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RIGHT TO BE FORGOTTEN V COPYRIGHT PRESERVATION: EXAMINING CONFLICTS AND LEGAL AMBIGUITY IN CYBER GOVERNANCE

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Abstract: -

Currently, Social Media is playing a crucial role in establishing communication among people. Everyone who has a smartphone is active and creates their own account on social media platform. In field of law social media platforms termed as intermediaries. We transact our personal data on this platform or data has been get by other sources by these platform, Sometimes questions arise about data maintenance of these platforms.

Right to be forgotten and copyright preservation are two aspects of the same coin and behave like conflicting rights. However, there is question, that which kind of legal ambiguities under cyber governance in creating balance between individual privacy and intellectual property.

In this research paper, we will discuss Indian laws dealing with cyber governance, case laws, and the status of these rights in India. We will conduct a comparative study of how other nations worldwide overcome the conflict between right to be forgotten and copyright preservation.

As a result, we aim to fill the gaps that create legal ambiguities in cyber governance to overcome these conflicting rights and establish balance.

Keyword:-Intellectual Property, Intermediaries, Data Maintenance, Cyber governance, Right to Privacy, Copyright preservation.

Introduction: -

In the last few decades, the importance of the right to be forgotten has increased due to the excessive use of social media platforms and search engines. These platforms preserve data and provide information about individuals using this stored data. The right to be forgotten is a vital extension of the right to privacy, which is provided as a fundamental right under Art. 21 of the

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Indian Constitution. "Sparked by the Hon'ble Supreme Court's landmark Puttaswamy judgment, RTBF seeks to protect individuals from lasting online stigma. While courts have offered relief in select cases, India's legal framework remains incomplete. The Supreme Court now faces a pivotal decision: can dignity and privacy outweigh open justice in judicial archives? RTBF isn't just an abstract legal right, it's a call for redemption, and the right to move on in a world that never forgets." [1]The right to be forgotten protects the right to privacy of individual by allowing him/her to get the personal information removed from public domain provided the information is inaccurate, irrelevant or inadequate. [2]However, a series of recent judgements on the issue have raised pertinent questions concerning its recognition as a legal right by drawing analogy from western trends in India. [3] The Karnataka High Court judgement which upheld the woman's right to be forgotten under a criminal complaint filed against her simultaneous to marital dispute has provided an impetus to deliberate upon this right.[4]

Copyright is a legal right granted to anyone who creates something new using their intellect. This right provides security and preserves the work and invention of anyone from being copied, used, or sold without their consent. Much of the information is available under internet archives as a copy that cannot be deleted or erased due to copyright protection, which is preserved by copyright law. In India, there are many legal inconsistencies in cyber governance law, so there is always a conflict between the right to be forgotten and copyright preservation.

Here, we identify these legal loopholes and present solution-oriented suggestions and conclusions.

Literature Review: -

Right to be forgotten developed gradually with the time, Pre digital conception of forgetting is very unique.

[1] Raunak Dhillon, Jeezan Pakhliwal & Gunav Gujral, *Dispute Resolution Blog*, The Right To Be Forgotten: Reclaiming Dignity In Digital Age, (September 10, 2025) https://disputeresolution.cyrilamarchandblogs.com/2025/09/the-right-to-be-forgotten-reclaiming-dignity-in-digital-age/,

[2] Jafferey Rosen, The Right to be Forgotten, STANFORD LAW REVIEW (February 2012), Available at https://www.stanfordlawreview.org/online/privacy-paradox-the-right-to-be-forgotten/ (last visited on 20/02/2026)

[3] Deepti Pandey, The Right to be Forgotten a Trial of Controversy and Conflict, (Sep 1, 2020) https://forum.nls.ac.in/ijlt-blog-post/the-right-to-be-forgotten-a-trial-of-controversy-and-conflict/

[4]Sri Vasunathan v. The Registrar General, 2017 SCC OnLine Kar 424; Amber Sinha, The Right to be Forgotten- A Tale of Two Judgements, THE CENTER FOR INTERNET & SOCIETY (April 07, 2017), Available at https://cis-india.org/internet-governance/blog/right-to-be-forgotten-a-tale-of-two-judgments (last visited on 20/02/2026)

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Long before digital technology, societies recognized the value of forgetting as a social mechanism. The concept of rehabilitated reputation has deep historical roots across cultures and legal systems. Ancient legal codes, from Babylonian to Roman law, incorporated concepts of debt forgiveness and temporal limitations on punishments, acknowledging that perpetual punishment undermined social cohesion.[5]

The development of modern criminal law further institutionalized forms of forgetting. Systems for expunging criminal records, pardons, bankruptcy protections, and juvenile record sealing all represent legal mechanisms designed to prevent past actions from indefinitely determining an individual's social standing and opportunities. These mechanisms recognized what philosopher Avishai Margalit described as "the ethics of memory"—the moral dimensions of remembering and forgetting. [6]

As legal historian Alexandra Natapoff observes: "Legal systems have long acknowledged that human redemption requires some capacity to transcend one's past. The sealed juvenile record, the expunged conviction, even the bankruptcy discharge—these are all legal fictions designed to give people second chances." [7]

The journey of its legal development started when social media, platforms and search engines evolved, then a major question arose globally about the Right to be forgotten.

The right to be forgotten stems from the French law which recognizes 'le droit à l'oubli' (the right of oblivion) which enables a convicted criminal who has been rehabilitated to oppose the publication of his conviction. [8]The right to be forgotten was given a judicial recognition in the case of Google Spain SL v Agencia Española de Protección de Datos & Mario Costeja González..[9]

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[5] Dhingra, Tyagi(2025), 'HISTORICAL DEVELOPMENT OF THE RIGHT TO BE FORGOTTEN', *INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH*, 5(4), 3, https://r.search.yahoo.com/_ylt=AwrKARYcFJxpAwIAR8e7HAx.;_ylu=Y29sbwNzZzMEcG9zAzEEdnRpZAMEc2VjA3Ny/RV=2/RE=1773046045/RO=10/RU=https%3a%2f%2fijalr.in%2fwpcontent%2fuploads%2f2025%2f05%2fHISTORICAL-DEVELOPMENT-OF-THE-RIGHT-TO-BE-FORGOTTEN.pdf/RK=2/RS=kqubkLHpap8SLQHEFacP34us7X0-,

[6] Margalit, A. (2002). The ethics of memory. Harvard University Press.

[7] Natapoff, A. (2016). Criminal misdemeanor theory and practice. Oxford University Press, p. 102.

[8] Rosen J, The right to be forgotten, Stanford Law Review, (Online) 64 (2012 88; Bolton R L III, The right to be forgotten: Forced amnesia in a technological age, The John Marshall Journal of Information Technology & Privacy Law, 31 (2014) 133.

[9] Google Spain SL v Agencia Española de Protección de Datos& Mario Costeja González, Case C-131/12.

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Google Spain SL v Agencia Española de Protección de Datos & Mario Costeja González, Case C-131/12. In this case, a lawsuit was filed against Google for removal of information and the Court recognized the right to be forgotten which enabled the data subject to demand the erasure of the data which is no longer relevant. The decision was based on the fundamental right to privacy of an individual as opposed to the economic interest of the company or public interest in access to information.[10] Later, the right was codified under Article 17 of the General Data Protection Regulation 2016/679 which provides that a Eraser Law that allows residents below the age of 18 to request for the removal of any information posted on the server.[11]

The United States, on the other hand, does not recognize the right to be forgotten. The U.S. Court of Appeals for the Ninth Circuit in the case of Garcia v Google stated that the right to be forgotten is not recognized in the United States.[12] In this case, an actress performed a five seconds cameo for a movie. Without her knowledge, the director used her lines in another film that was broadcast over YouTube and which led to Garcia receiving death threats. The Court dismissed her lawsuit stating that the United States does not recognize a right to be forgotten. The United States confers more weight to the publication of information than personal liberty due to the First Amendment. [13]

After analyzing many law journals, I found that while everyone sought to address the legal recognition problem of the Right to be forgotten—some dealing with copyright law—no one synthesized it with the copyright-preserved content upon which the Right to be forgotten is demanded.

In this paper, we are trying to outline the legal ambiguities and conflicts that create barriers in the execution of that right and how to overcome these legal ambiguities.

Methodology: -

Here we will conduct a comparative study to examine where Indian law stands to deal with

[10] EUR-LEX, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62012CJ0131,
[11] Aseri, (2020), 'Juxtaposing Right to be Forgotten and Copyright Law', *Journal of Intellectual Property Rights,* 25, 100-104, https://nopr.niscpr.res.in/bitstream/123456789/55110/1/JIPR%2025%283-4%29%20100-104.pdf,
[12] Garcia v Google, Inc., 786 F.3d 733 (9th Cir. 2015)
[13] U.S. rejected the claim of two murderers Wolfgang Werlé and Manfred Lauber to remove the news of conviction of murder of an actor due to the First Amendment; John Schwartz, Two German Killers Demanding Anonymity Sue Wikipedia's Parent, N.Y. Times, (12 November 2009) https://www.nytimes.com/2009/11/13/us/13wiki.html.

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Right to be forgotten regarding copyright-preserved content compared to other nations worldwide. We will conduct a study to outline the status of Right to be forgotten globally, and how India recognizes it. This study will also explore how it affects individuals' lives. We will discuss many Indian laws as well as laws of other nations. The main objective of this research paper is to outline those factors which creates conflict between Right to be forgotten and copyright preservation and phrasing a solution oriented suggestions.

We will synthesized some judicial pronouncements also which deals with these kind of matters, where we will analyze what is the opinion of court in these kind of matters. We will examine the necessity of these rights in the era of technology and Artificial Intelligence and how the development of Artificial Intelligence is increasing demands for the Right to be forgotten. Artificial intelligence raises questions about the Right to privacy and copyright daily. We will address points that create intermediary liability. We will critically examine role of regulatory authorities. Here we will discussed about copyright and content management policies of social media platforms and search engines.

We will consider a few international treaties and conventions which talks about Right to be forgotten and copyright preservation.

By using this research methodology we aim to identify an effective connection among problems, which will assist in formulating fruitful findings and solutions. This methodology helps identify legal ambiguities and reasons behind conflicts between the Right to be forgotten and copyright preservation. As a result, we can formulate strong suggestions and conclusions.

Legal Interface of Right to be forgotten and Copyright Preservation: -

"ARTICLE 17 OF EU'S GENERAL DATA PROTECTION REGULATION:-

Article 17 of Chapter 3 of the EU's GDPR addresses the Right to erasure [14] (right to be forgotten). The article says,(1) The data subjects have the right to obtain from the controller the erasure of personal data concerning themselves without undue delay, and the controller has the obligation to erase personal data without undue delay where one of the following grounds applies:

The personal data are no longer necessary in relation to the purposes for which they were

[14] gdpr-info.edu, https://gdpr-info.eu/art-17-gdpr/, (last visited on 20/02/2026)

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collected or otherwise processed;

The data subject withdraws consent on which the processing is based according to point (a) of Article 6(1) [15], or point (a) of Article 9(2)[16], and where there is no other legal ground for the processing;

a. The data subject objects to the processing pursuant to Article 21(1)[17] and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2)[18];
b. The personal data have been unlawfully processed;
c. The personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
d. The personal data have been collected in relation to the offer of information society services referred to in Article 8(1)[19].

(2) Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

(3) Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:

- For exercising the right of freedom of expression and information;
- For compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- For reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) [20]as well as Article 9(3)[21];
- For archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1)[22] in so far as

[15] gdpr-info.edu, https://gdpr-info.eu/art-6-gdpr/, (last visited on 20/02/2026)
[16] gdpr-info.edu , https://gdpr-info.eu/art-9-gdpr/, (last visited on 20/02/2026)
[17] gdpr-info.edu , https://gdpr-info.eu/art-21-gdpr/, (last visited on 20/02/2026)
[18] gdpr-info.edu , https://gdpr-info.eu/art-21-gdpr/, (last visited on 20/02/2026)
[19] gdpr-info.edu , https://gdpr-info.eu/art-8-gdpr/, (last visited on 21/02/2026)
[20] gdpr-info.edu , https://gdpr-info.eu/art-9-gdpr/, (last visited on 21/02/2026)
[21] gdpr-info.edu , https://gdpr-info.eu/art-9-gdpr/, (last visited on 21/02/2026)
[22]gdpr-info.edu, https://gdpr-info.eu/art-89-gdpr/, (last visited on 21/02/2026)

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the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or

- For the establishment, exercise or defence of legal claims."[23]

"SECTION 12 OF THE DIGITAL PERSONAL DATA PROTECTION ACT, 2023:-

12. (1) A Data Principal shall have the right to correction, completion, updating and erasure of her personal data for the processing of which she has previously given consent, including consent as referred to in clause (a) of section 7, in accordance with any requirement or procedure under any law for the time being in force.

(2) A Data Fiduciary shall, upon receiving a request for correction, completion or updating from a Data Principal,—

(a) correct the inaccurate or misleading personal data;

(b) complete the incomplete personal data; and

(c) update the personal data.

(3) A Data Principal shall make a request in such manner as may be prescribed to the Data Fiduciary for erasure of her personal data, and upon receipt of such a request, the Data Fiduciary shall erase her personal data unless retention of the same is necessary for the specified purpose or for compliance with any law for the time being in force."[24]

17 U.S. Code § 1201 - Circumvention of copyright protection systems:-

"(i)PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—

(1) CIRCUMVENTION PERMITTED.—Notwithstanding the provisions of subsection (a)(1)(A), it is not a violation of that subsection for a person to circumvent a technological measure that effectively controls access to a work protected under this title, if—

(A) the technological measure, or the work it protects, contains the capability of collecting or disseminating personally identifying information reflecting the online activities of a natural person who seeks to gain access to the work protected;

(B) in the normal course of its operation, the technological measure, or the work it protects, collects or disseminates personally identifying information about the person who seeks to gain access to the work protected, without providing conspicuous notice of such collection or dissemination to such person, and without providing such person with the capability to prevent

[23] Kumar, 'Right To Be Forgotten: A Comparative Legal Analysis Of Article 17 Of EU's GDPR Vis-A-Vis Section 12 Of India's Dpdp Act, 2023, IJLSSS 3(6) 26, 247-256, https://ijlsss.com/right-to-be-forgotten-a-comparative-legal-analysis-of-article-17-of-eus-gdpr-vis-a-vis-section-12-of-indias-dpdp-act-2023/,

[24] THE DIGITAL PERSONAL DATA PROTECTION ACT, 2023, § 12, No. 22, Acts of Parliament, 2023 (India)

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or restrict such collection or dissemination;

(C) the act of circumvention has the sole effect of identifying and disabling the capability described in subparagraph (A), and has no other effect on the ability of any person to gain access to any work; and

(D)the act of circumvention is carried out solely for the purpose of preventing the collection or dissemination of personally identifying information about a natural person who seeks to gain access to the work protected, and is not in violation of any other law."[25]

Subject Matter Of Copyright Under The Copyright act, 1957: -

Sec.13. Works in which copyright subsists.—

(1) Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say,—

(a) original literary, dramatic, musical and artistic works;

(b) cinematograph films; and (c) 1[sound recording].

(2) Copyright shall not subsist in any work specified in sub-section

(1), other than a work to which the provisions of section 40 or section 41 apply, unless,—

(i) in the case of a published work, the work is first published in India, or where the work is first published outside India, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of India;

(ii) in the case of an unpublished work other than a 2[work of architecture], the author is at the date of the making of the work a citizen of India or domiciled in India; and

(iii) in the case of 2[work of architecture], the work is located in India.

(3) Copyright shall not subsist—

(a) in any cinematograph film if a substantial part of the film is an infringement of the copyright in any other work;

(b) in any 1[sound recording] made in respect of a literary, dramatic or musical work, if in making the 1[sound recording], copyright in such work has been infringed." [26]

Which Kind of Information Can Be Disclosed Under Right to Information Act, 2005: -

"Sec. 2(f): 'Information' means any material in any form, including records, documents,

[25] 17 U.S. Code § 1201, https://www.law.cornell.edu/uscode/text/17/1201,
[26] THE COPYRIGHT PROTECTION ACT, 1957, § 13, No.14, Acts of Parliament, 1957 (India)

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memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for time being in force."[27]

This information can be available to everyone at the filing of an RTI application except those information that comes under sec. 8 of the act.

Judicial Pronouncements: -

Google Spain SL v. Agencia Española de Protección de Datos, C-131/12

"The CJEU's preliminary ruling was consistent with the AEPD's interpretation of the Directive. In examining whether Google was a data controller subject to the Directive, the court determined that a search engine's activities constitute data processing [28] because a search engine "'collects' such data which it subsequently 'retrieves[,]' 'records[,]' . . . 'organi[z]es[,]' . . . 'stores' on its servers[,] and [then] . . . 'discloses,'" [29]and because the data clearly include personal data.[30] Given that a search engine operator "determines the purposes and means" of the data processing, a search engine operator should also be regarded as a data controller.[31] As a data controller, a search engine operator must comply with the Directive.[32]

The court then determined that Google Inc.'s presence in Spain was sufficient to subject it to the Directive. Though all of Google Inc.'s data processing occurred outside Spain, Google Spain sold advertising space within the country; since advertising is Google Inc.'s main source of revenue, the court held that the two entities were "closely linked." [33] Google Spain was thus effectively an establishment of Google Inc., making Google Inc. subject to the Directive.[34]

Having resolved the threshold issues, the court turned to the next inquiry: what were search engine operators' legal obligations under the Directive? The court noted that the

[27] Right to Information Act, 2005, §2(f), No.22, Acts of Parliament, 2005 (India)
[28] Council Directive 95/46, *supra* note 1, art. 2(b), at 38 (emphasis added).
[29] *Google Spain SL*, Case C-131/12, ¶ 28
[30] *Id*. ¶ 27. Personal data is defined in the Directive as "any information relating to an identified or identifiable natural person ('data subject')." Council Directive 95/46, *supra* note 1, art. 2(a), at 38.
[31] *Google Spain SL*, Case C-131/12, ¶ 33. *Id*. ¶ 34. *Id*. ¶ 80.
[32] *Id*. ¶ 38
[33] *Id*. ¶ 46
[34] *Id*. ¶ 60

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Directive required a balancing test [35]: while personal data processing was permitted when it was necessary to serve the controller's or third parties' legitimate interests, it was not permitted "where such interests are overridden by the interests or fundamental rights and freedoms of the data subject — in particular his right to privacy."[36] Given the "seriousness of [the] interference" with a data subject's rights, an operator's economic interests were never sufficient to justify interference with privacy rights;[37] moreover, privacy rights "override, *as a rule* . . . the interest of the general public" in having access to private information.[38] This presumption could be overcome only "by the *preponderant* interest of the general public in having . . . access to the information." [39]

Moreover, the court understood the data subject's privacy interest to be so important that the subject could successfully object even if the data were in no way prejudicial. Instead, a data subject may legitimately object if information is "inadequate, irrelevant or no longer relevant, or excessive in relation to [the] purposes [of the processing] and in the light of the time that has elapsed." [40] If that is the case, then a search engine operator must remove the links.[41] " [42]

2-K.S. Puttaswamy v. UoI; W.P.(C)3918/2021 & CM. APPL.11767/2021

Court's Reasoning and analysis:- "The court recognized the competing interest between the petitioner's Right to privacy and the public's right to information and judicial transparency. Citing the supreme court's constitutional affirmation of right to privacy in K.S. Puttaswamy, and interim relief principles from Zulfiquar Ahmad Khan, the court acknowledged the irreparable prejudice to the petitioner despite his acquittal. The court found prima facie that the petitioner was entitled to interim protection to prevent further harm to his social and professional life while the substantive legal issues remain pending. The court also referred to the detailed examination of the "Right to be forgotten" in Shubhranshu Rout to reinforce the privacy concerns. Consequently, The court Directed respondents 2 and 3 to remove the judgement from their search result and respondent 4, to block access to the judgement via

[35] *See* Council Directive 95/46, *supra* note 1, art. 7, at 40 (establishing the criteria for legitimate data processing)
[36] *Google Spain SL*, Case C-131/12, ¶ 74. For the source of these fundamental rights, see Charter of Fundamental Rights of the European Union, art. 8, 2000 O.J. (C 364) 1, 10.
[37] *Google Spain SL*, Case C-131/12, ¶ 81
[38] *Id*. ¶ 99 (emphasis added)
[39] *Id*. (emphasis added). *See id*. ¶ 81.. *Id*. ¶ 88. *id*. ¶ 80, *id*. ¶ 86. *Id*. ¶ 84.
[40] *Id*. ¶ 93. Directive Articles 14(a) and 12(b) provide the authority for objection and removal, while Article 6(1)(c) establishes the relevant substantive conditions. *See* Council Directive 95/46, *supra* note 1.
[41] *Google Spain SL*, Case C-131/12, ¶ 94
[42] HARVARD LAW REVIEW. Org; https://harvardlawreview.org/print/vol-128/google-spain-sl-v-agencia-espanola-de-proteccion-de-datos/, (last visited on 22/02/2026)

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search engines, with respondent 1 ensuring compliance."[43]

Discussion: -

After analysis of statutes and case law it has been found that the Indian Supreme Court has issued numerous judgments concerning the emerging Right to Be Forgotten in India after that Indian parliament taking a look upon that concern and introduced its own law named as digital personal data protection act, 2023. The development of the Right to Be Forgotten stems from the speedy and excessive use of social media platforms and Google search engines, which provide information within a few seconds. This sometimes poses a threat to the right to privacy by providing information about a person that is outdated and irrelevant in current times, which adversely affects the personal and professional life of an individual. Right to be forgotten is recognized by many of the countries of the world in present time it is transmitted from a primarily European concept tointo a fragmented international standard. India has also given it a significant place under Art. 21 as a subset of the right to privacy. The Digital Data Protection Act, 2023, talks about the Right to Erasure, which is a narrower concept that deals only with digital personal data and does not deal with any personal data available in physical format. On the other hand, the Right to Be Forgotten is a wider term that deals with both types of personal data, digital as well as physical data.

The main cause of conflict between the Right to Be Forgotten and copyright is that the Right to Be Forgotten overrides many other types of rights, such as the Right to Know, copyright, the Right to Freedom of Speech and Expression, and the Right to Information. Copyright law provide extreme right to sell, distribute and copying a content for which an individual has copyright, which create clashes in smooth exercise of right to be forgotten and create legal complexities. Sec. 17; of Digital Data Protection Act, talks about exempted subject matters upon which right to erasure can't be exercised. Sec. 17(1)(a) clearly point out that 'the processing of personal data is necessary for enforcing any legal right or claim'[[43]] These provisions create legal ambiguities in cyber governance.

- **C**onflict of Laws (Property vs. Privacy): The DPDP Act allows individuals (Data Principals) to withdraw consent and request deletion of personal data. However, if that data (e.g., a photograph, blog post, or artistic work) is copyrighted, the owner of the

[43] Case Mine. com; https://www.casemine.com/judgement/in/613240fe9fca190daaa3f35c,(last visited on 22/02/2026)

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copyright has an economic interest in that work. It is unclear whether the right to privacy (DPDPA) supersedes the property right (Copyright Act).

- Ambiguity in "Publicly Available" Data: Section 3(c)(ii) of the DPDP Act excludes data that is voluntarily made public by the data principal. If a person publishes a copyrighted article or video online and later tries to invoke RTBF, the fiduciary can argue the data is publicly available. The ambiguity lies in whether "publicly available" means the right to control it is entirely forfeited, particularly if the content causes damage to reputation over time.
- Conflict with Fair Dealing and Public Interest: Copyright law allows "fair dealing" for research, criticism, or news reporting. If a news outlet publishes a story (copyrighted) that includes personal data and the subject requests erasure, the DPDP Act's erasure right clashes with the publisher's right to keep the content under fair dealing or public interest.
- The "Purpose Served" Test vs. Perpetual Copyright: Data must be deleted if the purpose of collection is no longer served. However, copyrighted content often has perpetual value (e.g., historical news records, artistic works). A data fiduciary may argue that the "purpose" of a copyrighted work (e.g., artistic expression) is never fully "served" or "met," thus complicating the erasure request.
- Third-Party Rights and Derivative Works: If personal data is used to create a derivative work (e.g., an AI-generated model or a curated article), and the original creator (data subject) exercises the right to be forgotten, it is unclear if the entire work must be deleted or only the identifiable personal data component. The DPDP Act does not clearly address the deletion of complex, processed digital assets.
- Lack of Explicit "Right to be Forgotten": The DPDP Act, 2023, does not explicitly use the term "Right to be Forgotten," but only "Right to Erasure". This implies a narrower scope compared to the EU's GDPR, making it unclear whether courts can order the de-indexing of content from search engines (a key part of RTBF) rather than just its deletion from a specific website.

  The solution to these problems is that every social media platforms and intermediaries can establish a special grievance redressal committee which deals with application for Right to be Forgotten and check the validity and grounds of redressal applications and remove the content, if an application is made for copyright-protected content which contains outdated and irrelevant information, then the intermediaries should contact

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with the copyright owner and request him for removal of the personal information from the work or obscure personal data by using redaction codes or placeholder characters and add a disclaimer in there work. The direction made by the courts to Gen AI model owner to introduce a proper and uniform legal framework to comply with all rules and regulations made by legislature and judicial precedents during the AI models' training.

Conclusion: -

The research paper can be concluded as it's a war between right v. right and it can be overcome by imposing some duties, the policies of social media platform and intermediaries should be modify their policy and make compliance with right to be forgotten. There are many challenges to exercise right to be forgotten at global level and every country has its own law, which creates legal uncertainty, there is no international convention for RTBF. The Berne Convention strengthens copyright preservation at the global stage. In the age of artificial intelligence copyright-protected content is also publicly available via prompts, which creates ambiguity in cyber governance. Gen AI models are trained on such data and store it as information containing personal data, which they then show in their responses based on prompts, despite the deletion of information from the public domain or its removal from copyright-protected content. There is a need of make an international convention on the RTBF by considering copyright preservation. The courts are made judgements under which personal information should be codify in case of acquittal of the accused which is published in public domain, only original personal information could be write down in physical register.

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