



# Challenges And Solutions In The Protection Of Copyright In The Modern Digital Era: An Indian Perspective

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## ARTICLE INFO

## ABSTRACT

### INTRODUCTION

The intellectual property (IP) right of copyright, which protects the author's expressions in literary, artistic, musical, cinematographic, and sound recordings works to foster innovation and creativity. Under copyright, a well-known intellectual property right that regulates the copying of works, a person, group of people, or organizational party that actively presents their work in public, such as a broadcaster or performer, may also be given intellectual property rights. Authors, producers, creators, or performers may be given a set of exclusive rights, such as the right to reproduce, distribute, and adapt the work, depending on the nature of the original work. A few of the rights that copyright grants creators to protect their original works include the ability to broadcast, show, create, reproduce, and perform publicly.

Protection of copyright has grown in importance in the digital age for content producers, publishers, and users alike. It has become challenging to stop piracy and copyright infringement due to the simplicity of digital content reproduction and distribution. Furthermore, maintaining ownership and upholding copyright regulations can be a difficult and expensive procedure. Some methods created to address these issues include digital rights management, watermarking, copy right education, action as per law, and international cooperation. By taking these steps, you may support the ethical use of materials that are protected by copyright, prevent theft and copyright infringement, and preserve the rights of copyright owners. The production, sharing, and consumption of content are changing as a result of cutting-edge technologies like blockchain and artificial intelligence. In order to strike a balance between access and protection, it is crucial to keep an eye on emerging technologies and how they affect protection of copy right. We'll examine the problems with copyright enforcement in the digital age in this essay and provide answers. The international scope, fair use, user-generated content, emerging technologies, and finding a balance between access and protection are some of the other topics we'll cover. Despite the complexity and constant change of the protection of copyrights landscape in the digital era, it is still possible to preserve the rights of those who legally own some works and encourage their responsible use with the correct regulations in place.

### IMPLICATIONS & PROBLEMS IN PROTECTION OF COPYRIGHTS IN THE DIGITAL AGE

The subject of copyright has grown more tough and complex in the digital era. Digital tools are widely accessible nowadays, making it simpler than ever to duplicate, distribute, and manipulate digital content. As a result, there are a number of copyright issues, including piracy, infringement, and the unauthorised use of protected materials. The following are some of the most significant copyright challenges in the digital age.

#### Piracy

The phrase "piracy" refers to copyright infringement, which occurs when someone unlawfully copies another person's work with the intent to sell or share it. Today's "pirates" produce duplicates of someone else's work,

often faultless digital reproductions, unlike the brave pirates of yore. Copyright holders are concerned about infringement because they believe that if someone can obtain a copy of their work for free, for less money, or through a trade, they will, and earnings will be lost.

### **Copyright Infringement**

When someone makes use of copyright material without permission or acknowledgment, this is infringement. This covers the use of copyright photographs or videos on websites, the use of copyright music in films or podcasts, and the marketing of goods bearing protected artwork.

### **Fair Use**

An original work's maker or creator has the exclusive right to use and distribute it attributable to a copyright. When a work is beneficial to social and economic benefit, protects a person's fundamental rights, or fosters innovation, trade, and competition, intellectual property rights are safeguarded and upheld. Copyright infringement does not apply to all instances or types of replications or use of an original work, though.

### **Reproduction and Easy Distribution:**

Because of the advancement of digital technologies, it has become much simpler to reproduce and distribute protected goods. Books, music, and films may all be converted into digital forms that are rapidly and readily shared with anybody in the globe.

### **Tracking Challenge:**

It can be challenging to control the use of information that is copyright protected in the digital era. A digital version can be downloaded and shared multiple times once it is published online, making it nearly impossible to track who is using it and why.

### **Complex Ownership:**

In the digital age, it can be difficult to demonstrate ownership of copyrightd materials. It may be challenging to identify who is the genuine owner of a certain work or who has the right to disseminate it due to the ease of replication and dissemination.

### **High Costs of Enforcement:**

In the digital era, it may be costly and time-consuming to enforce copyright laws. It can be challenging to spot instances of copyright infringement and seek legal action against individuals involved due to the abundance of content available online.

### **Global Perspective:**

It can be challenging to enforce copyright laws across several nations and court systems in the digital age, as content may be spread internationally.

### **User-Generated Content:**

People may now create and distribute their own material more easily than ever thanks to the growth of social media and other user-generated content platforms. However, this can also make it more difficult to locate the copyright owner of a work and to enforce copyright laws.

### **contemporary technology**

As a result of new technologies like blockchain and artificial intelligence that are constantly being developed in the digital era, the creation, distribution, and consumption of information are changing. Keeping up with these emerging technologies and how they can influence protection of copyright can be challenging.

### **Access and Protection in Balance:**

While protection of copyright is crucial, it's also critical to strike a balance between the needs of information access and creative expression. In the digital age, striking the right balance between access and protection can be difficult.

## **SOLUTION TO THE PROTECTION OF COPYRIGTS PROBLEMS & DIFFICULTIES IN THE DIGITAL ERA**

### **DRM, or Digital Rights Management**

This method is used to restrict access to digital material and stop unauthorised copying and dissemination. It can be used to prevent the piracy of works like music, movies, and books that are copyright protected.

### **Watermark:**

Digital assets, such as pictures or movies, are given a distinctive identifier through the process of watermarking. It can be utilized to determine the content's source, identify it, and prevent misuse without authorization.

**Copy right Training:**

By informing user about copy right rules and the penalties for violating them, piracy can be reduced and responsible use of materials protected by copyright encouraged.

**Collaboration on a global scale:**

Governments, business, and international organizations working together can assist create and enforce uniform copyright rules across all nations and legal systems.

**Licence under a Creative Commons:**

Authors can apply for a range of free, standardized licenses from the nonprofit Creative Commons to allow others to use their copyright works. Depending on the conditions of the license, these licenses allow content producers to retain ownership of their work while granting others multiple uses for it.

**Tech Behind Cryptocurrencies**

Digital content ownership and consumption can be tracked using blockchain, a decentralized digital ledger. Copyright holders can more effectively regulate the distribution and use of their content by using blockchain technology to produce an unchangeable record of their ownership.

**Defending Collective Content**

In order to design and implement efficient copyrights protection solutions, collaborative content protection includes bringing together a variety of stakeholders, including content creators, publishers, technology vendors, and legal experts. Together, these parties might create more comprehensive and potent answers to the problems that protection of copy right in the digital age brings.

**Fair Use Principles**

Unauthorised, restricted use of content protected by copyright is permitted under the legal principle of fair use. However, depending on the jurisdiction and context, the definition of fair use may be ambiguous and subjective. The promotion of ethical use of items protected by copyright while upholding the rights of copyright owners can be aided by the development of clear and thorough fair use rules.

**INTERNATIONAL DIGITAL SCENARIO AND INDIAN COPYRIGHT LAW**

Act no. 14 of protection of copy right, as amended, governs copyright law in India. The law became operative on January 21, 1958. India's history with copyright regulations extends back to the colonial authority of the British Empire. The Act No. 14 of Protection of Copy Right was India's first copyright law following independence, and six amendments have been made since then. The Copyright (Amendment) Act, which was passed in 2012, was the most recent change. The vast majority of important international agreements governing the field of copyright law are parties to which India is a party, including the Rome Convention of 1961, the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), the Universal Copyright Convention of 1951, and the Berne Convention of 1886 (as amended at Paris in 1971). India initially refused to ratify the WIPO Performances and Phonograms Treaty (WPPT) and the WIPO Copyright Treaty (WCT), but it eventually did in 2013.

According to Article 9.2 of the Berne Convention, copyright, a significant form of intellectual property, is solely intended to protect expression and not ideas, methods of operation, procedures, or mathematical concepts in and of themselves. Article 10.1 of the Berne Convention protects computer programmers as literary works, while Article 10.2 of the Berne Convention protects collections of data or information as literary works, whether they are in machine-readable form or another format. The duration of the copyright depends on the kind of work it is protecting. As a result of technical development and the digital technology revolution, several digital issues have arisen. To regulate the use of copyright materials, a number of international treaties have been drafted that specify the constraints, exceptions, and breadth of use of a copyright work. The World Intellectual Property Organization (WIPO), along with numerous other entities, is in charge of regulating these international copyright agreements. It could be essential to duplicate or exhibit the same original work for some non-profit uses. For these reasons, Section 52 of the Indian Copyright Act offers a number of exceptions for particular categories of work, including reviews or criticism, research and study, reporting on current events, in court proceedings, etc.

The Indian Copyright Law allows an exception for some uses of the content, such as those connected to research and education, which are allowed but not those connected to entertainment and financial gain. The copyright content is swiftly disseminated on the internet since it is inexpensive and easy to download. Copyright holders are therefore concerned about it since unauthorised distribution of their work decreases the financial benefits. The Berne Convention, Rome Convention, Beijing Treaty, Geneva Convention, Brussels Convention, Marrakech Treaty, etc. are only a few of the countless international copyright treaties that have been drafted. The rise of digital technology and the digital revolution led to an increase in the complexity of IP concerns. The online protection of copyrights content is a key issue brought on by digitalization. The main reason for infringement is said to be the distribution of digital content. It was believed that treaty amendments were necessary to handle all the new difficulties that were emerging in the digital domain with the development of

technology as there were no important restrictions and safety safeguards in the then-existing treaties to avoid infringement. This led to the creation of the WIPO Phonogram and Performance Treaty (WPPT) and the WIPO Copyright Treaty (WCT).

### **Conclusion:**

In conclusion, protection of copy right in the digital age has faced a lot of difficulties. To help publishers and content creators secure their rights, new tools and technologies are now readily available. The difficulties posed by the digital age can be resolved by putting in place safeguards like digital rights management, watermarking, and educating users on copyright rules. Access and security must be balanced, and emerging technologies and their potential impact on protection of copy right must be closely monitored. We can continue to encourage innovation, creativity, and ethical use of protected items in the digital age if the proper safeguards are put in place.

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