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*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **COPYRIGHT INFRINGEMENT AND DIGITAL CONTENT PIRACY: A STUDY**

AUTHORED BY - <sup>1</sup> SANJIB ROY,

LLM STUDENT, ICFAI LAW SCHOOL, THE ICFAI UNIVERSITY, DEHRADUN

CO-AUTHOR - <sup>2</sup> ASHISH KUMAR SINGHAL,

Associate Professor, The ICFAI University, Dehradun

## **ABSTRACT:**

The phrases "digital piracy" and "digital content piracy" are sometimes used interchangeably, they might refer to slightly different aspects of copyright infringement in the digital sphere.

The act of duplicating, sharing, or using digital content that is protected by a copyright without the owner's express permission is known as digital piracy. The field of copyright law is an intricate, ever-evolving, and complex one. Copyright issues, such as fair use, infringement, and digital material piracy, have a big impact on the economy, the creative industries, and society at large. Because of this, having a thorough grasp of copyright law and how it affects the many parties involved is essential for everyone interested in the intersection of law, technology, and creativity.

The main purpose of the legal concept known as copyright is to safeguard the original expression of ideas and creative works, such as literary, artistic, musical, and dramatic works. It is a kind of intellectual property that grants the exclusive authority to control the uses and distribution of an invention to third parties to the person who developed or owns it. The goal of intellectual property laws is to encourage writers to invest their time, effort, and resources in creating new works, which will improve the atmosphere that encourages creativity and innovation.

**KEYWORDS: COPY RIGHT, DIGITAL PIRACY, MUSICAL WORKS**

## **1. BACKGROUND**

The main purpose of the legal concept known as copyright is to safeguard the original expression of ideas and creative works, such as literary, artistic, musical, and dramatic works. It is a kind of intellectual property that grants the exclusive authority to control the uses and distribution of an invention to third parties to the person who developed or owns it. The goal of intellectual property laws is to encourage writers to invest their time, effort, and resources in creating new works, which will improve the atmosphere that encourages creativity and innovation.

The first act defending intellectual property rights was passed in England in the sixteenth century, which is where the idea of copyright initially emerged. Most countries in the world now have copyright laws in place, and these laws are upheld by a variety of legal mechanisms, such as civil and criminal proceedings, as well as technological measures that forbid the unauthorized duplication and distribution of works that are protected by copyright. A vast range of creative works, including books, music, movies, paintings, photos, software, and architectural designs, are protected by the law. The intellectual property rights of authors are also safeguarded by copyright law.

A piece of work is typically only protected by copyright for a set amount of time until it is released into the public domain, where anybody can use it for any purpose without obtaining permission or paying. This is particularly true in the digital age, as lawmakers and copyright owners are faced with new challenges due to the ease with which digital work may be shared and reproduced. The field of copyright law is an intricate, ever-evolving, and complex one. Copyright issues, such as fair use, infringement, and digital material piracy, have a big impact on the economy, the creative industries, and society at large. Because of this, having a thorough grasp of copyright law and how it affects the many parties involved is essential for everyone interested in the intersection of law, technology, and creativity.

Numerous international agreements and treaties recognize and uphold the protection of intellectual property. These accords set down the fundamental conditions for copyright protection that signatory nations must implement and provide a framework for the protection of intellectual property rights. Most people consider that one of the most important international accords pertaining to intellectual property rights is the Berne Convention for the Protection of Literary and Artistic Works. The Berne Convention, which was first ratified in 1886 and has undergone many updates since then, provides essential baseline guidelines for copyright protection and cross-border recognition. The Convention establishes the idea of automatic

protection. According to this concept, works created in member nations will be granted copyright protection without the need for further procedures or registration. The WIPO Copyright Treaty is another important international agreement pertaining to intellectual property rights that was approved in 1996. The WCT extends the principles outlined in the Berne Convention to the digital sphere, acknowledging the need of protecting artists' and owners' rights in the digital era. The convention outlaws the circumvention of technical measures used to protect intellectual works and requires signatory governments to provide legal protection for such systems. It also forbids the use of such techniques in nations that do not sign it. The Performances and Phonograms Treaty (WPPT) of the World Intellectual Property Organization (WIPO) is primarily concerned with safeguarding the legal rights of sound recording producers and performers. The treaty does, however, also include provisions for the defense of intellectual property rights. According to the WPPT, performers have the exclusive and exclusive right to provide permission for the use of their performances in any way, including for broadcasting, distribution, and replication. The exclusive power to authorize the reproduction, rental, and distribution of sound recordings remains with the original record creators. Furthermore, the treaty requires signatory nations to uphold the Berne Convention for the Protection of Literary and creative Works, which guarantees the rights of authors of literary and creative works. In 1971, this convention was founded in Switzerland. This includes the right to provide permission for the exclusive use of their works for public communication, distribution, and replication. The WPPT requires that countries that join the agreement provide legal protection for technical measures taken to preserve copyrighted works, recognizing the importance of protecting intellectual property rights in a digital environment. Furthermore, it makes it unlawful to circumvent these protections.

A number of nations have additionally entered into bilateral or regional agreements on the protection of copyrights in addition to these treaties. These agreements include, for instance, regional copyright conventions and free trade agreements. These agreements usually provide guidelines and procedures for copyright protection, including restrictions and exceptions to copyright protection, as well as procedures for enforcing copyright laws internationally. International copyright agreements are crucial in establishing a minimal level of protection for intellectual property rights and promoting the exchange of creative works across state borders. This is a crucial function that these agreements must fulfill.

But how these agreements are carried out and upheld varies a lot from nation to nation. To

ensure that copyright is safeguarded in a way that is fair and efficient in light of the global economy, ongoing efforts are needed.

## **2 INTERNATIONAL VIEW ON COPYRIGHT INFRINGEMENT**

Copyright infringement is a problem that is only becoming worse in the modern world, when it is easier than ever to share and distribute anything that is protected by intellectual property rights without the original author's or owner's consent. Unauthorized distribution of software, the downloading and sharing of audio and video, and the unauthorized duplication of books or articles are just a few examples of how copyrighted works can be used without authorization.

Violating someone's copyright has wider consequences for the economy and society at large in addition to depriving the writers and owners of the work of the compensation that is properly theirs. It may harm the financial sustainability of industries like publishing and entertainment, which depend on copyright protection to stay in business, and it deters people from being innovative and creative.

Intellectual property infringement can lead to severe legal consequences, such as fines and other monetary damages, as well as criminal and civil penalties (which may include jail time). Additionally, copyright holders have two options for preventing infringement: they may use technology to stop the infringement, such as digital rights management, or they can go to court to seek legal remedies. They have both of these choices at their disposal. The issue of copyright infringement persists despite the efforts of both law enforcement agencies and copyright holders.

This is particularly true in the internet sphere, where it is oftentimes challenging to identify and prosecute infringers. Thus, one of the most important tasks facing legislators, business leaders, and society at large is figuring out ways to effectively and sustainably address copyright infringement. Striking a balance between the need to protect intellectual property rights and the need to promote innovation and creativity is essential to achieving this aim. The economic, societal, and cultural factors that contribute to intellectual property rights violations must also be addressed.

The importance of protecting copyright is recognized by international conventions and treaties on the subject, such as the WIPO Copyright Treaty and the Berne Convention for the Protection of Literary and Artistic Works, which also provide mechanisms for handling copyright

infringement cases. The website of the World Intellectual Property Organization (WIPO) has information on these agreements and treaties. In principle, these treaties prohibit the infringement of intellectual property rights, and their signatory nations are obligated to offer legal recourse to owners of such rights when their rights are violated. These remedies might be fines or restitution for losses incurred as a result of the infringement, an injunction to stop future violations, or, in certain cases, criminal charges against the infringer.

The treaties also recognize that, in order to maintain a balance between the rights of those who generate creative works and those who utilize them, there may need to be some exceptions and restrictions to copyright. These restrictions and exceptions may apply to the use of copyrighted works for reporting on current events or for cultural, educational, or research reasons. Apart from offering legal redress, the treaties foster international cooperation among nations to prevent copyright infringement. This might entail cooperating to stop piracy and other forms of infringement, especially in the context of the internet, or exchanging information on violators.

### **3. COPYRIGHT INFRINGEMENT IN INDIA**

For many years, intellectual property rights infringement has been an ongoing issue in India. Digital content piracy and counterfeiting of creative works, including software, movies, music, and books, are major issues facing the nation. In order to protect the interests of British publishers and writers, the British imposed copyright laws during the colonial era, which is when copyright infringement in India first occurred. Since these laws were viewed by the majority of India's indigenous people as a means of exploitation by the colonial administration, they were ignored.

India created its own copyright laws after gaining independence, but it has been challenging to enforce them. The nation's complex legal system, shoddy law enforcement, and widespread corruption have made it challenging to successfully combat intellectual property rights violations. One of the main causes of intellectual property rights violations in India has been the easy access to inexpensive pirated copies of artistic works, which are often offered for sale on the streets or in establishments that are not permitted to carry them. As a result, copyright holders have experienced a sharp decline in income as they are occasionally unable to compete with the cheap prices of stolen items.

The problem of copyright infringement that exists in India has developed partly as a result of

the growth of the internet and other digital technologies. It is now much easier for people to obtain unauthorized access to and distribute copyrighted works due to the growth of online platforms that enable content sharing and dissemination.

The establishment of the Copyright Act of 1957 and subsequent modifications to the legislation are examples of the steps taken in India to combat copyright infringement. The government has also established specialized enforcement agencies and carried out raids on pirate markets in an effort to tackle digital content piracy and counterfeiting. Using specialized enforcement agencies is one of these strategies. Nonetheless, infringement of intellectual property rights remains a major problem in India, and more has to be done to encourage better respect for intellectual property rights as well as to strengthen enforcement of these rights.

The government of India has implemented efforts to strengthen enforcement and encourage better respect for intellectual property rights in response to the present copyright infringement crisis. The current state of affairs in India is the reason behind these endeavors. Specialized law enforcement agencies have been formed as part of these efforts. The Indian Copyright Office and the Central Bureau of Investigation's Economic Offenses Wing are two instances of these organizations. Furthermore, the Indian government has implemented several new policies and guidelines to counteract infringement of intellectual property rights in the digital age.

In order to address issues with internet intermediaries and digital content piracy, for example, India revised the Copyright Act in 2018. One of the most prevalent types of copyright infringement in the digital era is the pirate of digital material. It describes the unapproved duplication and dissemination of digital information, including e-books, software, movies, and music. Nowadays, with high-speed internet widely available and a proliferation of digital devices, it is much easier for individuals to access information protected by intellectual property rights and distribute it without authority via the internet.

The revenues of copyright holders have been significantly impacted by this, as they are often unable to compete with the cheap prices of items that have been pirated. P2P networks, torrent sites, and file-sharing websites are just a few of the numerous forms that digital content theft can take. These platforms make it easy for users to access and distribute intellectual property-protected information, and they frequently don't charge consumers anything in return. Another major problem that digital content piracy poses to copyright enforcement organizations is that

it can be challenging to identify and punish individuals who violate copyright online. Due of the internet's worldwide reach, piracy may happen anywhere, which means In spite of these hurdles, efforts to prevent digital content piracy are ongoing.

To combat the issue, copyright owners and enforcement organizations are using a range of tactics, including as technology advancements, public awareness campaigns, and legal action. But much as technology improves, so do the strategies used by pirates to infringe upon copyright. This makes defending intellectual property rights a difficult and ongoing endeavor for those who try to do so.

#### **4. UNDERSTANDING THE INTEGRETIES OF DIGITAL PIRACY AND DIGITAL CONTENT PIRACY**

##### **Digital Piracy**

Because of its intricacy and controversial nature, the issue of digital piracy has drawn the attention of academics, policymakers, and the general public. The widespread use of the internet and other digital technologies in recent years has made it much easier to share and distribute intellectual property-protected content, such as software, movies, and music, without the original creators' consent or payment. This behavior is a serious danger to the established copyright system. It has also brought attention to important questions about how best to strike a balance between defending intellectual property rights and encouraging creativity and innovation in the digital economy.

India has a large problem with digital piracy, which negatively affects a wide range of sectors, including the media and entertainment, software, and gaming industries. Despite the efforts of those who hold the copyright as well as the law enforcement agencies tasked with combatting it, piracy is incredibly common and has a significant detrimental impact on society overall, as well as the economy. The Indian government has made steps to address the issue, such as creating specialized enforcement units and enacting new laws; nevertheless, these initiatives have encountered several obstacles and have not yet yielded significant outcomes. The Indian government has nevertheless taken action.

##### **Digital Content Piracy**

While the phrases "digital piracy" and "digital content piracy" are sometimes used interchangeably, they might refer to slightly different aspects of copyright infringement in the

digital sphere.

The act of duplicating, sharing, or using digital content that is protected by a copyright without the owner's express permission is known as digital piracy. This phenomena has a wide range of applications and involves a variety of activities. These activities encompass, among other things, the unsanctioned procurement or distribution of copyrighted movies, TV series, music, software, and games via illicit internet downloading or sharing. It also includes selling or distributing fake copies of anything that is protected by copyright, as well as the illicit duplication and sharing of digital content. Digital piracy can manifest itself through a multitude of avenues, including but not limited to file-sharing networks, torrent sites, streaming platforms, or unauthorized distribution channels.

On the other hand, the more accurate term for the act of copying and sharing digital content without the required permission is "digital content piracy." This course focuses mostly on content that is protected by copyright, including movies, TV shows, music, electronic books, computer programs, and interactive video games. Digital content piracy includes a range of illegal activities, such as illegally downloading and sharing content via file-sharing networks or torrent sites, uploading content onto video hosting platforms or streaming websites without authorization, and offering illegal streaming services that allow users to access content without authorization. A type of digital piracy known as "digital content piracy" focuses on the illegal distribution or replication of digital material protected by copyright. In essence, digital piracy is a comprehensive concept that encompasses various acts of unauthorized reproduction, dissemination, or utilization of copyrighted digital content.

On the other hand, digital content piracy relates exclusively to the infringement of copyright laws concerning digital media, which includes a variety of creative works including software, movies, music, and other comparable assets.

It is common to see a link between rogue websites and digital content piracy. By definition, rogue websites are digital spaces that engage in illegal activity, particularly enabling the unapproved hosting and distribution of information protected by copyright. Because they make it easier for users to access and download copyrighted materials without authorization, the aforementioned websites are often connected to the illegal distribution of digital property. There are several types of malicious websites that engage in the illegal downloading of digital content.

These include torrent sites, streaming services, direct download websites, and cyber-lockers.

## 5. TYPES OF DIGITAL CONTENT PIRACY AND THEIR MECHANISMS

Digital content piracy can take place in a variety of different methods, some of which include the following:

- 1. File Sharing** - File sharing, which is the practice of sending data from one user to another over the internet, is a kind of digital content theft. Peer-to-peer (P2P) networks are often used for file sharing. By exchanging files directly with one another, users of file sharing networks can do away with the need for a centralized server. "File sharing" encompasses a wide range of activities, including the sharing of software, music, movies, and television shows. By far the most popular way to share data is to use peer-to-peer (P2P) networks, which allow users to exchange files directly with one another. Data files are split up into smaller pieces and shared among several users in peer-to-peer (P2P) networks. When a user downloads a file, what they are really doing is getting bits and pieces of the content that several other users have contributed. When more individuals download and distribute the material, consumers might be able to access it more quickly and with less effort. This is a result of the download speed growing with increased user volume. Copyright holders have a great challenge when users share files because they allow information to be shared that is protected by copyright without the owner's consent. In many cases, users who engage in file sharing may not even be aware that what they are doing is illegal. Rather, they could believe that they are just sharing information with people in their own circle of friends or relatives. Copyright holders have tried a variety of strategies to stop file sharing. These actions include filing lawsuits against file-sharing participants, pressuring governments to enact stronger copyright regulations, and employing technological tools to block people from downloading or sharing content protected by copyright.

- 2. Torrenting** - One type of digital theft known as torrenting is the process of downloading and uploading data via a BitTorrent client via a peer-to-peer network. One kind of digital content piracy is torrenting. Engaging in this type of digital material piracy is standard procedure when one wants to share large files, such movies, TV shows, or video games. A user must first download a small file known as a torrent file in order to utilize BitTorrent to download a file. This file contains information about the bigger file, like its name, size, and location, that the user wants to download. The user opens the torrent file using a BitTorrent client after completing the download. Subsequently, the

BitTorrent client connects to a cluster of users that are concurrently sharing the same file. The client downloads portions of the file from other users, and when more people download and share the same file, the download speed increases. The ability to download and distribute information that is protected by intellectual property rights without the owner's consent is one of the main challenges that torrenting poses to copyright holders. While a large number of torrenting websites and clients have been taken down over time, new ones keep popping up. In an effort to combat torrenting, copyright owners have tried a variety of strategies, such as suing those involved in the practice, pressuring governments to enact stronger copyright regulations, and deploying technological barriers to stop users from downloading or sharing illegal digital content. Using a method called torrenting, people may download and distribute enormous files across the internet.

**3. Streaming** – Using streaming services or websites to distribute information that is protected by intellectual property rights illegally is known as streaming, which is a type of digital content piracy. When users engage in this type of illicit behavior, they may watch movies, television shows, and other content without having to pay for it or obtain the necessary permissions from the copyright owner. Using websites or applications that provide consumers unfettered access to content that is legally shielded by intellectual property rights is a common practice in streaming digital content piracy. These websites and apps are so widely used that controlling or shutting them down might be difficult. They could also function in a murky legal area. The vast majority of websites and applications that enable illicit video streaming are supported by advertising and make money by showing consumers adverts. It's likely that certain websites and applications that pirate digital content for streaming may need users to download extra plugins or software before they can see the content. Customers that engage in this behaviour run the risk of contracting malware and being exposed to additional security risks. Because technology allows people to access and disseminate information that is copyright protected on a large scale, streaming digital content piracy poses a significant challenge for copyright owners. Several actions have been taken by copyright holders to stop the piracy of digital material streaming. These actions include suing streaming digital content pirate sites and their operators, educating consumers about the risks associated with streaming digital content piracy, and cooperating with governments and law enforcement organizations to shut down illicit sites and services.

**4. Cyberlockers** – Cyberlockers are online platforms that make it easier to store and share data, especially large or multi-file ones. They are also known as file-hosting

services or cloud storage cloud services. Cyberlockers can be used for unauthorized hosting and dissemination of content protected by copyright without the express consent of the owner, even if they are useful for sharing and storing personal files. Cyberlockers provide users with a specific platform to upload and store different kinds of data, including copyrighted stuff like software, e-books, movies, music, and other digital media. Once posted, these files are available for other users to find and download. This usually happens via sharing links or search features on the cyberlocker site. This makes it easier for content protected by copyright to be widely distributed without the owner's express consent. Cyberlockers often come with privacy features that let users protect the files they upload and maintain their identities. People are able to create anonymous profiles or use pseudonyms, which makes it difficult for copyright holders to track out and deal with those who post and distribute copyrighted content without authorization. Some cyberlockers allow users to generate embed codes or direct download links, which may then be shared on other websites, forums, and social media networks. By linking to or embedding the files held on the cyberlocker, this makes it easier for users to share unauthorized information, which fuels the growth of digital content piracy.

**5. Hacking** – Hacking is a type of digital content piracy that entails breaking into computer networks, systems, and other digital resources without authorization with the goal of erasing, altering, or stealing data. Another name for this type of fraud on computers is hacking. Hacking may be used to steal copyrighted content, such as software, music, and movies, which can subsequently be transferred to other people without the owner of the copyright's consent. Simpler hacking methods include password cracking and falling for phishing scams; more sophisticated methods include malware attacks and SQL injections. Hacking can take many different forms. Hacking can also be used to get access to and edit online content such as websites and social media accounts, which can then be used to distribute content that is protected by intellectual property rights as well as other forms of digital content piracy. The owners of copyrights have a big problem in the form of hacking because it can be difficult to identify and prevent, and it can result in large financial losses and damage to reputation. Hacking can also be used to obtain sensitive data, such as information about customers and trade secrets, which can have devastating effects on both persons and corporations. Copyright owners have taken a number of steps to combat hacking, including making investment. Hacking may occur in a variety of ways. In addition to gaining access to and editing social media accounts and websites, hacking may also be used to spread material that is

protected by intellectual property rights and other types of digital content theft. Because hacking may be hard to detect and stop, inflict significant financial losses, and harm one's reputation, it poses a serious threat to copyright holders. Hacking may also be used to steal private information, including trade secrets and customer information, which can have disastrous consequences for both individuals and businesses invests in cybersecurity measures to safeguard their digital assets, works with law enforcement to find and apprehend hackers, and informs people about the risks associated with hacking and how to stay safe online.

## **6 FACTORS RESPONSIBLE FOR DIGITAL CONTENT PIRACY**

1. The prevalence of digital material piracy is significantly impacted by the characteristics of accessibility and availability. This is a more detailed explanation of the reasoning for these elements.

a) Limited availability refers to the prompt and wide distribution of digital information through authorized channels. When some nations or areas do not have access to digital content, people may resort to piracy as a means of getting their hands on the desired content. Delays in release dates or exclusive distribution agreements may cause customers to get frustrated and drive them to actively seek for illegal sources.

b) The limitations placed on digital material accessibility that stem from physical borders are known as regional limits. It is possible to ascribe the implementation of these restrictions to licencing agreements or market strategy. However, these restrictions could lead to an uneven distribution of accessible information across different regions. In order to get around these restrictions and obtain the needed content, people may turn to digital content piracy when faced with such limits.

c) Digital content piracy may be encouraged by the phenomena of content fragmentation, which is defined as the distribution of digital material among different streaming platforms, online stores, and subscription services. Customers may have difficulties as a result of the growth of many platforms offering unique content, as having to pay for multiple subscriptions may cause them discomfort and financial hardship. This tendency can encourage people to steal digital information in order to get a wide variety of content from a single source.

d) The existence of excessive costs and rigid pricing structures may encourage people to participate in the pirate of digital material. When legal channels make material unaffordable or require expensive subscriptions, people could choose to engage in digital

content piracy as a more cost-effective option. In addition, pricing schemes that include unwanted material or charge extra for specific features might discourage consumers from choosing legal substitutes.

e) The term "content disparity" describes the apparent discrepancy in digital material accessibility across different platforms or geographical areas. When some content is only available on specific platforms, people could choose to engage in digital content piracy instead of signing up for several platforms in order to acquire all of the content they want from one source.

f) Convenience and user experience play a critical role in combating digital content theft. Should authorized platforms fail to provide an intuitive and easy-to-use interface, people can turn to digital content piracy as a way to get material that is easier to use and less complicated. Elements like complicated registration processes, device compatibility limitations, and excessive advertising could discourage consumers from interacting with reputable sites.

Effectively addressing availability and accessibility issues requires industry players to work together and make an effort to provide affordable, practical, and user-friendly legal options. This might include the process of negotiating licencing agreements to increase the amount of material that is accessible, addressing regional restrictions, and putting in place fair and consumer-friendly pricing structures. Improving the accessibility of digital content can be a useful strategy to reduce the motivation to participate in digital content theft.

2. The spread of technological advancements has had a major impact on the phenomena of digital content piracy by making it easier to share, reproduce, and distribute copyrighted materials. The following are the key ways that technology has facilitated the piracy of digital content:

a) The widespread availability of high-speed internet access has made it possible to transfer, retrieve, and distribute large data files quickly and effectively. High-speed internet access makes it possible for people to quickly get and share copyrighted content across a variety of platforms, including music, movies, software, and e-books.

b) The ways in which copyrighted information is distributed online have changed dramatically as a result of peer-to-peer (P2P) file sharing technologies, such as BitTorrent. Peer-to-peer (P2P) networks enable direct file sharing between users,

eliminating the need for centralized servers and allowing the effective distribution of big files across several users. The decentralized character of digital content piracy presents considerable obstacles to the efficient monitoring and suppression of such operations.

c) The way that digital material is consumed has completely changed with the introduction of streaming technology. With the introduction of digital platforms like YouTube, Netflix, and Spotify, it is now easier to stream a variety of media, including TV series, movies, music, and other stuff, without having to download anything beforehand. Although legal streaming services have made it easier to access content, digital content piracy has developed in tandem, taking use of streaming technology to provide illegal access to content that is protected by copyright.

d) a. The increasing use of mobile devices, including smartphones and tablets, and the existence of app stores have made it easier for people to get and share illegal digital content. The availability and mobility of digital content piracy have been greatly increased by the spread of mobile applications made specifically for the purpose of engaging in digital content piracy, such as torrent clients, streaming apps, and repositories of copyrighted content.

e) The introduction of cyberlockers and cloud storage services has greatly increased the amount of storage that people have access to, making it easy for users to upload and share data. While there are valid uses for these services, they may also be abused to store and distribute copyrighted information without the required authorization. The ability to store and share large files using embed codes or direct links has made it easier for people who are involved in digital content theft to distribute pirated materials.

f) The development of technology has made it easier for those involved in illegal operations to protect their online personas and behaviors. Virtual private networks (VPNs) and encryption technologies enable users to mask their IP addresses and encrypt their internet data, making it difficult to follow their online activities. The enforcement of copyright laws and the procedure of identifying those involved in digital material theft are made more difficult by the existence of anonymity.

**3.** Cultural, social, and economic variables have a big impact on how commonplace digital material theft is. An extensive examination of the underlying assumptions behind these elements is provided below.

- a) Social attitudes and cultural norms can have an impact on the incidence of digital content piracy. It's possible for digital material piracy to be accepted or even encouraged in some social groupings or geographic locations. A more accepting attitude toward digital content piracy can be caused by a number of things, including lax enforcement policies, a lack of knowledge about copyright laws, or the widespread perception that pirated digital content is easily accessible and cost-free.
- b) In some geographic regions, the incidence of digital content piracy may be impacted by economic reasons. People who live in areas with lower mean incomes or less purchasing power could turn to digital content piracy as a relatively cheap way to get their hands on the digital material they want. The idea that people or nations with more privileges are the ones who are primarily entitled to lawful access to digital material may also be influenced by economic differences.
- c) The historical background of digital content piracy includes a range of elements that have shaped people's beliefs and actions about this issue. It is plausible that certain practices, like bootlegging or unofficial distribution networks, which included the unlawful duplication or distribution of physical media and have endured into the digital era, have continued in certain regions. A historical background marked by restricted material availability or a general mistrust of copyright holders may have an impact on the adoption of digital content piracy.
- d) The degree of technology familiarity and digital literacy among a society's members can have an impact on the rates of digital content piracy within it. There is a positive association between the likelihood that someone would engage in digital content piracy and their level of technological proficiency or understanding of digital platforms and technologies. Conversely, those with low levels of technological proficiency or awareness could be less likely to participate in digital material theft.
- e) The presence of **feeble enforcement and insufficient deterrence** measures can be perceived as factors that contribute to elevated rates of digital content piracy. When individuals hold the perception that the likelihood of detection or legal repercussions for engaging in digital content piracy is minimal,

they may exhibit a greater propensity to partake in such activities. The presence of limited resources, inadequate legal frameworks, or a dearth of public awareness campaigns can undermine the efficacy of enforcement initiatives and deterrence mechanisms.

4. The **Pervasive Reach of the Internet on a Global Scale** poses numerous obstacles in the endeavour to address and mitigate the issue of digital content piracy. The underlying factors contributing to the significant influence of the worldwide scope of the internet on the proliferation of digital content piracy are as follows –

a. The enforcement of copyright laws encounters **jurisdictional challenges** due to the global nature of the internet, which surpasses geographical boundaries. The hosting, sharing, and accessibility of pirated digital content across global boundaries pose significant challenges for copyright holders and enforcement agencies in their efforts to identify and address individuals engaging in copyright infringement across various jurisdictions.

b. There exist **legal variations** in the realm of copyright laws and regulations across different countries, resulting in disparities in the definition and approach towards digital content piracy. The presence of disparities in legal frameworks, enforcement priorities, and penalties pertaining to digital content piracy across various jurisdictions can result in incongruous strategies in addressing digital content piracy. Consequently, regions or countries that exhibit lenient enforcement or harbour weak legal frameworks may inadvertently foster an environment conducive to digital content piracy.

c. The phenomenon of **cross-border hosting and domain name registrations** enables individuals engaged in digital content piracy to exploit the services provided in jurisdictions that have lax copyright enforcement measures. The individuals have the option to store copyrighted material on servers situated in jurisdictions where the process of legal intervention or responding to takedown requests may pose greater difficulties or consume more time, thereby adding complexity to the efforts aimed at combating copyright infringement.

d. The global connectivity of the internet enables **cross-border financial transactions**, thereby allowing individuals engaged in illicit activities, such as digital content piracy, to receive payments from users on a global scale. Digital currencies and payment systems offer a level of anonymity that poses challenges for copyright

holders in their efforts to disrupt the revenue streams that sustain digital content piracy activities, as it becomes arduous to trace the financial flows associated with such illicit practises.

5. The prevalence of digital content piracy can be attributed, in part, to a notable lack of awareness and education regarding copyright laws, intellectual property rights, and the detrimental consequences associated with such illicit activities. The underlying factors contributing to the profound consequences associated with the absence of awareness and education are as follows –

**a. Misconceptions Regarding Copyright Laws:** A significant number of individuals possess a limited comprehension or erroneous beliefs concerning copyright laws and their application within the digital domain. Individuals may lack knowledge regarding the legal entitlements and restrictions bestowed upon creators of content and copyright owners. This lack of awareness can result in a disregard for the rights associated with intellectual property and an elevated propensity to partake in acts of digital content piracy.

**b. Insufficient familiarity with lawful alternatives** for obtaining digital content can contribute to the prevalence of digital content piracy. In the event that individuals lack knowledge regarding cost-effective and easily accessible methods of acquiring content through legitimate means, such as streaming services, online marketplaces, or content subscription platforms, they may opt for digital content piracy as their primary recourse.

**c. Lack of Awareness Regarding the Ramifications:** A considerable number of individuals may possess limited knowledge regarding the potential repercussions that digital content piracy can have on content creators, copyright holders, and the broader creative industry. The comprehensive comprehension of the economic ramifications of digital content piracy, encompassing financial losses, employment decline, and diminished motivation for content generation, may not be extensively acknowledged. Lack of awareness regarding the adverse ramifications may impede individuals from acknowledging the detrimental effects associated with their engagement in digital content piracy.

**d.** The provision of **education on copyright laws** and intellectual property rights within formal education systems is frequently inadequate or nonexistent. The current educational landscape exhibits a notable absence of all-encompassing curricula or specialised educational initiatives that effectively impart knowledge to students

regarding the significance of upholding copyright laws, the legal ramifications of engaging in digital content piracy, and the ethical obligations entailed in the utilisation and dissemination of digital content.

## **CONCLUSION:**

The entertainment industry today faces the most serious and gravest of challenges posed by piracy. While unauthorized copying and distribution of cinematograph films and music is not a recent development, the magnitude of the problem has, in the recent years, acquired proportions that threaten the existence of the entire industry.

With the emerging aspects of the digitalization and widespread use of the internet, copyrights are not seen to be exclusively held in the hands of the owners and it is difficult to effectuate the position of liability of the internet service providers as well as grab hold of the individuals who are at a position to infringe the copyright. It is now much easier for people to get unauthorized access to and distribute copyrighted works due to the growth of online platforms that enable content sharing and dissemination.

## **REFERENCES:**

1. Ravisha Sodha & Dimple Jodha, (2018) Copyrights in the changing paradigm of the Entertainment Industry Vis-à-vis The Piracy Issues
2. Girjesh Shukla, Copyright Piracy in Entertainment Media: Technological Development and Challenges to the Intellectual Property Rights
3. Legal Startups & GNLU Centre, (2022), Compilation of selected cases of Intellectual Property Rights.
4. Dhaval Chudasama (2021), Importance of Intellectual Property Rights