



COPYRIGHT INFRINGEMENT IN THE DIGITAL LANDSCAPE

Subhodip Mondal¹, Ananya Mandal²

ABSTRACT

Copyright is the right conferred by the Copyright Amendment Act, 2012. Copyright is one of the most recognized Intellectual Property Rights enjoyed by the creator or inventors of artistic works, musical, educational and literary works. Copyrights are those rights which were enjoyed by the inventors, creators or owners of the copyright for his/her lifetime plus 60 years after his/ her death by their legal heirs. In some cases, valid time for holding a copyright is limited to only 60 years from the publishing years. The research paper states that in this period of time they can make a copy of their own works as much as they can or use it in a suitable manner as they want. Exclusive right of ownership is enjoyed by the creator of literary and artistic work. The research paper states that the advancement of technologies led to the rapid increase in the infringement of copyright. The research paper states that Cyberspace is playing a very vital role in the infringement of copyright.

Infringement of copyright means stealing or snatching the rights of the actual owner conferred by the Copyright Act by fraudulent means or using it for their own profit. The research paper states that it has become very easy for the infringers to copy the works of the inventors and creators and sell them at a higher price or to manipulate the same because of cyberspace. As cyberspace is nothing but a digital technology and the advancement of the same leads to the infringement of copyright. The research paper states that various preventive measures should be taken to stop the infringement of copyright by making new laws and rules.

Keywords: Copyright, Intellectual Property Right, Cyberspace, Infringement, Preventive measures.

INTRODUCTION

Intellectual property rights are legal rights or more accurately, exclusive rights bestowed

1 Legal and Compliance associate at Kavi Infinity Solutions, Bengaluru.
2 Advocate, Bankshall Court, Kolkata, West Bengal.

upon an individual who, by the application of their intellect, invents or makes something novel, distinctive, and beneficial for their personal benefit as well as the benefit of others and tends to profit from it. Intellectual property grants the creators or inventors the exclusive right to sell, reproduce, or use their creations for any purpose for a predetermined amount of time, as compensation for their effortless labour.³ Intellectual property can be broadly divided into two main topics:

- i. Copyrights and rights related to copyright
- ii. Industrial property which includes Trademark, Patent, Industrial Design, Geographical Indications, etc.⁴

The research states that copyrights are a type of intellectual rights which are enjoyed by the inventors or creators in the field of literary and artistic works such as novels, poems and plays, films, musical works, drawings, paintings, photographs, sculptures, and architectural designs, sound recordings, radio broadcasts, etc.⁵ Thus, copyrights are those rights which are exclusively enjoyed by those persons who create some magnificent works, magical and new works with the help of their expertise talents in literary and artistic works with the help of their creative mind. It basically depicts the creative mind of the inventors which they can enjoy throughout their lifetime and 60 years after the creators' death by their legal heirs or representatives. One of the great examples is the work of the magnificent poet, writer, play righter, composer and painter Sri Rabindranath Tagore. He has given us his rather gifted and stellar work through his book "Gitanjali". He has enjoyed his copyright throughout his lifetime and later after his death the copyright was enjoyed by the 'University of Visva Bharati' for 60 years from the next year following his death. In this period of time, he has translated the verses of Gitanjali in various languages and has published it in several countries multiple times for several years. It is not that as he is 'The Rabindranath Tagore' that is the

reason why he enjoyed these rights, anyone who creates something new and original can enjoy those rights under Copyright Act, 1957. Improvisation of existing work into something new was protected under Copyright Act, 1957. Although there are certain exceptions to the rule of copyright in case of corporate works, pseudonymous and anonymous work. In this case, the anonymous creator enjoys the copyright to a certain period from the day of publication. In addition to unpublished works are also protected under the Copyright Act.

The term 'Copyright' literally means the right to copy. So, this right to copy is enjoyed by the creators for a fixed period of time. As there is right that means it is clear that there will be violation or infringement of those rights also as infringers will not wait till the completion of their copyright. So the infringers have chosen cyberspace as the best way to infringe the copyright by a way of piracy, forgery, etc. Hence, cyberspace is a concept describing a widespread and interconnected digital technology. The term 'cyber' means technology and 'space' means infinite. Thus, cyberspace together means infinite technology. There is no particular limit of using technology or extension of technology. The research states that digital technology is advancing day by day as the time is passing by so it is becoming very easy for the infringers to use this cyberspace as a tool in order to violate or rather infringe the rights of the inventors. As we people are very lazy from the very beginning, we love to spoil others' hard work by infringing them. We want to enjoy everything perfectly or want to have the best in our lives but we are afraid of hard work so, in spite of passing several days, months, years of putting continuous effort and labour in creating something new and innovative it is better to still them from the creators and using them for our own profit and make money for the same. For doing this, Cyberspace is acting as a boon to the life of the infringers. With a little bit of knowledge in digital technology, they can easily infringe the copyrights of the creators and

3 Shubhangi Sharma, *All You Want to Know About Intellectual Property*, iPleaders (Oct. 17, 2019),

4 World Trade Organization, <https://www.wto.org> (last visited May 17, 2021))

5 Justice Yatindra Singh, *Cyber Laws 43* (Universal Law Publishing, 2014)

inventors. Advancement in digital technology is showing a light to the infringers to violate the exclusive rights enjoyed by the creators⁶. Nowadays, due to advancement of technology the creators or authors has shifted from offline mode to online mode. This is because creating something new has become easier with the advancement of technology. This has given powers to the hackers to hack the IP address of the creators to still their works present or created through e platform.

RIGHTS PROVIDED UNDER COPYRIGHT ACT

The research states that individuals whose works are new and intellectual are able to enjoy the rights under the Copyright Act, 1957 which was amended in the year 2012. According to this Act, not all new works will be entertained under Copyright Protection Act, 1957. According to Section 13 of the Copyrights Act, 1957, only literary works, dramatic works, musical works, artistic works, cinematograph films and sound recording are protected.⁷ According to Section 2(o) of Copyright Act, 1957, software and computer database is also protected by this act. According to Section 14 of the Copyrights Act, 1957, a creator enjoys exclusive right of reproducing, recreating, translating his works in many languages and can sell them all over the world and can also publish in other countries also and can also let others use his work through agreement or by way of transfer. Basically, under this section a creator can fully and solely use his rights conferred upon him by this act.⁸

According to this act of 1957, creators or investors can enjoy his/ her rights in literary, dramatic, musical and artistic works throughout their lifetime plus 60 years calculating the next calendar year from the year following the death

of the author. After the death of the author, the copyright will be enjoyed by the legal heir of the author or by the legal authority with whom he has bestowed his rights to them before his death just like Rabindranath Tagore has bestowed his rights to the University of Visva Bharati before his death. If the creation is done by an inventor during his employment, then his employees are also entitled to claim the copyrights under this act of 1957. In case of cinematography, sound recording, database, computer software, etc. the period of copyright only extends up to 60 years only.⁹

The research states that the rights provided to the creators and investors are economic rights and moral rights. Economic rights are those rights where an inventor is economically benefited under this act. They can use their rights in several ways to make money whereas moral rights are the personality rights of the author which means the rights that are protected under Berne convention 1886 and by other domestic laws. Economic rights are enjoyed under Section 14 of the Copyright Act, 1957 and moral rights are enjoyed under Section 57 of the Copyright Act, 1957. Therefore, the rights enjoyed by the creators or inventors are as follows:

- i. **Economic rights:** The term 'Economy' itself denotes that this right is solely based on economy means money. This is the profitable or money making right enjoyed by the creator or inventor throughout the time period as prescribed under this act¹⁰. The creator or inventor can use their creation freely to make money by selling their creation as much as they want. In addition, the creator has the right to sell their creation completely to another person selling their rights as well. To enjoy such economic rights, the creators forget to take proper precautions giving opportunities for

6 Hemant Kumar, *Cyberspace Copyright Violations and the Indian Legal System's Response*, 3 Indian J. Integrated Rsch. L. 3 (2025).

7 Legal service India.com, <https://www.legalserviceindia.com> (last visited May 17,2021)

8 KarnikaSeth.com, <https://www.karnikaseth.com> (last visited May 17, 2021)

9 *Id.* at 4

10 S.S. Rana & Co., *Protection of Moral Right of Author*, (May 17, 2021).

the infringers to copy their works with the advancement of technology and gaining money themselves.

ii. Right of Reproduction: These rights are the oldest rights enjoyed by the inventors under the Copyright Act, 1957. The right of reproduction means producing the same art and literary works in several ways like by moulding its content, changing its language and publishing it in several countries and to make a copy of the same as per their requirement. This right is also protected by the Berne Convention 1886 where the inventors get copyright in the country of origin of the work means he can publish his/ her work within their country itself and can also reproduce in other countries also¹¹. Due to the advancement of technologies, modification of the works has become easier. The copyrighted works has become easily accessible by the infringers with which without the prior permission of the original creator their works has been reproduced and was misused as well.

iii. Right of Distribution: These rights are those rights where the inventors distribute their works all over the world by making a copy of it. They can make as many copies as they want. It is basically a way to promote an author's own work all over the world. The advancement of technologies the creators or inventors has adopted latest technologies for the promotion of their works¹². Due to this advancement of technology, the creators of the copyrighted works can reach to a large number of audience in a short span of time. This helps the creators gain more popularity.

iv. Right to Communicate work to the public: The term communicate means

to share by means of sharing or allow people to enjoy the creation of the creator by publishing their work or through electronic media.¹³ Communication has become very easy for the creators to create with the audience through various online modes. The advancement of technology has helped the creators or inventors of the copyrighted works in showcasing their talent to the public through various social media platforms like YouTube, Instagram, Facebook, etc. technology has given a new path to the creators to showcase their talents in a very innovative and modern way.

EVOLUTION OF COPYRIGHT

The research states that the copyright has a long history from the time of Britishers till now. In the UK, the concept of copyright has been evolved after the invention of the printing machine by Johannes Gutenberg in Germany around 1440. In the year 1529, Stationer's guild was formed by the writers of manuscripts and the person involved in copying. In the year 1661, the first licensing act was passed and starting from that year the members of that company started enjoying the right to publish but not as an owner but as a publisher. The first copyright law was passed in the year 1710 which was previously termed as "Statute of Anne". Under this act, an author whose works means literary work is yet to be published is entitled to enjoy the rights for 14 years and if he remains alive after 14 years then his rights will be extended for another 14 years. In the year 1911, copyright act was enacted where all the literary works and artistic works like paintings, writings, photograph, music are included which was previously conferred by the engraving Copyright Act of 1734 and the fine arts Copyright Act of 1862. In the Copyright Act of 1911, the time period of copyright has been extended to life and 50 years.¹⁴

11 Khalid Shamim & Aqa Raza, *The Copyright and Her History*, 11 NTUT J. Intell. Prop. L. & Mgmt. 13 (2022).

12 *Id.* at 12

13 Arathi Ashok, *Economic Rights of Authors under Copyright Law: Some Emerging Judicial Trends*, J. Intell. Prop. Rights, Vol. 15, Jan. 2010, at 46-54.n

14 Charul Tripathi, India: *Historical Development of Law of Copyright*, (May 18, 2021)

Later, after the death of Rabindranath Tagore, the tenure of 50 years was extended to 10 more years which was enjoyed by the 'University of Viswa-Bharati'. Previously, only written or documented creation can be registered or are protected under the copyrights act. Later, with the advancement of technology, modernization unpublished works can also be registered under the copyrights act. Now, both online and offline artistic or literary works were protected by the copyright act. The literary or artistic works of the creators now gets noticed with the advancement of technology and various online social media platforms.

COPYRIGHT LAW IN INDIA

The research states that the first copyright act of India was enacted in the year 1847. According to the act of 1847, an author or creator is entitled to enjoy rights either throughout the author's lifetime plus 7 years or 42 years. Then, the act was replaced by the 1911 act which covers both literary and artistic works during the period of Pre-Independence. Later, after Independence the act of 1911 was replaced by the act of 1957 which came into force in the year 1958. This act entitled the creators to enjoy the copyrights throughout the life of the author plus 60 years from next year following the death of the author in case of books, poems, writings, drawing, etc. and 60 years for directions, computer data, software etc. The Copyright Act of 1957 was amended in the years 1983, 1984, 1992, 1994, 1999 and 2012 respectively. Prior to the amendment made in the year 2012, all other amendments that were made were not up to the mark or rather was unable to match the increasing development in the intellectual industry. In the 2012 Copyright Amendment Act, many new things were added like the WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT) which was not present in previous acts, it includes author friendly amendments.¹⁵

This act extended its right to be enjoyed by the inventors in sound recordings, artistic works and cinematograph films. The research states that many other new amendments were made under the 2012 Copyright Amendment Act for the benefit of the inventors and to protect their rights.¹⁶ After the 2012, Copyright Amendment Act 2013 amendment rules was issued and it was amended in the year 2016 and after that new rules were amended under 2019 amended act and in 2021, some new rules were proposed for amendment to maintain the transparency of the copyright act and to prevent the rights of the creator and inventor from being infringed. The copyright laws have evolved with the advancement of digital technology. The research states that previously only literary work was entertained under copyrights act, for example books, then it started including literary and artistic works like drawing, paintings etc. Then, it extends its rights in the field of theatre, movies, cinematographic directions, etc. Then, it further includes the works of creator's base on music, sound recordings and software database. In short, according to the research, the copyright act was applied to many fields, it covers a vast area. Not only the authors but the composers and singers are also can enjoy the rights of the copyright and many more. One of the renowned copyright cases of India is that of 'Saregama India Ltd. V. Sanjay Bansal' where Sanjay Bansal has sold several copyrighted sound recordings of the music company without their permission in an unauthorized manner¹⁷. Hence, Sanjay Bansal was made libel for the infringement of copyright of Saregama India Ltd.

THE ROLE OF CYBERSPACE IN THE INFRINGEMENT OF COPYRIGHT

Cyberspace plays a very pivotal role in the infringement of copyright. Although registered works were protected under copyright act, but the introduction of cyberspace has shaken the

15 Yadav, M.A. & Singh, N.B., *The Ineffectiveness of Copyright System to Respond Effectively to Digitalization and Possible Measures*, *Specialusis Ugdymas*, vol. 1, no. 43, 2022, at 4531–37..

16 Abhai Pandey, *Inside Views: Development in Indian IP Law: The Copyright (Amendment) Act 2012*, *Intellectual Property Watch* (May 18, 2021)

17 Aishwarya Sandeep, *Copyright Infringement in Indian Film Music*, (May 17, 2021).

enforcement of copyright. The research states that infringement of copyright means the violation of right of the inventors or creators enjoyed under the copyright act. It includes the unauthorized use, production or copying of the creation of the inventors or creators whose works are entitled under the copyright act. Infringement means inventing the rights of the rightful owner whose work has been registered under the copyright act by making the copy of their work or by forging them without the permission of the creator¹⁸. The research states that making a copy of certain creations and works or pirating them in the market for making a huge money by violating the rights of the rightful owner is an offence under the copyright act and the person doing this are termed as Infringers. Infringers are technological advanced person who have a knowledge in computers and digital technology and by using this knowledge they infringe the rights of the rightful owner by selling it prior to their right of publication like pirating of CDs and movies, launching the movies in unauthorised websites before launching in the digital platform or in the theatres prior to its official release violates the cinematographic rights of the makers and singers who are going to make a profit with this as an registered owner under copyright act.

The research states that digital technology or rather advancement in digital technology is helping the infringers to violate the rights of the creators. As digital technology was so advanced infringement of copyright has become easy now a days.¹⁹ Downloading, piercing, etc. has become easy when the creators has started using online mode to get attention. In this way the documents or the copyrighted works become more accessible for download or copy in an unauthorized way without the permission of the rightful owner. Moreover, due to advancement of technology sometime the

rightful owner of the work was also not identified or determined. This is because downloading or print is cheaper than the authorized copy of the work. So, without much thought people don't get bothered to know the actual owner or source of the work and starts sharing it blindly like wildfire. This hampers the hard works of the creators making them unrecognized and keeping them in shadow when the infringers gain the spotlight in the name of the original creator.

The research states that a copyright gives enormous rights to the copyright holder to make huge money with their creation and inventions and if that right has been taken by any third party than it will not be possible to make money by the creators and hence, they will suffer a huge loss. Section 52 of the Copyright Act of 1957 deals with the infringement of copyright²⁰. This section explained which rights undergoes infringement and which rights are not. The research states that an infringement of certain work is said to be done when a person without any license from the owner or from the registrar or from the competent authority publishes the work of the creator or transports the work from one country to other or sell them or publishes in the platform where it is not supposed to be published without the prior knowledge of the owner or reproduces artistic, literary and dramatics work of creator and distribute them in public are all comes under the purview of copyright infringement.²¹ Illegal download of copyrighted work which was not open for public leads to the infringement of copyrighted work.

CYBERSPACE: ITS IMPORTANCE AND IMPACT

Cyberspace is the digital platform. It solely deals with computers, advanced technology, internet, database and many more. Cyberspace is basically

18 Tri Harnowo, *Law as Technological Control of the Infringement of Intellectual Property Rights in the Digital Era*, 2 Corp. & Trade L. Rev. 65 (2022).

19 Will Kenton, *Copyright Infringement*, Investopedia (May 19, 2021)

20 Mondaq, *Exception to Infringement of Copyright: Section 52 of the Copyright Act, 1957*, (May 17, 2021)

21 Legal Service India.com, <https://www.legalserviceindia.com> (last visited May 19, 2021)

the result of advance technology²². The research states that as the days are passing, technology is also advancing. For instance, previously, we had to go to bank or ATM for withdrawal of money but nowadays there is E-banking facilities because of which we can sit at home and do the bank related works within few minutes. We don't have to stand in a long Queue for hours in order to simply deposit or withdrawal or transfer of money or to check the balance in the account. Now with the help of internet and only using our smartphones, we can easily connect the bank with our phone and can directly transfer or add money in the respective account. Likewise, with one touch or one click the data can easily be transferred or accessed from different parts of the country. So, the process of hacking and piercing becomes easier and simpler with just one touch. As, now most of the works related to books, movies, music, etc. are available on internet so hacking ones Id and using it for own use without the permission of the creator has become easy. Thus, cyberspace is important as it has enough space to store and accumulate data for a longer time without any hustle of being lost or damaged. On the same time storing data online becomes riskier for the creators as they become prone to the risk of being infringed. Due to the advancement of technology the creators often unable to find that their work has been stole.²³ In fact, the identification of the person who has stolen the copyrighted work and shared it to a larger audience for their own benefit can't be stressed. Moreover, due to advancement of technology it was sometimes difficult to understand the difference between copyrighted works and pirated works. So, without prior knowledge of the same the hard work of the creators along with their investment all go in vain. In their person the wrongdoer or infringers enjoys all the rights entrusted with the copyrighted works. The research states that the technology is so advanced that without telling anything it has the capability to show the interests of the person using

the phone, can detect the location and amenities and facilities around it. Digital technology is giving all the information that has been asked by the people or it was helping the people to express their talents through digital media, it was helping a person to flourish their business all over the world with the help of digital technology by one touch. The research states that the digital technology is helping in showcasing the talent of an individual in literary and artistic works. Moreover, with the advancement of technology registration of copyrighted works has also become easy and time saving as well. Digitization of everything has given huge platform to the creators to share their work in a bulk with minimal coast and time. Technology has also helped the creators or inventors of the copyrighted works in gaining recognition for their work with short time and earn money for their work. For example, the content created by the You-tubers or Instagrammers based on their expertise also comes under the rights covered under copyright act²⁴. As, the contents created by them are original so, the rights of using their content are reserved to them only. The copying or misuse of such content or music without the prior permission of the creator leads to the infringement of copyrighted works. Cyberspace is playing a very important role in our lives. As, it was working as boon and curse for the creators at the same time. The research states that cyberspace has become the nerve of every individual because now a day's people can't even imagine spending one day without accessing the digital technology. Thus, cyberspace plays a very important role in our daily life.

Just like a coin, same applies to cyberspace which as has both bad and a good one. The good side of cyberspace is already mentioned now it's time to know the bad side means the impact of the cyberspace²⁵. The research states that as there is a huge advancement of technology and people are using or accessing the technology very frequently and as all the personal details and information are

²² *Id.* at 10

²³ Srivastava, P., *Digital Rights Management: The New Copyrights* (2022).

²⁴ LawSikho, *What You Need to Know About Copyrights of Bloggers on YouTube*, (Sept. 19, 2021)

²⁵ Venkatsubramanian, S., *Critical Analysis of the Issue with Copyrights of Cyberspace*, 1 Indian J.L. & Legal Rsch. 5, 1 (2023).

within ones' phones or laptops. It has become very easy for the intruders to get the information and to misuse it or to use it for their own benefit. Cyberspace acts as a boon for the intruders as it makes the works of the intruders very easy to infringe the rights of the people whether it is legal right or any other right. Infringing of which will help them to make a lot of money. Cyberspace plays a very vital role in the infringement of copyright.

RELATIONSHIP BETWEEN COPYRIGHT AND CYBERSPACE

The research states that copyright and cyberspace are inter-related and inter-connected with each other. Copyright regarding software and database need access to the internet in order to invent or create something in that particular field. Without using cyberspace, a scientist cannot create any new formula or program or software or computer data. In order to create a computer database cyberspace is essentially required. Cyberspace is essentially required by the computer scientists who solely deal in the field of computer only.²⁶ Cyberspace helps in the inventions or creations on many fields mentioned in the copyright act. Cyberspace plays a major role in the creation of artistic and literary works like music composition, broadcasting, painting, writing, etc. As, with the help of the internet the musicians can compose the lyrics of their songs. Drafting any literary work be it Journals or books has become easier and smoother. Due to cyberspace the creators can easily modify or alter their works with time which was being stored online. Moreover, transfer or publication of any copyrighted work has become easier. The knowledge regarding copyrighted works were sometimes gained through Internet. The research states that like it helps in the creation or invention in the field of copyright it is also a threat to copyright at the same time. Advancement in cyberspace is imposing a major threat in the infringement of copyright. The research states that as cyberspace is advancing it is becoming very

easy for the third party or infringers to falsely manipulate the original work of the owner or to make copies of the work without proper license or permission of the owner. Cyberspace helps in the piracy of works by the third party²⁷. Piracy is one of the burning topics which led to the infringement of the rights of the singers who are launching their albums. The research states that the infringers with the help of digital technology steal the works of the creator in the field of cinematography and song recordings and published them before it has officially been practiced or launched. The most victims of infringement of copyrights are the film industry, composer, musicians, etc. Internet has increased the scope of online piracy by releasing movies on the websites or on various platforms before the official date of launch of the movie on theatres. In addition to unauthorised sharing and downloads without prior permission of the owner of the copyrighted works also leads to the violation of copyright. In fact, with the advent of technology adaptation, remake of artistic works has increased rapidly without the permission of the owner. This has led to the increase of copyrighted crimes. Especially the persons associated with the film industry have suffered huge loss because of the infringement of copyright through cyberspace. 'Uda Punjab' is one of the renowned films which was being pirated and released on websites and various other social media platforms two days before its theatrical release. One of the renowned copyrighted cases in India related to copyright infringement is 'Super Cassettes Industries Ltd. V. Myspace Inc.' Here, in this case the copyrights of 'Super Cassettes Industries Ltd. which was popularly known as 'T-Series' was being violated by a social networking website 'Myspace Inc.' It was obtained from the case that being a social networking platform 'Myspace' has allowed their customers without any proper license or permission from the owner to download and share copyrighted songs²⁸. Hence, 'Myspace Inc.' is liable of copyright infringement of literary

26 Mireille Hildebrandt, *Copyright in Cyberspace, Law for Computer Scientists* (May 19, 2021)

27 Lexology (May 19, 2021), <https://www.lexology.com/library/detail.aspx?g=d25b8920-5bf5-4b44-a902-7e9ae0263adc>.

28 Indiankanoon.org, <https://indiankanoon.org/doc/216257/> (last visited May 19, 2021)

works spoiling or disrupting the enjoyment of the copyrighted works of the owner.

PREVENTIVE MEASURES

The research states that preventive measures are those measures which were taken prior to commission of any crime. The measures which were taken to prevent the infringement of copyright is interlocutory injunction. Interlocutory injunction is a legal process used to stop the intruders from inventing the rights of the inventors or creator prior to the commencement of the act by the intruders. The research states it is the immediate relief that was given to that inventor whose right has been infringed and protect his rights from further infringement. In case of piracy interim injunction was issued in order to stop them from further infringement of right.²⁹ In order to prevent copyright infringement it is very essential to be aware of the technology or cyberspace. Cyberspace is the advancement of technology, so it is very import for the creators to be more aware of technology and habitual infringers.

Enforcing digital rights management (DRM) technologies is one essential preventive step. Content makers can regulate the distribution and usage of their work by encrypting it with the help of DRM solutions. The Copyright Act in India gives DRM systems legal support, enabling authors to successfully safeguard their digital content³⁰. Furthermore, the Act gives copyright holders the authority to send takedown requests to website hosts or internet service providers (ISPs) in the event that they come across illegal content on the internet. These notifications force ISPs to quickly disable or delete access to the protected content, thereby lowering the likelihood that it will be used illegally. Public education regarding copyright regulations and responsible usage of digital content is also essential. A culture of respect for intellectual property rights can be fostered via awareness campaigns, workshops, and educational programs, which deters people from infringing

on others' rights whether they do so deliberately or unknowingly. Moreover, it is imperative to enhance enforcement procedures and cooperate with global organizations to facilitate cross-border enforcement. India can successfully counteract copyright infringement in the global cyberspace by strengthening international collaboration and expediting judicial procedures. Additionally, the Copyright Act should be tackled and amended in accordance with the technological development in India.

REMEDIES AND SUGGESTIONS

The research paper states that there are certain remedies against the infringement of copyright act 1957. According to this act the persons whose rights have been violated by the infringers are entitled with civil, criminal and administrative remedies. Civil remedies include the right to file interlocutory injections, to claim the money or profit obtained with the infringed goods and the owner is entitled to claim damages for the same and can also claim all the copies which the infringers have made. In case of Criminal remedies, the infringer will be punished with imprisonment for 3 years but not less than 6 months and is also liable to pay a compensation not less than Rs.50,000 and it may extend up to Rs.2,00,000 and the owner is also entitled to get back the infringed goods.³¹ The research states that the advancement in digital technologies is effecting the rights enjoyed under the copyright act. The research suggests that more laws should be imposed in order to protect the rights of the copyright holder. Administrative remedies should be made stronger. The research suggests in case of criminal remedies punishment should be increased as well as the monetary compensation. Monetary compensation should be the amount or the profit that the infringement has received plus the damages caused plus Rs.2,00,000 as already mentioned. Punishment should be huge so that the infringers did not dare to repeat the same mistake twice. Even if dare to repeat the offence twice or

29 Shreya Sahoo, *Remedies of Copyright Infringement, Legal Bites*, (May 19, 2021)

30 Sangarsh Pandey, *Digital Rights Management*, Manupatra (May 20, 2021)

31 Nidhi Chhillar, *Copyright Infringement*, iPleaders, (May 20, 2021).

for a multiple time than he should be severely punished. The research suggests that some counselling should be provided to the infringers in order to make them realize what they are doing is not right. It is totally wrong and an inhuman behaviour towards the creators and inventors as they were putting their tremendous labour and effort in order to create or invent anything related to the things as mentioned under the copyright act 1957.³² The research suggests that initiative should be made to convince the infringers to vest their talent into something useful. The Hackers those who hacks in order to make money is also an infringer as they are also stealing or using someone's identity for their own profit. The research paper states that the person who hacks are very intelligent person as to be a hacker one has to gain knowledge in every field especially in the field of cyberspace means in digital technology as well as software and computer data base. Persons who are hackers have expertise knowledge in the field of technology.³³ So, in spite of using that talent in infringing the copyright if they use their talent in the development of the society than it will be more beneficial for us.

The research suggests that they should be given opportunities to rectify themselves by motivating them and inspiring them to create their own work in spite of stealing someone's hard work. Some initiatives should be made to make them realize that they can earn more money and can create their own personality by becoming the creator or inventor themselves and can register themselves under the copyright act and can enjoy all the rights which they used to violate enjoyed by others. The research suggests that if the government use their talent by giving them employment in special sectors like CBI or equivalent to that than not only the government will be benefited but the inventors or creators will also be benefited. As with the help of their talent they can easily catch the high profile criminals and also can stop or prevent any further

commitment of crimes regarding the infringement of copyright giving the inventors and creators a sense of relief by giving them the assurance that they can now enjoy their copyrights freely without having the fair of being infringed. Hence, it has been established that infringement of copyright has a relation with that of cyberspace. Cyberspace plays both the role of a catalyst and analyst in infringement of copyright.

CONCLUSION

In conclusion, the intersection of copyright law and cyberspace presents both opportunities and challenges in the realm of intellectual property protection. Cyberspace increases the danger of copyright infringement by allowing the unauthorized copying, distribution, and sharing of content that is protected by copyright, even as it helps artists reach a wider audience and promotes the dissemination of creative works. The rise of illicit file-sharing, digital pirate websites, and online piracy poses serious challenges to the rights of authors and copyright holders as technology evolves. In order to effectively prevent copyright infringement, several strategies including technological, pedagogical, and legal measures must be used. To prevent infringers and protect intellectual property rights in cyberspace, measures like administrative enforcement, civil litigation, criminal prosecution, and interlocutory injunctions are essential. In order to advance a culture of respect for intellectual property rights online, improve digital rights management systems, and raise public understanding of copyright rules, stakeholders must work together on collaborative efforts. We can preserve the integrity of copyright law, safeguard the rights of creators, and maintain a vibrant ecosystem for innovation and creativity in the digital age by tackling the issues raised by copyright infringement in cyberspace. The government authorities such as the Ministry of Electronics and Information Technology

32 Hema, K., *Protection of Artificial Intelligence Autonomously Generated Works under the Copyright Act, 1957—An Analytical Study*, 28 J. Intell. Prop. Rts. 193, 193-99 (2023).

33 Khobragade, J.W., *Fair Use Provisions Under the Indian Copyright Act: Awareness Among Librarians of Colleges and Universities in Maharashtra*, 27 J. Intell. Prop. Rights 7 (2022).

(MEITY) should step in to improve cybersecurity measures with employees with legal background and knowledge of cybersecurity and cyberspace. Moreover, the Copyright Act should follow frequent amendments with the advancement in the technology and the adaptation of internet across India.

REFERENCES

1. Abhai Pandey, Inside Views: Development In Indian IP Law: The copyright (Amendment) Act 2012, Intellectual Property watch, (May 18, 2021, 3:26PM), <https://www.ip-watch.org>
2. aishwaryasandeep.in, available at: <https://aishwaryasandeep.in/copyright-infringement-in-indian-film-music/> (last visited May 17, 2021)
3. Arathi Ashok, Economic Rights of Authors under copyright laws, VOL15 Manupatra, Economic Rights of Author and copyright laws, 46-54 (2010), <https://docs.manupatra.in>
4. Charul Tripathi, India: Historical Development of Law of Copyright, Mondaq, (May 18, 2021, 09:34AM), <http://www.mondaq.com>
5. Harnowo, T., 2022. Law as Technological Control of the Infringement of Intellectual Property Rights in the Digital Era. Corporate and Trade Law Review, 2(1), pp.65-79.
6. Hema, K., 2023. Protection of Artificial Intelligence autonomously generated works under the Copyright Act, 1957-An analytical study. Journal of Intellectual Property Rights (JIPR), 28(3), pp.193-199.
7. indiankanoon.org, <https://indiankanoon.org/doc/216257/> (last visited May 19, 2021)
8. ipleaders.in, <https://blog.ipleaders.in/what-you-need-to-know-about-copyrights-of-bloggers-on-youtube/> (last visited May 19, 2021)
9. Justice Yatindra Singh, Cyber Laws 43 (Universal 2014)
10. KarnikaSeth.com, available at: <https://www.karnikaseth.com> (last visited May 17, 2021)
11. Khobragade, J.W., 2022. Fair use provisions under the Indian Copyright Act: Awareness among librarians of colleges and universities in Maharashtra. Journal of Intellectual Property Rights (JIPR), 27(1), pp.7-15.
12. Kumar, H., 2023. Cyberspace Copyright Violations and the Indian Legal System's Response. Indian J. Integrated Rsch. L., 3, p.1.
13. Legal service India.com, available at: <https://www.legalserviceindia.com> (last visited May 17, 2021)
14. Legal Service India.com, <https://www.legalserviceindia.com> (last visited May 19, 2021)
15. lexology.com, <https://www.lexology.com/library/detail.aspx?g=d25b8920-5bf5-4b44-a902-7e9ae0263adc/> (last visited May 19, 2021)
16. Mirecille Hildebrandt, copyright in cyberspace, Law of computer scientists, (May 19, 2021, 9:33PM), lawforcomputerscientists.pubpub.org
17. mondaq.com, available at: <https://www.mondaq.com/india/copyright/1184954/exception-to-infringement-of-copyright-section-52-of-the-copyright-act-1957> (last visited May 17, 2021)
18. Nidhi Chhillar, copyright infringement, Ipleaders, <https://blog.ipleaders.in> (May 20, 2021, 1:19AM)
19. Ph.D. Research Scholar, Alliance School of Law, Alliance University, Bengaluru.
20. Sangarsh Pandey, Digital Rights Management, Manupatra, <https://www.manupatra.com/roundup/328/Articles/digital%20rights%20management.pdf> (May 20, 2021, 9:19PM)
21. Shamim, K. and Raza, A., 2022. The copyright and her history. Khalid Shamim and Aqa Raza, 'The Copyright and Her History' (2022), 11(1), pp.13-39.
22. Shreya Sahoo, Remedies of copyright Infringement, Legal Bites, (May 19, 2021, 10:50PM), <https://www.legalbites.in>

23. Shubhangi Sharma, All you want to know about Intellectual Property, Ipleaders, (May.17,2021,7:54pm), <http://blog-ipleaders-in.cdn.ampproject.org>
24. Srivastava, P., 2022. Digital Rights Management: The New Copyrights.
25. ssrana.in, available at: <https://ssrana.in/articles/protection-moral-right-author/> (last visited May 17,2021)
26. Venkatsubramanian, S., 2023. Critical Analysis of the Issue with Copyrights of Cyberspace. Issue 1 Indian JL & Legal Rsch., 5, p.1.
27. Will Kenton, copyright infringement, Investopedia, (May.19,2021, 7:45PM), <https://www.investopedia.com>
28. WTO, available at:<https://www.wto.org>(last visited May 17,2021)
29. Yadav, M.A. and Singh, N.B., 2022. The ineffectiveness of copyright system to respond effectively to digitalization and possible measures. Specialusis Ugdymas, 1(43), pp.4531-4537.