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# **COPYRIGHT LAW, MORAL RIGHTS, AND EMERGING TECHNOLOGIES IN THE INDIAN FILM INDUSTRY: OWNERSHIP, AUTHORSHIP, AND ENFORCEMENT IN THE DIGITAL AGE**

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## **Abstract**

The Indian film industry, producing over 1,800 films annually and constituting one of the world's largest entertainment economies, operates within a legal framework that was designed for a pre-digital era. The Copyright Act, 1957, and its landmark 2012 amendments remain the primary statutory instruments governing authorship, ownership, and moral rights in cinematographic works. Yet the rapid growth of over-the-top (OTT) streaming platforms, the globalisation of distribution, and the sophistication of contemporary piracy networks have exposed deep structural gaps in this framework. This paper examines three interconnected dimensions of the problem: first, the allocation of copyright ownership and authorship recognition among the multiple creative contributors to a film; second, the resilience of moral rights under Section 57 of the Copyright Act when films are commercially exploited in digital environments; and third, the legal integration of emerging technologies specifically blockchain, smart contracts, and digital watermarking as tools for rights management and anti-piracy enforcement. Drawing on a doctrinal analysis of relevant statutes, Supreme Court and High Court decisions, and a survey of contemporary legal scholarship, the paper argues that effective reform requires simultaneous action on three fronts: statutory clarification of authorship hierarchies, enforceable moral rights standards applicable to digital platforms, and a court-admissible technical framework for watermark-based evidence. The paper concludes with specific doctrinal recommendations.

## I. Introduction

Indian cinema is not merely an entertainment sector; it is a multi-billion-rupee creative economy that sustains millions of workers across production, distribution, exhibition, and ancillary industries. The legal infrastructure underpinning this economy rests primarily on the Copyright Act, 1957,<sup>1</sup> a statute that has been amended incrementally but that was conceptually framed around physical distribution, single-territory exploitation, and relatively straightforward production relationships. Contemporary Indian filmmaking, by contrast, involves transnational co-productions, multi-platform simultaneous release, algorithmic recommendation systems, and a piracy ecosystem that operates at scale across international server networks.

Three legal questions arise with particular urgency. The first concerns ownership: in a collaborative medium where scriptwriters, directors, cinematographers, composers, lyricists, and performers each contribute distinct creative labour, who holds copyright, and on what statutory basis? The second concerns the durability of moral rights, the author's rights of attribution and integrity when digital platforms routinely edit, dub, compress, and algorithmically recontextualise films without consulting their creators. The third concerns enforcement: as physical piracy has given way to stream-ripping, torrenting, and illicit OTT aggregation, what legal and technological tools are available to rights-holders, and are those tools adequate?

This paper addresses these questions through a doctrinal analysis of statutory provisions, case law, and secondary scholarship. Part II examines authorship and ownership under the Copyright Act. Part III analyses the scope and limitations of moral rights in digital distribution. Part IV evaluates emerging technologies as legal instruments. Part V offers doctrinal recommendations.

## II. Copyright, Authorship, and Ownership in Film Production

### 2.1 The Statutory Framework of Film Copyright

A cinematograph film receives copyright protection as a distinct class of work under the Copyright Act, 1957.<sup>2</sup> The Act protects the film as a composite creation while simultaneously

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<sup>1</sup>The Copyright Act, 1957 (Act 14 of 1957), as amended by the Copyright (Amendment) Act, 2012 (Act 27 of 2012). The 2012 amendments introduced statutory royalty sharing for authors of literary and musical works incorporated in films, inserted as Section 18(1) proviso and Section 19(9).

<sup>2</sup>P Narayanan, *Law of Copyright and Industrial Designs* (4th edn, Eastern Law House 2018) 445–452. Narayanan provides detailed statutory analysis of Section 14(1)(d) and (e) regarding the exclusive rights in cinematograph films.

preserving the copyright of authors of pre-existing literary, dramatic, musical, and artistic works that are incorporated into it. This dual structure reflects a legislative attempt to balance the economic interests of producers, who bear financial risk and coordinate creative labour, with the creative interests of individual contributors, who supply the expressive content that gives a film its artistic character.

Under the standard rule, the producer is treated as the first owner of copyright in the film as a whole.<sup>3</sup> This producer-ownership model was judicially confirmed in *Indian Performing Right Society Ltd v Eastern India Motion Pictures Association*,<sup>4</sup> where the Supreme Court held that a film producer's copyright in the cinematograph film is an independent right that does not negate the underlying copyright of composers and lyricists in their musical and literary contributions. The court distinguished between the film as a whole and its constituent elements, enabling concurrent claims to exist without one extinguishing the other.

## **2.2 The 2012 Amendments: Royalty Rights and the Authorship Question**

The Copyright (Amendment) Act, 2012, introduced significant changes designed to correct the economic imbalance between producers and creative contributors. The amendments inserted a non-waivable statutory royalty entitlement for authors of literary and musical works when those works are incorporated into films for commercial exploitation. Ahuja notes that this created a dual-layer protection scheme: authors retain copyright in their underlying works and additionally acquire statutory royalty rights that cannot be contracted away.<sup>5</sup> In practical terms, this means that a lyricist who assigns copyright in a song to a producer for use in a film is still entitled to a share of royalties when that song is reproduced, broadcast, or digitally streamed. Despite this legislative intent, enforcement of royalty rights has been uneven. Collection societies lack the infrastructure to track streaming revenues across multiple OTT platforms, and the contractual practices of large production houses often result in creators accepting lump-sum payments that may implicitly waive royalty claims. The gap between statutory entitlement and practical realisation is wide, and it widens further when distribution moves across borders, where Indian collection mechanisms have no jurisdictional reach.

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<sup>3</sup>Copyright Act, 1957, s 2(d)(v) read with s 17, first proviso. The producer of a cinematograph film is treated as the first owner of copyright in the film as a whole, subject to contractual stipulations.

<sup>4</sup>*Indian Performing Right Society Ltd v Eastern India Motion Pictures Association*, AIR 1977 SC 1443. The Supreme Court clarified the scope of authorship rights in composite works and the position of the producer vis-à-vis individual creative contributors.

<sup>5</sup>V K Ahuja, *Law Relating to Intellectual Property Rights* (LexisNexis Butterworths India, 2018) 312–318. Ahuja explains the dual-layer protection available to contributors: general copyright in their underlying works and royalty rights under the 2012 amendments.

### 2.3 Ownership Disputes in Practice

Litigation over film copyright ownership typically turns on the precise terms of production agreements, the nature of contributions made, and whether those contributions constitute original works in their own right. Indian courts have generally interpreted the producer's first ownership rule broadly, leaving contributors to rely on contractual provisions or the specific statutory carve-outs introduced in 2012. Where agreements are poorly drafted, as is common in smaller regional productions, contributors frequently find themselves without effective legal recourse, even where their creative contribution is demonstrably central to the film's commercial success.

## III. Moral Rights and Digital Exploitation of Films

### 3.1 Moral Rights Under Indian Law

Moral rights in Indian law are codified under Section 57 of the Copyright Act, which grants authors two distinct entitlements: the right of attribution (the right to claim authorship of the work) and the right of integrity (the right to object to any distortion, mutilation, or modification of the work that would be prejudicial to the author's honour or reputation).<sup>6</sup> Critically, these rights persist even after the author has assigned economic copyright to another party, and they survive the author's death for the duration of the copyright term. India's moral rights regime draws from the Berne Convention,<sup>7</sup> which obligates member states to provide minimum standards of attribution and integrity protection independently of economic rights.

In *Mannu Bhandari v Kala Vikas Pictures Pvt Ltd*,<sup>8</sup> the Delhi High Court held that an author's right of integrity operates as an independent statutory entitlement, enforceable notwithstanding a prior assignment of copyright. The novelist in that case was entitled to object to unauthorized alterations made to her work during its adaptation into a film. This decision remains the principal authority on the relationship between moral rights and contractual assignment in Indian law.

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<sup>6</sup>Copyright Act, 1957, s 57. This section codifies the moral rights of attribution and integrity and extends them to the author even after assignment of copyright. The 2012 amendment clarified that these rights survive economic rights transfers.

<sup>7</sup>Berne Convention for the Protection of Literary and Artistic Works 1886 (as revised at Paris 1971), Art 6bis. The Convention establishes the minimum standard for moral rights and binds member states, including India, to protect attribution and integrity.

<sup>8</sup>*Mannu Bhandari v Kala Vikas Pictures Pvt Ltd*, AIR 1987 Del 13. The Delhi High Court upheld the novelist's right of integrity against unauthorised adaptation, affirming that Section 57 operates independently of any assignment of copyright.

### 3.2 Digital Threats to Moral Rights

Digital distribution has introduced a qualitatively new set of threats to moral rights that Section 57, interpreted through its pre-digital case law, is ill-equipped to address. OTT platforms routinely exercise editorial discretion over the content they host: dubbing films into regional languages without consulting the original director, re-editing running times to suit platform metrics, compressing audio-visual quality, removing opening credits, and algorithmically inserting content warnings or contextual overlays. Each of these practices potentially engages the right of integrity, yet platforms typically rely on broad licensing agreements that purport to authorise such modifications.

The collaborative structure of film production compounds this problem. Where moral rights apply to the film as a composite work, it is unclear which of the many contributors, the director, screenwriter, cinematographer, or composer, is entitled to invoke Section 57 against a modification that affects the work as a whole. Indian courts have not authoritatively resolved this question, and the absence of clear standing rules creates a practical barrier to the effective exercise of moral rights in digital environments.

### 3.3 OTT Licensing Structures and Rights Management

The licensing arrangements between film producers and OTT platforms are typically structured as exclusive territorial licences, often with sub-licensing rights that permit platforms to redistribute content to partner services across multiple jurisdictions. Parekh's study of streaming licensing practices finds that this territorial fragmentation creates two related problems: it generates consumer demand for pirated content in territories where licensed access is unavailable or delayed, and it produces contractual ambiguity about which entity bears responsibility for compliance with moral rights obligations in each jurisdiction.<sup>9</sup>

Cross-border distribution also triggers multi-jurisdictional moral rights questions that Indian law cannot resolve unilaterally. A film released simultaneously on an Indian OTT platform and a European streaming service will be subject to Indian law's moral rights regime in one context and the potentially stricter moral rights frameworks of European legal systems in another. Indian producers and rights-holders operating in international co-production arrangements need legal guidance, which current scholarship does not adequately provide on which jurisdiction's moral rights standards govern modifications made by foreign platform operators.

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<sup>9</sup>Vrunda Parekh, 'Copyright and the Film Streaming Industry: Licensing, Piracy, and Exclusivity' (2024) *International Journal of Law Management and Humanities* 1, 8–12. Parekh analyses how exclusive territorial licences incentivise piracy through geo-restriction and VPN circumvention.

## IV. Technology, Piracy, and Enforcement in the Digital Era

### 4.1 The Landscape of Digital Film Piracy in India

Digital piracy has replaced physical piracy as the dominant form of copyright infringement in the Indian film industry. Sudheer and Sharma document the transition from camcording and DVD duplication to stream-ripping services, peer-to-peer torrent networks, and illegal OTT aggregators that mirror licensed content within hours of official release.<sup>10</sup> The economic consequences are substantial: industry estimates place annual losses from piracy in the hundreds of crores, though methodological disagreements make precise quantification difficult. Contemporary piracy infrastructure is sophisticated enough to render conventional enforcement mechanisms reactive rather than preventive. Pirate sites routinely operate through domain-fronting, CDN abuse, and rapidly cycling mirror domains that frustrate site-blocking orders. Sajogo, Sanda, and Sudirgo observe that jurisdictional barriers delay cross-border blocking orders by months, by which time the infringing content has already been viewed by millions.<sup>11</sup> Banerjee's realist critique remains relevant here: enforcement mechanisms designed around Western institutional capacities are often unworkable in India's policing and judicial context, and policy reforms must be calibrated to what Indian institutions can actually deliver.<sup>12</sup>

### 4.2 Digital Watermarking as a Legal Instrument

Digital watermarking embeds machine-readable ownership and provenance information into the audiovisual content of a film at the pixel or audio-sample level, in a manner imperceptible to viewers but recoverable by forensic analysis. Begum and colleagues classify watermarks into three functional categories, fragile, semi-fragile, and robust, each designed for different evidentiary purposes.<sup>13</sup> Robust watermarks survive common signal-processing operations such as recompression, format conversion, and screen capture, making them particularly relevant for tracing the source of pirated streams back to the individual or facility responsible for the

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<sup>10</sup>Nivedita Sudheer and Nieharika Sharma, 'Digital Piracy in the Film Industry in India' (2024) 1(2) NLUA Journal of Intellectual Property Rights 45, 51–54. The authors document the shift from physical piracy to stream-ripping and illegal OTT aggregators, noting that platform takedown mechanisms respond too slowly to stop live releases.

<sup>11</sup>Kenneth Bradley Sajogo, Yemima Abraham Sanda and Dixon Javier Sudirgo, 'Legal Protection of Film Copyright Holders' Rights Against Media Piracy Through Illegal Streaming Websites' (2023) UPH Digital Rights Anthology 88, 99–104. The article catalogues jurisdictional barriers that delay cross-border site-blocking orders by an average of nine months.

<sup>12</sup>Arpan Banerjee, 'Copyright Piracy and the Indian Film Industry: A Realist Assessment' (2016) 34 Cardozo Arts and Entertainment Law Journal 75, 89–95. Banerjee argues that enforcement reforms must align with India's institutional capacity, criticising transplanted Western legal models as unworkable.

<sup>13</sup>M Begum and others, 'Digital Watermarking: Properties, Classification and Review' (2020) 11 MDPI Information 1, 4–9. The review categorises watermarking into fragile, semi-fragile, and robust types, each suited to different evidentiary purposes.

initial leak.

Arora and Neetu identify three legal uses of watermark evidence in copyright enforcement: proving ownership in civil infringement proceedings, identifying the point of origin of a leak in criminal prosecution, and establishing the chain of custody for content licensed across multiple distribution windows.<sup>14</sup> Arora's subsequent study of the Cinematograph (Amendment) Act, 2023, goes further, arguing that the statute should have introduced explicit evidentiary standards for forensic watermarking, an opportunity the legislature missed.<sup>15</sup>

AI-assisted watermark detection has significantly improved the scalability of monitoring. Griffin and colleagues report that machine-learning models reduce false-positive detection rates substantially compared to traditional threshold methods, enabling near-real-time identification of infringing streams across large content libraries.<sup>16</sup> Indian law does not currently specify any admissibility standards for digital watermark evidence, meaning that forensic findings must be introduced through expert testimony subject to general evidence law provisions, a cumbersome process that slows enforcement and reduces deterrence.

### **4.3 Blockchain and Smart Contracts for Rights Management**

Blockchain technology offers a decentralised ledger for recording ownership claims, licensing transactions, and royalty payment events in a manner that is tamper-resistant and publicly verifiable. In the context of film rights, a blockchain registry could provide a single authoritative record of who owns what rights in a cinematographic work, updated in real time as assignments, licences, and sub-licences are executed. This would directly address the fragmented, paper-based rights documentation that currently makes ownership disputes expensive and slow to resolve.

Smart contracts, self-executing code deployed on a blockchain platform, can automate royalty distribution by triggering payments to pre-specified wallet addresses whenever a licensed transaction (a stream, a download, a broadcast) is recorded. This removes the collection society as an intermediary and reduces the delay between commercial exploitation and creator payment. For the royalty-entitlement scheme introduced by the 2012 amendments, smart

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<sup>14</sup>Muskaan Arora and Neetu, 'Legal Framework of Watermarks for Copyright Protection' (2024) *ShodhKosh: Journal of Visual and Performing Arts* 112, 118–121. The authors identify robustness, imperceptibility, and detectability as the three technical prerequisites for legally admissible digital watermarks.

<sup>15</sup>Gunjan Chawla Arora, 'Steering a Techno-Legal Approach against Online Digital Film Piracy' (2024) *NLUA Journal of Intellectual Property Rights* 201, 209–215. Arora analyses the Cinematograph (Amendment) Act, 2023 and proposes statutory standards for forensic watermarking as evidence in piracy prosecutions.

<sup>16</sup>J Griffin and others, 'Digital Watermarking and AI: Emerging Forensic Applications' (University of Reading CentAUR, 2023) 17–22. The study finds that AI-assisted watermark detection reduces false positives by approximately 34% compared to traditional threshold-based methods.

contract infrastructure would make statutory rights practically enforceable in real time rather than dependent on periodic collection society distributions.

The legal status of blockchain entries as evidence of ownership, and of smart contract execution as evidence of royalty payment, is entirely unsettled in Indian law. The Information Technology Act, 2000, recognises electronic records and electronic signatures but does not specifically address distributed ledger records. A court asked to treat a blockchain entry as conclusive proof of copyright ownership would have to navigate significant evidentiary gaps. This is not merely a technical problem it is a legislative gap that requires urgent attention.

#### **4.4 Judicial and Regulatory Responses: Dynamic Injunctions**

Indian courts have begun to adapt traditional injunctive relief to the dynamic nature of online infringement through what are commonly called 'rolling' or 'dynamic' injunctions. A dynamic injunction applies not only to the specific infringing URLs identified at the time of the order but extends automatically to mirror sites and domain variations as they appear. The WIPO analysis of Indian copyright enforcement notes that the Delhi High Court issued its first rolling injunction against film piracy websites in 2019, setting a precedent that has since been followed in multiple subsequent cases.<sup>17</sup>

Despite this judicial innovation, dynamic injunctions remain a reactive tool: they respond to infringement that has already occurred rather than preventing the initial leak. Wadhera's analysis of criminal enforcement mechanisms notes that Sections 63 and 63B of the Copyright Act provide for imprisonment and fines for wilful infringement, but prosecutions remain rare because the evidentiary burden is high and police capacity for digital forensics is limited.<sup>18</sup> The combination of under-enforced criminal provisions and over-burdened civil remedies leaves a structural enforcement gap that neither watermarking nor blockchain can fully close without complementary legislative reform.

## **V. Analysis and Doctrinal Recommendations**

### **5.1 Clarifying Authorship and Moral Rights Standing**

The most persistent doctrinal gap in the Copyright Act is the absence of a clear hierarchy of

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<sup>17</sup>WIPO, 'Copyright and Related Rights: Enforcement in the Digital Environment' WIPO Magazine (2022). The report surveys dynamic injunction mechanisms adopted in Australia, the United Kingdom, and India, noting that the Delhi High Court issued the first rolling injunction against film piracy websites in *UTV Software Communications Ltd v 1337X.To* in 2019.

<sup>18</sup>B L Wadhera, *Law Relating to Intellectual Property* (5th edn, Universal Law Publishing 2016, reprint 2024) 198–204. Wadhera notes that criminal enforcement under Sections 63 and 63B of the Copyright Act has been underutilised relative to civil remedies, partly because of evidentiary and institutional capacity gaps.

authorship for cinematographic works. The Act's current approach, treating the film as a composite work owned by the producer while preserving distinct copyright in constituent elements, creates uncertainty about who may invoke moral rights against platform-level modifications. A legislative amendment should define standing to assert Section 57 rights, specifying that the director of a film holds primary moral rights over the work as a whole, with specific contribution-linked moral rights available to screenwriters, composers, and lyricists in respect of their contributions. This would align Indian law more closely with the position taken in jurisdictions such as France and Germany, which have developed robust authorial rights regimes for collaborative works.

### **5.2 Platform Obligations for Moral Rights Compliance**

OTT platforms should be required, by statute or by subordinate regulation under the Information Technology Act, to obtain specific written consent from identified moral rights holders before making material modifications to licensed content. 'Material modifications' should be defined to include dubbing, re-editing, aspect-ratio alteration, credit removal, and the addition of content overlays that alter the viewer's experience of the work. Licensing agreements that purport to grant blanket authorisation for such modifications should be unenforceable against moral rights claims, consistent with the non-waivability principle that Section 57 already implies.

### **5.3 A Statutory Framework for Watermark Evidence**

The Cinematograph (Amendment) Act, 2023, which criminalised the recording of films in cinema halls, represented an incremental step in anti-piracy law reform but missed the opportunity to establish a comprehensive technical enforcement framework. Subsequent legislative action should introduce: first, a statutory definition of 'forensic watermark' and its admissibility conditions under the Indian Evidence Act; second, a requirement that films distributed commercially in India carry an embedded watermark that identifies the distribution chain; and third, a presumption of authenticity for watermark-based evidence produced by accredited forensic laboratories, rebuttable by the accused on proof of tampering. These provisions would make watermarking practically usable in litigation without the cumbersome expert-testimony route currently required.

### **5.4 Recognition of Blockchain Records and Smart Contract Royalties**

The OECD's analysis of digital piracy identifies market access, the availability of content at

reasonable prices through licensed channels, as a structural complement to legal enforcement.<sup>19</sup> Smart contract-based royalty systems directly serve this goal by ensuring that creators receive timely, transparent compensation, which strengthens the economic case for investing in original content and reduces the incentive to participate in piracy ecosystems. The Information Technology Act should be amended to recognise distributed ledger records as admissible evidence of copyright ownership and licensing transactions, and to give blockchain-recorded smart contract executions the same evidentiary weight as notarised assignment deeds.

## VI. Conclusion:

The legal framework governing copyright and moral rights in the Indian film industry is not broken; it is misaligned. The Copyright Act, 1957 and its 2012 amendments contain the substantive entitlements that creators need: first ownership rules, royalty rights, moral rights, and criminal enforcement provisions. What is missing is a set of operational mechanisms that make those entitlements practically enforceable in a digital, multi-platform, multi-jurisdictional environment.

The three-part reform agenda proposed in this paper authorship clarification and moral rights standing, platform obligations for moral rights compliance, and a technical enforcement framework for watermarking and blockchain evidence is doctrinal rather than utopian. Each element builds on existing statutory architecture and can be implemented through targeted amendments without requiring the wholesale replacement of the Copyright Act. The underlying principle is straightforward: technological tools only serve the law if the law is written to receive them.

Indian cinema has demonstrated, across decades and dozens of languages, a capacity for creative output that is unmatched in scale anywhere in the world. The legal system that sustains it has not kept pace with the industry's digital transformation. Closing that gap is not merely a matter of industry economics, it is a question of whether the law can honour its foundational commitment to protecting the rights of those who create.

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<sup>19</sup>OECD, Piracy of Digital Content (OECD Publishing, 2009) 61–74. The report estimates that convenience and price differentials account for a larger share of piracy demand than purely ideological rejection of intellectual property, suggesting market-access strategies complement legal enforcement.