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# **EVOLVING CORPORATE RESPONSIBILITY IN PROTECTING COPYRIGHTS AMIDST RAPID DIGITAL REVOLUTION**

AUTHORED BY - VRINDA TEKRIWAL<sup>1</sup>

## **1. ABSTRACT**

This research includes Protection of Copyright with the progression of Digitalization of the Era. The term digitalization can be defined as digital transformation of the society and the availability of the advanced technology in the economy as whole and so far, it helps in predict clairvoyancy of copyright in progression of digital era. Author further attempts to describe the evolution of copyright in digital era characterized by the evolving digital technologies and digital innovation of advanced business ideology. The paper reflects with the developing era and business technology, the protection of copyrights has become the major concern subject topic for the artistic person that includes publishers, content creators from their exploitation of the copyright material. This topic includes and explores the challenges in the protection of copyright with the evolution of digitalization era, the complexity with the ownership of the artistic work, difficulties in tracking along with expensive procedural of enforcement by law. It also includes the preventive measures to face this complexity along with the rights given to an individual for the protection of the copyrights. The paper concludes with some solutions and ideas that could be useful for regulating digital copyright infringement.

The concept of Corporate Social Responsibility (CSR) has been termed as in terminatory field that has been evolved with the passage of time and advancement of technologies with due progression in digitalized era and this research topic tends to investigate the nature of those growing changes. The paper signifies how to that advancement of copyright undergoes with the responsibility of CSR.

**Keywords:** Copyright, Corporate Social Responsibility, Development, Clairvoyancy, Protection, Technology, Intellectual Property, Digitalization, Sustainability, Ideology.

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## 2. INTRODUCTION

Copyright is the grant of exclusive rights to the artistic person or the authorized person in order to protect and control the copying of their artistic work from various forms of exploitation of copyright material. In legal term, a legal right which is owned by the owner of the Intellectual property is a copyright. Since the digitalization of era has revolutionized in many ways as possible by the way of contributing development to the society as whole, the need of emerges with the growth of the digitalization. Intellectual property includes copyright which means “creations of minds at different level, as well as symbols, names, marks, and marks used for commercial purpose. Various categories of Intellectual properties also include: Patents for innovations and discoveries, trademarks, industrial designs and geographical indications are all considered under the branches of Intellectual property. Intellectual property is defined as the legally aided bundle of rights derives from the creative, scientific, literary, and industrial activities.

With the development and availability of the digital technologies, it has consistently become easier for an individual to replicate, duplicate the copyrighted material available in the society. However, with the easy access of the copyright material it has become a comprehensive procedure for the enforcement of copyrights laws and the protection of the intellectual property rights of an individual. Though with the evolution of society, the amendment in the law has also taken into progress which goes hand in hand via addressing the remedies for the protection of the copyright. While individuals copyright cannot be protected on its, but it protects the original protection of ideas and creation and indeed it needs to be get protected from the advanced technology present in the economy with the digitalization of the era. The ambits of copyright include literary, dramatic, musical and artistic works of a creative and artistic person. Although copyright does inculcate against the similar creation of the works by an individual. Copyright safeguards the heritage of the works such as musical, sculptures, dramatic and literature. With the digitalization of society and the advanced technologies available therein, the protection of copyright is a great concern of artistic person. There is certain statutory provision which are granted under the Copyright Act of 1957<sup>2</sup>, The Copyright Rules, 2013<sup>3</sup> and the International Copyright Order, 1999<sup>4</sup> which safeguards and protect of copyrights of an individual in India.

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<sup>2</sup> THE COPYRIGHT ACT, NO. 14 OF 1957, INDIA CODE (1957).

<sup>3</sup> THE COPYRIGHT RULES, 2013, GAZETTE OF INDIA, PT. II, SEC. 3(I) (MAR. 14, 2013).

<sup>4</sup> INTERNATIONAL COPYRIGHT ORDER, 1999, GAZETTE OF INDIA, PT. II, SEC. 3(II) (NOV. 24, 1999).

### 3. CORPORATE SOCIAL RESPONSIBILITY IN THE DIGITALIZED AGE

The ideology of Corporate Social Responsibility (CSR) has progressed significantly with the passage of time. What once just began as an intended and often peripheral activity has now become a dominant pillar of modernized business strategy and corporate governance worldwide. Historically, companies have been engaged with their communities through generosity and ethical practice attributes. But today, in an era of age dominated by enormous digital technologies such as data analytics, internet, and artificial intelligence, CSR has taken on new meaning and greater urgency of growth and development.

The digital era has accompanied in unparalleled levels of connectivity, transparency, and approachability. Platforms like social media and other online spaces available through connectivity have empowered consumers, investors, patrons and activists to analyse and hold companies accountable more than ever before. As businesses become more visible and vital today, they are also been expected to act more dutifully, especially in ethical and environmental matters all over the world.

At the similar time, technological growth has driven companies' powerful tools to make a positive impact in the nationwide. Yet, it has also introduced new challenges with the coming developments. For example, with the extensive use of data-driven systems, protecting user data has become a critical responsibility for the companies. Data breaches or privacy violations of their patrons can seriously damage a company's reputation. Similarly in same manner, ethical questions are being raised and asked about the equality and biases characteristic in algorithmic decision-making. The increasing of environmental cost of technology, particularly in respective electronic waste, has added a new layer to CSR concerns in general state of mind. Companies now face increasing pressure in order to manage this rise in technological waste and reduce their digital carbon footprints.

Digital presence is another key CSR issue, primarily focusing and ensuring that all individuals, especially those from the marginalized communities, can benefit from technological advancement. In this light of technological view, exploring and analysing CSR in the digital age is not only relevant but necessary in all aspects. It influences in the criteria how businesses operate, how society functions, and how we protect the environment.

There are many several reasons why CSR in the digital age is more important than ever before. For companies, understanding the occasions and certain risks that come with digital transformation is indispensable to the coming competitiveness and relevance. A strong CSR strategy can be proven to enhance reputation, build trust among the consumers, and ensure long-term success. As technology becomes deeply entrenched in people's everyday lives, businesses have a growing ethical and moral responsibility to act with integrity and transparency of their customers in respect of their protection of rights.

Governments and regulatory bodies are also paying closer attention, introducing new laws focused on digital ethics and environmental responsibility for the protection of their citizen rights<sup>5</sup>. Staying informed and biddable with these guidelines is critical for risk management and operational stability. Furthermore, stakeholders, whether they are customers, employees, or investors, are increasingly expecting companies to prioritize sustainability, ethics, and transparency. Meeting these expectations is vital for lasting success in the digitalized sphere.

#### **4. HISTORICAL ASPECT OF COPYRIGHT IN INDIA**

The copyright law originated in India during the establishment of East India Company's regime in 1847. According to the formation of 1847 enactment, copyright was defined as the lifetime of an author or artistic person plus the seven years after his/her death (death of the author). But under no circumstances the term of the copyright could exceed a time being of forty-two years. The government authority could provide the compulsory licensing in order to publish a book if the author the book, upon the death of the author, refuses for the publication of the book. The act of infringement under the act, has been defined as the disapproval or unauthorized printing of an author's copyrighted artistic piece of work without prior permission for purpose of publishing, sale or exportation. Registration of the author's copyrighted work with home office was a mandatory for the protection of its heritage under the said Act.

In 1914, a new copyright act was enacted by the Indian Legislature which was mostly based upon the United Kingdom Act of 1911. According to the Act few rectifications were enacted in the Act firstly, criminal sanctions for copyright infringement (sections 7 to 12) were added in the Act. Secondly, the scope of copyright which was earlier defined in the section 4 of the act was rectified and stated that the solitary legal copyright of the author to produce, publish or

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<sup>5</sup> EUROPEAN COMMISSION, *DIGITAL SERVICES ACT: ENSURING A SAFE AND ACCOUNTABLE ONLINE ENVIRONMENT* (2022).

reproduce the artistic work shall be confined to the period of 10 years. However, the act of 1914 was continued with certain modifications and rectifications till the Act of 1957 was brought in existence and was enforceable on 24<sup>th</sup> January, 1958 onwards.

## **5. COPYRIGHT IN THE DIGITALIZED REALMS VIZ-A-VIZ INDIAN AND FOREIGN FRAMEWORK**

The influential power of digitalization on the society is highly enormous in nature. Although it has been already aforesaid that great innovations bring high amount of risk too, on one hand digitalization plays a momentousness role in the progressiveness of the Indian society while on other hand these great and enormous transformation and development has led to other issues as well for example infringement of a creator's, publisher's, author's or owner's right through various sources in digitalized world<sup>6</sup>. However, various international organizations such as World Intellectual Property Organization (WIPO), World Trade Organizations (WTO) have tremendously played a vital and tremendous role in safeguarding the infringement of copyright of an individual in digitalized era. Further, World Copyright Treaty was also formulated 1996 which subsequently is an agreement established under the Berne Convention in order to protect and prevention of infringement of copyright in digitalized economy. Additionally, three more economic rights were added to the individual person with copyrighted artistic person which are already mentioned in Berne Convention of 1885, specifically, right to rent, right to public communication and the right to the distribution. The main purpose of the such convention is to protect the heritage of the artistic person's work in the digitalized realm for at least the numbers of 50 years<sup>7</sup>. Its further ensures for the protection and prevention of computer application's database and software programmer. In India, The Copyright Act of 1957 protects the copyright of the authors, publishers, musicians, artist etc<sup>8</sup>. Since the enforcement, the act has been subjected to numbers of modifications and amendment to maintain the socio efficacy with the development of the advanced technology in the century. The recent enactment of The Copyright (Amendment) Act 2012, is regarded as more significant Act with the implications of amending and modified laws in regards with the protection of the copyright<sup>9</sup>. The chief motive of the legislation authority was to convey the Copyright Act of 1957 into obedience

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<sup>6</sup> SEE JANE C. GINSBURG, THE AUTHOR'S PLACE IN THE FUTURE OF COPYRIGHT, 45 WILLAMETTE L. REV. 381, 388 (2009).

<sup>7</sup> BERNE CONVENTION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS ART. 1, SEPT. 9, 1886, AS REVISED AT PARIS, JULY 24, 1971, 828 U.N.T.S. 221.

<sup>8</sup> THE COPYRIGHT ACT, NO. 14 OF 1957, INDIA CODE (1957).

<sup>9</sup> THE COPYRIGHT (AMENDMENT) ACT, NO. 27 OF 2012, INDIA CODE (2012).

with the World Copyright Treaty of 1996 and the World Intellectual Property Organization's Performance and Phonogram Treaty of 1996. Altogether, the international treaties and the amended Act address the relevant challenges in the protection of copyright over the digital networks. It enables the fair and justified distribution of revenue between the authors and workers. TRIPS agreement also came into force in 1995, with the aim of formulating basic standard for the accessibility, scope and use of various Intellectual property that consist of namely, trademarks, copyrights, geographical indications, patents, industrial designs, layout designs for integrated circuits, and undisclosed information or trade secrets. The agreement was applicable to all those countries who are the members of World Trade Organizations (WTO). It was exchanged during the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) in 1986- 1994.

## **6. COPYRIGHT IN DIGITALIZED MASS MEDIA AND BROADCASTING APPARATUS**

The term media is often referred as the “Fourth pillar” of democracy in India. Media has played a significance role in the development of the society irrespective of print media, broadcasting or electronic media. The influence of media in the society is supremacy in nature, as it regarded as inevitable source of communication between two or more person. As the importance of media is growing day by day, another question of protection of copyright of mass media and broadcasting arises. The creativity of an artistic person with respect to its creation of movies, songs, serials, sculptures exclusively need to be protected. With the evolving technologies and availability of advanced software in the economy relating to digital storage and transmission have been enormously causing hinderance in the protection of copyright. The present of advancement technologies in the internet has been recognized as the most challenging obstacle in the protection of the copyright in India. Mass media copyright works can be said as news, graphics, picturizations, movies, music, and screenplays etc. With the availability of large source of information on internet, the authenticity of work available whether original or the duplicate seems to be as most challenging concern. It is the vital misapprehension of the people that all the things surfing on the internet has the right to be copied and can be easily copied from one place to another. The Copyright Act of 1957 does not cover the ambit of protection against the infringement of Digital Copyright. Further, the Information Technology Act of 2000 was enacted under which the issues related to the protection of Digital Copyright is

protected. In the Case of “*Shree Venkatesh Films Pvt. Ltd. Vs. Vipul Amrutlal*”<sup>10</sup> the court held that the term “copy” and “making a copy” stated in Section 14(d)(i) is not only limited to the duplicating the film and storing it in an electronic device but also using the part of the film, in the making of another film that is bear a resemblance to the original film, without the knowledge of the author, constitutes to the infringement of the Copyright.

## 7. DOCTRINE OF FARI USE UNDER THE COPYRIGHT ACT

Under the Constitutional law, the Copyright Act of 1957, states the provisions that deals with the fair dealing and use of literary, dramatic, musical, or artistic work that is not a computer program does not come under the ambit of an infringement of Copyright. Section 52 of the Act is a provision, that is deemed to be an exception to the Infringement of the Copyright without the prior permission of the individuals and state the limited scope work the Copyrighted work. This particular section of the Copyright Act, 1957, deals with the fair dealings and fair usage to the copyrighted work. Both the Berne Convention for the Protection of the Literary and Artistic Works, 1886, along with TRIPS agreement has incorporated the provisions of the “fair use concept” in their national legislation. The only condition to use the fair use doctrine lies in the hand of the judicial interpretation. The concept of fair dealing does not grant the permission to violate or encroach upon the right of the owners of the copyrighted work but rather, to use those artistic works of the owners for the fair use and justified public domain and not for the personal benefits which will amount to the infringement of the copyright. Furthermore, it restricts the copying of the large part of the owner’s copyrighted work. The heart and soul of this doctrine is based upon the ideology that “not all the copying should be considered as against the rule of law”. With the passage of the time, the major concern of the law makers is to make significant amendments in law to protect the infringement of copyrights that are important to the society, like criticism, news reporting, teaching, research, which are all parts of the education system. Likewise, with the various amending laws the doctrine of fair use has become an integral part of Intellectual property rights.

In the case of “*Sony Corp. of America v. Universal City Studios, Inc*”<sup>11</sup> the Supreme Court held that copying a news broadcast may have a healthier contention rather than copying a movie to doctrine of fair use, as it leads to the free spread of ideas and the creation of new scientific

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<sup>10</sup> *SHREE VENKATESH FILMS PVT. LTD. V. VIPUL AMRUTLAL SHAH*, (2009) (CAL) (UNREPORTED), AVAILABLE AT [HTTPS://INDIANKANOON.ORG/DOC/1039684/](https://indiankanoon.org/doc/1039684/).

<sup>11</sup> *SONY CORP. OF AM. V. UNIVERSAL CITY STUDIOS, INC.*, 464 U.S. 417, 454–55 (1984)

or educational works, which are all beneficial to the society.

## 8. COPYRIGHT AND THE INTERNET

Under Copyright, it is a well-known fact that the term copyright does not provide absolute right over the protection of data or information available all over the internet but guarantees certain bundle of rights that act as guardian to several data and information available on the internet. In most of the scenarios, it is often heard that impact of loss of the Internet data and information is a bigger due to its borderless and infringing capabilities that can be travelled all across different geographical region within a few seconds of time. Sleuthing such infringements over the Internet is a quite hectic and complex task. In current generation, Internet technologies are growing faster and faster, it has become the mandatory task to implement and amends those laws that will work in favour regarding the protection of data and information available all over the Internet. Various laws that can be applied over such infringements have been established either by the legislation or through the carious courts of law. A standard myth has been established by the people in the society that anything uploaded over the Internet can be downloaded and copied.

That in the case of *CIT v. Oracle Software India Ltd.*<sup>12</sup> the court held that duplicating CD may leads to piracy and violation of Section 14 of the Copyright Act 1957. Duplicating the data may results to be a process of copying the data from a source medium to the actual destination that is implied in a physical form.

## 9. CONCLUSION

The digitalised era has excellently profound and transformed the creation, broadcasting, and consumption of the copyrighted content. While this rigorous transformation has democratised admittance to the author's creative work and prolonged the golden opportunities for content creators present virtually all around the world, it has simultaneously modelled momentous contests to the enforcement and protection of copyright in corporate world as well. With the propagation of digital platforms admisting the corporate scenarios, peer-to-peer sharing, and artificial intelligence-based tools such as existence of AI, the boundaries of copyright law are being constantly tested, observed and redefined.

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<sup>12</sup> *CIT V. ORACLE SOFTWARE INDIA LTD.*, (2010) 2 SCC 677.

In this evolving landscape and transformation, traditional legal frameworks and static obligations often struggle to keep pace with technological advancement and developments. Issues such as unauthorised digital reproduction of contents, online piracy, flooding without licensing, and the use of copyrighted material in user-generated content highpoint the urgent need for adaptive legal reforms and structures. Moreover, corporate entities, especially those in media, technology, and e-commerce sectors, face increasing obligations to develop robust copyright compliance mechanisms and installs advanced digital rights management (DRM) tools.

Efforts by governmental bodies, international bodies, and corporations to update advanced copyright legislation which ceases to foster cross-border enforcement cooperation, and promote awareness among users in commendable manners. Instruments like the WIPO Internet Treaties and national amendments to copyright laws inflicts a growing recognition of digital realities. However, enforcement remnants jagged, and balancing the interests of rights holders with public access and innovation endures to be a delicate task that amounts to full endurance and capabilities.

Eventually, the protection of copyright in a digitalised era stresses a multidimensional approach combining various legal reform, corporate term responsibility, technological innovation, and user edification. As digitalisation deepens with the passage of time, it is authoritative that stakeholders across the spectrum including legislators, bench, corporates, and patrons collaboratively ensure that copyright protection evolves not as a constriction on innovation, but as a catalyst for sustainable creativity, legal right protection and economic growth. Only through such a standardized approach can the sacredness of intellectual property be preserved in the ever-expanding digital province.