the-top streaming services created new security weaknesses. The primary method which leads to pre-release movie piracy now originates from insider information which post-production studios and content delivery agencies and exhibition companies provide. The Maharashtra police officer stated that “Piracy before the day of release of a film implies that it is an insider job”. The three channels through which a film can be leaked are “post-production studios, content delivery agencies and nefarious elements in exhibition companies”²⁶.

²⁴ Workprint – Wikiwand

²⁵ 17 U.S.C. section 1201(a)(1).

²⁶ Insider job? Pirated versions of Hindi films surface days before box office release, Econ. Times (May 22, 2025).

Now in present Telegram has emerged as a widely preferred platform for pirates, enabling the transfer of large files in private or semi-private channels. By March 2026, the Indian government had notified Telegram under Section 79(3)(b) of the IT Act, 2000 to remove and disable access to 3,142 channels publishing pirated content.

EVOLUTION OF REGULATORY FRAMEWORKS FOR COMBATING PRE-RELEASE PIRACY

INDIA

India's legal framework against pre-release piracy rests on four pillars: the Copyright Act, 1957, the Cinematograph (Amendment) Act, 2023, the Information Technology Act, 2000, and the Digital Personal Data Protection (DPDP) Rules, 2025.

The Copyright Act, 1957 (as amended in 1994, 1999, and 2012) provides the baseline. Section 51 defines infringement as unauthorised reproduction, distribution, or exhibition for profit. Civil remedies under Section 55 include injunctions and damages, while criminal penalties under Section 63 prescribe imprisonment up to three years and a fine up to ₹2 lakh. Section 63A enhances penalties for repeat offences: imprisonment of at least six months (extendable to three years) and a fine of at least ₹50,000 (extendable to ₹2 lakh).

The Copyright (Amendment) Act, 2012 introduced Section 65A criminalising circumvention of technological protection measures (TPM), punishable with up to two years' imprisonment, aligning Indian law with the WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT). Section 65B protects Rights Management Information (RMI), penalising unauthorised alteration or removal.

Despite these provisions, the Copyright Act alone proved insufficient, leading to the Cinematograph (Amendment) Act, 2023. As Union Minister Shri Anurag Singh Thakur stated, the Bill was brought to "comprehensively curb the menace of 'Piracy' which is causing losses of Rs 20,000 Crores to the film industry". Section 6AA criminalises camcording unauthorised recording or transmission of a film in a cinema hall. Section 6AB prohibits unauthorised transmission or exhibition of pirated copies, whether physical or digital. Section 7(1A) prescribes penalties: minimum three months' imprisonment and ₹3 lakh fine, extendable to three years and a fine up to 5% of the audited gross production cost.

The Information Technology Act, 2000, Section 79 provides safe harbour to intermediaries that comply with due diligence, including expeditious removal of unlawful content. Section 79(3)(b) enables the government to notify intermediaries of unlawful content—a provision

extensively used against platforms like Telegram.

Finally, the DPDP Rules, 2025 (notified 14 November 2025) operationalise the DPDP Act, 2023. While not directly targeting piracy, they impose data-security obligations on production houses, post-production studios, and OTT platforms, helping prevent insider leaks through technical and organisational safeguards

The action can be taken through the laws mentioned above only though, The Ministry of Information and Broadcasting has established an institutional mechanism through designated Nodal Officers to receive complaints from original copyright holders, persons authorised by them, or any other individual regarding pirated content on the internet. Complaints must be submitted in the prescribed format issued vide Public Notice dated 3 November 2023.

UNITED STATES

The USA combats pre-release piracy through its two-part framework which includes Civil remedies from the Digital Millennium Copyright Act (DMCA) and criminal penalties from the ART Act.

The DMCA (1998) Section 512 protects online service providers (OSPs) from financial responsibility because users violate copyright but OSPs must follow takedown procedures and maintain rules against repeated violations. The law establishes Section 1201 which makes it illegal to bypass digital security systems without showing that actual copyright infringement has occurred.

The ART Act (2005) 18 U.S.C. section 2319B creates two illegal activities through its law which makes it unlawful to record movies in theaters and punishes offenders with up to three years of prison time and six years for repeat offenders who willfully share pre-release content on public networks. The law removes the requirement to show financial damage because it recognizes that pre-release works do not have market value. The system permitted copyright owners to begin lawsuits before their works reached commercial markets through its preregistration system.

Recently, The Foreign Anti-Digital Piracy Act FADPA and Block BEARD Act which both came into existence in 2025 allow copyright holders to ask federal courts for injunctions that force ISPs to block overseas piracy sites. The two laws have not been passed into law yet. The Copyright Office has observed that the DMCA safe harbor system creates an "unbalanced" system which harms rights holders.

REASONS FOR LEGAL EVOLUTION

The technological advancements which appeared through VCR systems and internet technology and smartphone creation have combined with the revenue decline from Indian films which Indian lawmakers estimate to exceed ₹20,000 crores annually and the ongoing industry efforts by MPA and US producers associations and Indian government initiatives together with international obligations from the TRIPS Agreement and WIPO Internet Treaties which establish international legal requirements to push both nations toward legal system development.

TIMELINE				
PERIOD	TECHNOLOGICAL DEVELOPMENT	PIRACY METHOD	INDIA LEGAL RESPONSE	US LEGAL RESPONSE
Pre-1950s	Physical film reels	Reel theft	No specific provisions	No specific provisions
1980s	VCR diffusion	Home taping, cable piracy	Copyright Act, 1957 (baseline)	MPAA lobbying; Copyright Act
1990s	Camcorders, workprints	Camcording, workprint leaks	IT Act, 2000 (Section 79)	DMCA 1998 (Sections 512, 1201)
2000s	Internet, P2P, torrents	Digital file sharing, torrents	Copyright (Amendment) Act, 2012 (Sections 65A, 65B)	ART Act 2005 (18 U.S.C. § 2319B)
2010s–2020s	Smartphones, OTT, Telegram	Insider digital leaks, Telegram distribution	Cinematograph (Amendment) Act, 2023; BNS 2023 (S.109)	DMCA enforcement; Block BEARD Act (proposed)
2025–2026	AI, deepfakes, high-speed networks	AI-assisted piracy, encrypted channels	DPDP Rules, 2025 (data security)	Ongoing legislative proposals (FADPA, Block BEARD)

ECONOMIC AND PSYCHOLOGICAL FACTORS

The EY-IAMAI "Rob Report" (2024) estimates that India lost INR 224 billion to piracy in 2023 which equals approximately US\$ 2.7 billion. The theatres lost ₹13,700 crore while the OTT industry lost ₹8,700 crore. The research conducted by IP House and Media Partners Asia found that online video piracy resulted in US\$ 1.2 billion of revenue loss for India during 2024 which will grow to US 2.4 billion by 2029 without effective interventions. The WAVES 2025 summit heard experts state online piracy will cost the industry more than 10 percent of its revenue from 2025 to 2029 but proper anti-piracy systems will boost legal video service usage by 25 percent²⁷. Pre-release piracy causes a disproportionately sharp decline in box office revenue. Carnegie Mellon University research found that films which leak before their debut lose 19.2 percent of box office revenue while leaks after theatrical release cause less revenue loss²⁸. The Expendables 3 leak which saw a high-quality copy downloaded an estimated 2.2 million times three weeks before its premiere demonstrates this phenomenon because the film earned only US\$ 16.2 million in its opening weekend which landed about US\$ 10 million below analyst expectations. The MPA reported in 2019 that movie piracy caused global losses exceeding US\$ 29.2 billion for the United States and worldwide²⁹. The most recent estimates predict that piracy will result in more than £59 billion in losses for the global entertainment industry in 2025.

DOOMED DAY

The "Doomed Day" Scenario demonstrates its deep impact on creators because it shows how pre-release piracy affects them psychologically. Industry professionals describe a "doomed day" phenomenon which occurs when high-quality prints of a movie get leaked online before its scheduled release time. The emotional damage which trade analyst Girish Johar experienced resulted in him saying the following statement. The complete hard work of thousands of people who work on a film just goes out for a toss by certain miscreants which is not acceptable. Suniel Wadhwa who co-founded Karmic Films described a pre-release leak as an act of piracy which serves as a form of economic sabotage³⁰. The process destroys a film's potential for theatrical

²⁷ IP House & Media Partners Asia, The Economic Impact of Digital Piracy on India's Video Sector (2025).

²⁸ Press Info. Bureau, Govt. of India, At WAVES 2025, Experts Call for Unified Action Against Piracy, Blending Technology, Law, and Awareness (May 3, 2025).

²⁹ 'Expendables 3' flop shows danger of pre-release piracy, expert says*, Bos. Herald (Aug. 18, 2014).

³⁰ Motion Picture Ass'n, Statement from MPAA Chairman and CEO Charles Rivkin on USTR's Notorious Markets and Special 301 Reports (Apr. 25, 2019).

success while it threatens both digital streaming and satellite contracts which leads to diminished audience interest before the first screening. The industry should handle leaks with extra caution because they cause severe damage to trust between organizations. The high-definition leak of the Tamil film *Jana Nayagan* before certification which used original digital content extraction instead of camcorder recording--proved that internal security systems had failed. Six individuals were arrested and over 300 pirated links were taken down yet the film continued to circulate³¹. The situation creates a trust deficiency between team members which prevents them from taking artistic chances while it makes financial supporters less interested in backing special projects. The EY-IAMAI report found that piracy causes "disruption of investment pathways" and "reduction of trust" in the entertainment industry which leads to "diminished quality content creation"³².

The effect on independent creators and smaller production houses proves to be more damaging than any other group. A pre-release leak becomes financially devastating because the budget constraints for marketing and distribution lead to reduced storytelling options which particularly harm those who cannot afford advanced anti-piracy solutions.

RESEARCH GAP

1. India's Cinematograph (Amendment) Act, 2023 applies prospectively pre-2023 leaks cannot be prosecuted under its enhanced penalties. The ART Act, 2005 similarly applies only to acts committed after its enactment. This creates a window of impunity for older leaks.
2. Pirate websites often host content on servers located outside the country. India's IT Act Section 79(3)(b) notifications apply to intermediaries operating in India, but foreign-hosted sites remain difficult to block without international cooperation. The US faces similar challenges, with proposed site-blocking legislation (FADPA, Block BEARD Act) seeking to address this gap.
3. The most complex grey area concerns "owner-authorized leaks"—where a producer, director, or studio self-releases content for promotional purposes, but a third party misappropriates it. The legal distinction between authorised promotional release and unauthorised redistribution is not always clear. Similarly, when a producer grants

³¹ Despite leak, *Udta Punjab* makes Rs 10 crore on opening day, Rediff (June 19, 2016).

³² *Jana Nayagan*' leak: Tamil Nadu Cyber Crime Wing arrests three key accused, The Telegraph (Apr. 17, 2026).

exclusive distribution rights but then self-releases content, the distributor may claim breach of contract. Neither India nor the US has statutory clarity on this issue.

4. NDAs vs. Statutory Protection: NDAs provide contractual protection, but enforcement requires proving breach of contract a civil remedy. The DPDP Rules, 2025 add a statutory data-security obligation, but this applies only to personal data, not to all pre-release content. Where content does not contain personal data, the DPDP Rules do not apply, leaving a gap.

DETERRENT EFFECT OF PENALTIES

The effectiveness of anti-piracy laws as deterrents depends on three elements which include the strength of penalties and the probability of their enforcement and the time required to impose them. India and the United States establish their deterrent effects through different systems because India relies on criminal law-based methods while the United States primarily uses civil approaches that contain minimal criminal sanctions.

INDIA'S CRIMINAL PENALTY FRAMEWORK

India utilizes three legislative acts for its pre-release piracy deterrence efforts through its Copyright Act of 1957 and Cinematograph Amendment Act of 2023 and Bharatiya Nyaya Sanhita BNS 2023. Copyright Act, 1957 – Sections 63 and 63A: Section 63 establishes a punishment of three years imprisonment with a maximum fine of ₹2 lakh for copyright violations. Section 63A gives courts the authority to issue harsher punishments for repeated violations which include a minimum six-month prison term that can last up to three years and a minimum fine of ₹50,000 which can increase to ₹2 lakh. Section 65A establishes criminal penalties for people who bypass technological protection measures which include a two-year prison term and financial penalties.

Cinematograph (Amendment) Act, 2023 – Sections 6AA, 6AB, and 7(1A): The new law introduced dedicated anti-piracy rules after 40 years of existence which marks its first major legislative change. Section 6AA establishes a recording prohibition which makes it illegal to record movies without permission through camcording in cinema theaters while Section 6AB establishes a prohibition against the unauthorized streaming and showing of pirated content. Section 7(1A) requires a minimum punishment of three months imprisonment and a fine of ₹3 lakh which can be extended to three years imprisonment and a fine of up to 5% of the total audited production expenses. The fines which link to production costs create a system that maintains fairness while increasing the chances of successful deterrence.

The national definition of organised crime through Section 109 establishes that organised crime involves "any continuing unlawful activity" which criminal groups execute to acquire "direct or indirect material benefits including financial benefits." The definition includes cyber crimes which have dangerous effects. The law prescribes a punishment of five years minimum imprisonment which can extend to life imprisonment for anyone who belongs to an organised crime syndicate while facing a financial penalty which starts at ₹5 lakh. The law permits prosecution against extensive piracy operations which use Telegram channels and torrent sites because it establishes a powerful deterrent that did not exist under the previous IPC system.

The Indian criminal system employs its penalties to achieve two objectives which include punishing specific offenders and warning potential lawbreakers about the consequences of their actions. The 5% production cost fine establishes financial penalties which will impact first-time offenders because the minimum imprisonment requirement prevents judges from giving them light sentences.

7.2 UNITED STATES' CIVIL-HEAVY FRAMEWORK

The US system relies on civil procedures which receive supplementary support from infrequently applied criminal measures.

The DMCA of 1998 protects qualifying online service providers through Section 512 which prevents them from facing financial responsibility for user violations when they follow takedown procedures and maintain policies against repeated violations³³. The US Copyright Office reached a 2020 report conclusion which declared that the section 512 safe harbor system presently operates unbalanced because it fails to match the needs of copyright holders and online service providers. The DMCA enforcement process uses civil procedures which create deterrent effects that depend on copyright owners to execute legal action through their available resources.

Section 1201 of the DMCA prohibits people from bypassing technological protection measures without needing to show any actual infringement took place. The law establishes civil enforcement for violations which include statutory damages that range between \$200 and \$2,500 for each act of circumvention and increase to \$25,000 for multiple violations. Criminal penalties which include a maximum \$500,000 fine and five years of imprisonment apply to people who commit willful commercial violations.

The ART Act establishes criminal penalties for two specific actions which include (1)

³³ 'Organised Crime' Now a Separate Offence, with Life Term as Punishment, Indian Express (Aug. 12, 2023).

unauthorized recording of a motion picture in a theatre (camcording), punishable by up to three years' imprisonment (six for repeat offences); and (2) wilful distribution of pre-release works on a public network. The ART Act eliminates the requirement to prove economic losses which constitutes a major evidential advantage for pre-release cases. The ART Act introduced a preregistration system which protects works that experience pre-release violations.

18 U.S.C. section 2319 - People who commit their first offense with 10 or more copies which have a total retail value above \$2,500 face a punishment that includes five years of imprisonment according to 18 U.S.C. section 2319. The law prescribes a ten-year prison sentence for people who commit their second offense. The law prescribes a three-year prison sentence for violations of Section 506(a)(1)(C) which deals with pre-release distribution under the ART Act; however, this period extends to five years when the offender seeks commercial benefits and extends to ten years for offenders who commit repeat violations.

The US civil-heavy framework relies significantly on private litigation by the Motion Picture Association (MPA) and its Alliance for Creativity and Entertainment (ACE). The current system fails to establish mandatory minimum penalties, and it prosecutes copyright offenders infrequently, which results in a decrease of overall deterrence. MPA Chairman and CEO Charles Rivkin stated that piracy poses a major threat which endangers the existence of the motion picture and television industry because it costs the industry approximately \$71 billion worldwide.

COMPARATIVE ANALYSIS: INSIDER LEAKS AND TORRENT DISTRIBUTION

The Cinematograph (Amendment) Act of 2023 in India establishes a criminal offense for unauthorized transmissions that stem from any source. The Jana Nayagan leak (2026) exemplifies the application of these provisions. The complete film became available on the internet in high definition on April 10 2026 before it received certification. The Tamil Nadu Cyber Crime Wing arrested six persons, including a freelance assistant editor. KVN Productions filed a lawsuit in the Madras High Court which ordered ISPs and cable operators to stop streaming the film without authorization. The Court scheduled the case for a hearing on June 2, 2026. The case presents two ways to proceed through criminal court cases which follow BNS and the Cinematograph Act and through civil court cases which provide injunctive protection. The United States has restricted ART Act prosecutions to a small number of cases. The Family Entertainment Copyright Act faced its first prosecution in 2005 which showed the government intended to use the authority that Congress had granted. The reported cases show that criminal deterrence remains underused because only a small number of cases have been

documented.

The criminal law system of India provides its strongest deterrent effect through mandatory minimum sentences and organized crime charges which can be applied under BNS Section 109. The US civil framework enables content removal through DMCA takedowns but does not provide sufficient penalties to stop advanced piracy operations which operate for financial gain. The US system operates more effectively because its MPA and ACE resource industry enforcement capabilities surpass what the Indian film industry has developed so far.

ENFORCEMENT MECHANISMS AND CROSS-BORDER CHALLENGES

INDIA'S ENFORCEMENT MECHANISMS

Dynamic Injunctions that's is Indian courts have established advanced legal principles for dynamic injunctions which effectively tackle the changing aspects of pirate websites. The Delhi High Court has established three types of injunctions which include "dynamic" and "dynamic+" and "superlative" to permit copyright holders to inform the court about new websites and mirror websites and redirecting sites without needing to obtain new court permissions. The Court issued an ex-parte ad-interim injunction which prohibited more than 20 illegal websites in *Jiostar Private Limited v. Vega Movies (2025)* because Jiostar could identify extra websites which ISPs and registrars had to block without needing new court permissions. The Delhi High Court provided Warner Bros with a Dynamic+ injunction which required the shutdown of websites that illegally streamed content from *Friends* and *Stranger Things* and *Batman*³⁴.

India's police seizure powers for combating pre-release piracy derive from two key statutory provisions, supplemented by effective judicial intervention. Under the Cinematograph Act, 2023, Section 7(1B)(ii) empowers the Central Government to issue directions to intermediaries hosting pirated content pursuant to Section 79(3) of the Information Technology Act, 2000. The Government has utilised this provision effectively: as of March 2026, the intermediary Telegram App was notified under Section 79(3)(b) to remove and disable access to 3,142 channels publishing pirated content, and access to approximately 800 websites hosting pirated content has been disabled through internet service providers. Additionally, the Bharatiya Nyaya Sanhita (BNS), 2023, Section 109—which defines organised crime as “any continuing unlawful activity” by groups acting in concert to obtain material benefit—enables law enforcement to treat large-scale piracy networks as criminal syndicates, allowing for preventive detention, attachment of assets, and enhanced investigative powers. The effectiveness of

³⁴ Delhi High Court Grants Dynamic Injunction to Protect Jolly LLB 3 from Piracy, Legal Era (Sept. 18, 2025).

pre-release injunctive relief in India is further demonstrated by the case of *Reliance Big Entertainment Pvt. Ltd. v. BSNL* concerning the film *Dhurandhar: The Revenge* (2026). The Madras High Court granted an ad-interim injunction restraining internet service providers and cable TV operators from unlawfully broadcasting the film ahead of its scheduled release on March 19, 2026. Justice Senthilkumar Ramamoorthy passed the injunction pursuant to a John Doe suit filed jointly by Reliance Industries Limited and B62 Studios, subject to the plaintiff furnishing indemnity, and the injunction remained in force until April 15, 2026. This case illustrates how Indian courts combine statutory seizure powers with agile civil procedure to protect pre-release content.

UNITED STATES' ENFORCEMENT MECHANISMS

The MPA uses its Alliance for Creativity and Entertainment (ACE) to conduct civil lawsuits against websites that distribute pirated content and provide illegal streaming services. ACE has been increasing its efforts to combat piracy through partnerships with sports broadcasters and leagues and international law enforcement agencies. The MPA spends significant financial resources to fight online piracy through various methods which include using DMCA Section 512(h) subpoenas to trace anonymous copyright violators. The notice-and-takedown system allows copyright owners to request removal of infringing content without litigation. The system does not stop users from re-uploading content to different domains because it only functions as a response system. The Block BEARD Act (Blocking Bad Electronic Art and Recording Distributors Act) which Senator Thom Tillis (R-N.C.) introduced would enable copyright owners to obtain U.S. federal court orders that block foreign websites which operate digital piracy sites from distributing stolen content to American customers. The Block BEARD Act allows copyright owners to request that courts identify foreign online websites as "foreign digital piracy sites."

The Foreign Anti-Digital Piracy Act (FADPA) (H.R. 791) which Representative Zoe Lofgren (D-Calif.) introduced on 28 January 2025, aims to modify Title 17 to create a system which allows for courts to issue blocking orders against particular foreign websites and online services that violate copyright laws. Copyright owners can request U.S. District Court judges to issue preliminary orders which declare that their foreign website copyright will be violated according to proposed Section 502A.

The court would then instruct ISPs to block access to the specific foreign website which it had identified. Neither bill has been enacted into law. Charles Rivkin stated at CinemaCon 2024 that the MPA is working with Members of Congress to enact judicial site-blocking legislation

in the US. He described pirates as “real-life mobsters” who “engage in child pornography, prostitution, drug trafficking”. Cross-Border Challenges: The US faces substantial jurisdictional obstacles when it tries to combat pirate websites which operate from international locations. The US system depends on ISPs to cooperate voluntarily while it requires international enforcement agencies to work through ACE to achieve its enforcement goals.

MECHANISM	INDIA	UNITED STATES
Site-blocking	Government-notified blocking (IT Act S.79(3)(b)); dynamic injunctions from courts	Proposed (Block BEARD Act, FADPA); not yet enacted
ISP blocking	Immediate upon court order; over 800 sites disabled	Limited; voluntary cooperation
Telegram action	3,142 channels notified for removal under section 79(3)(b)	ACE enforcement; DMCA takedowns
Criminal syndicate prosecution	BNS S.109 (organised crime) – 5 years to life	Limited; rare ART Act prosecutions
Injunctive relief	Dynamic, dynamic+, superlative injunctions available	Civil injunctions under Copyright Act
Cross-border reach	Government notifications; mutual legal assistance	ACE international partnerships

SELF-RELEASE BY RIGHTS OWNERS, GREY AREAS, AND IMPACTS LEGAL PERMISSIBILITY OF OWNER SELF-RELEASE FOR PROFIT

The copyright law establishes a grey area when it needs to determine whether a film rights holder which includes producers and directors and studio executives can distribute pre-release materials through fan platforms to generate revenue without committing copyright infringement.

INDIA – IT ACT, 2000, SECTION 79 (SAFE HARBOUR): The IT Act of 2000 in India establishes safe harbour protection through its Section 79 which protects intermediaries from third-party liability but does not extend this protection to original content uploaders. A producer self-releasing content would not be infringing because the producer is the copyright owner.

The producer needs to safeguard their distribution rights because any self-released content must go through platforms that require the producer to protect their exclusive distribution agreements. An exclusive distribution agreement breach represents a contract violation which occurs when a party breaches their contractual obligations without committing copyright infringement. The DPDP Rules of 2025 require Data Fiduciaries which include production houses to establish data security measures that protect against unauthorized access to self-released content, which could be stolen.

UNITED STATES – DMCA SECTION 512 (SAFE HARBOUR): The copyright owner who self-releases content maintains his rights to his work. The producer has granted exclusive distribution rights to a third party which makes self-release a violation of the agreement. The copyright owner receives no protection under the DMCA safe harbour which protects OSPs. The anti-circumvention provisions of section 1201 apply only when someone defeats technological protection measures.

CONTRACTUAL MECHANISMS (NDAs AND DISTRIBUTION AGREEMENTS) VS. STATUTORY SAFE HARBOURS - NDAs establish a legal structure which protects confidential information between parties. The violation of an NDA contract enables the affected party to pursue civil litigation which seeks financial compensation and court orders through contract law. The Indian Contract Act of 1872 establishes the legal framework for contract violations in India. The United States follows state-specific contract laws to address such matters. The breach of an NDA contract does not result in statutory copyright infringement unless the protected material gets shared without proper authorization which violates copyright laws. The statutory safe harbours (India's IT Act S.79; US DMCA §512) protect intermediaries, not the original leaker. An insider who leaks content under an NDA can be sued for breach of contract and, separately, for copyright infringement.

PSYCHOLOGICAL AND ECONOMIC IMPACTS INFLUENCING POLICY

Pre-release Piracy have directly shaped policy reforms in both India and the United States, leading each country down distinct legislative paths. On the economic front, the Indian film industry suffers staggering annual losses estimated between ₹20,000 and ₹22,000 crore (approximately US\$2.7 billion) due to piracy, with Union Minister Anurag Thakur noting during parliamentary debates that “the film industry is facing a loss of Rs 20,000 crore annually because of piracy” and that “online piracy saw a 62% surge during the pandemic”.

A joint EY-IAMAI “Rob Report” from 2024 further quantified that India’s piracy economy reached INR 224 billion (gross of tax) in 2023, with the entertainment industry losing ₹22,400 crore, and the report found that “piracy’s economic toll extends beyond direct revenue loss, disrupting investment flows, discouraging quality content production, and eroding trust across the media and entertainment landscape”. Beyond these headline figures, pre-release leaks cause a disproportionately sharp decline in box office revenue a landmark Carnegie Mellon University study published in a top peer-reviewed journal found that “on average, pre-release piracy causes a 19.1 percent decrease in box office revenue compared to piracy that occurs post-release,” and the researchers further noted that “movie piracy can cannibalize \$1.3 billion in potential box-office revenues annually”.

The *Jana Nayagan* leak of April 2026, where a freelance assistant editor gained unauthorised access to the film’s footage at an editing studio and leaked the entire film online before certification, exemplifies this risk. Globally, the Motion Picture Association has estimated losses due to movie piracy at US\$29.2 billion in 2019 alone, with MPA Chairman and CEO Charles Rivkin repeatedly characterising digital piracy as “in many ways an existential threat to the motion picture and television industry,” and experts at WAVES 2025 projected that “online piracy is expected to cost the industry over 10% in lost revenue between 2025 and 2029”.

The psychological impact often described as the “doomed day” phenomenon has been equally devastating for creators. Director H. Vinoth expressed the emotional toll after the *Jana Nayagan* leak, writing on Instagram: “Every scene carries someone’s dream... The leak before release is truly painful. Please support by not sharing it”. Suniel Wadhwa, co-founder of Karmic Films, characterised a pre-release leak as “not just piracy it is economic sabotage. It destroys a film’s theatrical potential, jeopardises digital (streaming) and satellite deals, and kills audience curiosity before the first show.” The sense of betrayal is particularly acute when leaks originate from within the industry—as in the *Jana Nayagan* case, where a freelance assistant editor was among those arrested, demonstrating that insider breaches represent a profound breach of trust that demoralises entire production teams. The EY-IAMAI report highlighted that piracy “disrupts investment flows, discourages quality content production, and erodes trust across the media and entertainment landscape,” while also “compromising creative freedom, reducing the scope for risk-taking in storytelling, which disproportionately impacts independent creators”.

These compounded economic and psychological pressures have directly influenced policy divergence between the two nations. India’s criminal-heavy approach embodied in the

Cinematograph (Amendment) Act, 2023, with its mandatory minimum penalties of three months' imprisonment and fines linked to 5% of audited gross production cost, along with BNS Section 109 treating large-scale piracy as organised crime reflects the severity of the ₹20,000 crore annual losses and the psychological devastation described by industry figures. The United States' technology-focused DMCA/ART framework, by contrast, reflects a different philosophy relying primarily on technological protection measures (Section 1201), civil enforcement through DMCA takedowns, and industry cooperation via the MPA's Alliance for Creativity and Entertainment, rather than extensive criminal sanctions. However, the proposed Block BEARD Act and Foreign Anti-Digital Piracy Act (FADPA), introduced in 2025, indicate a growing recognition within the US Congress that civil remedies alone are insufficient to combat sophisticated, profit-driven piracy syndicates. The Block BEARD Act would allow copyright holders to ask a federal court to block foreign piracy websites, requiring ISPs and DNS providers to restrict access under court order, thereby moving the US closer to the site-blocking mechanisms already available in India through dynamic injunctions. As experts at WAVES 2025 noted, "effective anti-piracy enforcement could drive a 25% increase in legal video service users and unlock a US\$ 0.5 billion boost in content investment," underscoring that the stakes both economic and psychological demand continued legislative evolution in both jurisdictions

RECOMMENDATIONS AND PROPOSED REFORMS

The legal systems of India and the United States show both unique advantages and ongoing deficiencies which require specific improvements through legislative changes and operational updates. For India, a critical gap is the prospective application of the Cinematograph (Amendment) Act, 2023, whose enhanced penalties including a fine of up to 5% of the audited gross production cost cannot be applied to leaks that occurred before its enactment. The government needs to change the Act through an amendment which should establish retrospective rights to apply the law for economic damage which happened before 2023 while the government must follow constitutional laws that ban ex post facto criminal laws. The United States needs to pass its judicial site-blocking legislation which has not been approved since 2008 through the Block BEARD Act and the Foreign Anti-Digital Piracy Act who would let federal courts instruct ISPs to stop access to international piracy websites which India already enables through its dynamic injunction system. The United States needs to establish minimum mandatory sentences for commercial pre-release piracy because this approach will enhance deterrence against such crimes. The best practice hybrid framework develops from

their comparative strengths because it requires India to implement criminal penalties against organized syndicates while using dynamic site-blocking orders and data security requirements from the DPDP Rules 2025 and the United States to enforce statutory damages together with DMCA Section 1201 anti-circumvention rules and safe harbor protections for intermediaries. International collaboration represents an essential component necessary for achieving successful enforcement procedures. The United States and India need to implement their current bilateral intellectual property Memorandum of Understanding through specific legal assistance agreements which will help them track down pirate operations and confiscate illegal assets. The United States and India should engage in the second phase of INTERPOL's Stop Online Piracy I-SOP Project 2025-2029 because this project aims to combat illegal online distribution networks and promote worldwide partnerships³⁵. The anti-piracy strategy requires technological measures to become a fundamental component. All production houses in India should establish forensic watermarking together with AI detection tools as their standard operating procedure while they pursue Motion Picture Association Trusted Partner Network certification to meet Content Security Best Practices v5.3.1 requirements³⁶. The Indian government needs to define the legal status of "owner-authorized" pre-release content because the Cinematograph Act requires direct changes which should state that self-release for promotional purposes does not face legal restrictions and full penalties apply to all third-party distribution activities. The DPDP Rules 2025 establish data-security obligations which include penalties that reach up to ₹250 crore for violations but these rules require production houses to implement data audits and access control systems and employee training in order to achieve data privacy compliance which will protect against insider leaks.

CONCLUSION

The research demonstrates that India implements stronger mandatory restraints through its BNS Section 109 and Cinematograph (Amendment) Act 2023 than the USA which relies on its DMCA system that combines civil law with technological regulations. The research establishes that India possesses a superior enforcement system which includes dynamic injunctions and IT Act government-notified blocking to achieve immediate takedown results while the US system relies on MPA and ACE to provide industry enforcement resources. The DPDP Rules 2025 establish a major innovation through their use of data-security obligations

³⁵ INTERPOL, Project I-SOP (2025).

³⁶ Trusted Partner Network, MPA Content Security Best Practices v5.3.1.

which US organizations still have to implement as an insider leak prevention system. Future research must study how the DPDP system decreases piracy which examines both AI-assisted piracy and deepfakes plus compares the effects of site-blocking laws according to whether the US passes the Block BEARD Act or FADPA. The battle against pre-release piracy needs legal changes and a continuous international partnership between public and private sectors which needs to change with new technology developments.

