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UNVEILING INDIA'S OTT ODYSSEY: DECODING THE LEGAL LANDSCAPE FOR PLATFORMS AND APPS

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LIST OF ABBREVIATIONS

OTT	Over-the-Top
MSO	Multiple system operators
VoD	Video on demand
MIB	Ministry of Information and Broadcasting
CBFC	Central Board of Film Certification
CCI	Competition Commission of India
IT Act	Intermediary Guidelines and Digital Media Ethics Code Rules 2021
HC	High Court

ABSTRACT

The Indian government has done everything possible to revert to vigilantism against social media, news reporting organizations, and now the newly adored OTT platforms, the primary source of pleasure for the local population during the regular boring lockdowns. Anyone with even a passing familiarity with India's socio-political landscape would agree that the decision to censor OTT sites was not particularly shocking.

Instead, everyone specifically anticipated that it would be presented very earlier. As a result of their growing impact, they will eventually be scrutinized. The Guidelines in particular set forth requirements and tests for major domestic and foreign production companies to reconsider their business strategies in order to operate in India.

But first, we must comprehend why OTT platforms are becoming more and more dominant in the entertainment sector, which has historically been the domain of a small number of oligarchs like Yash Raj Production, Dharma Productions, etc. Numerous sites have started streaming movies and television episodes in just a few years, starting from absolutely nothing.

From a socio-political perspective, this makes it a very lucrative and expanding subject of interest. Therefore, in the report that follows, I Jasjit Singh will explain what makes OTT platforms the upcoming big thing in India and why the government saw the need to regulate it.

INTRODUCTION

Movies and other audio and visual media have traditionally been consumed through outlets like theatres and television. The development of VHS, DVDs, Blu-rays, and disc rental services made technology readily available at home and whenever needed. Furthermore, Co-axial and Fiber optic cables were used by cable television to provide the material. The DTH technology dish and satellite communication, which offers high-quality broadcast and on-demand material straight to the consumer, came out as another improved offering. The convenience of watching movies and television shows has increased with the introduction of online streaming and video-on-demand (VOD) services. VoD refers to the streaming of video content via Over-The-Top (OTT) (or similar) applications over the Internet.

Any Internet-connected device, including a smartphone, smart TV, tablet, desktop computer,

laptop, etc., can be used by viewers to access video content via OTT apps.

Unlike traditional media, streaming services offer a wide range of stories without regard to box office success or audience size. The quality of the sound and image is much improved if the viewers have a dependable Internet connection. Indian over-the-top (OTT) video services. Disintermediation is made possible by 490 OTT, which avoids cable, broadcast, satellite, and other platforms that often serve as controllers or distributors.

In the period of traditional media, only film distributors, theatre operators, television networks, or multiple system operators (MSOs) provided access to consumers. Through a website or mobile app, OTT allows content producers to communicate directly with their audience. This provides the convenience of enjoying entertainment at one's leisure and at a time and location of one's choosing¹ (Ganuza and Viencens, 2014). A growing number of Indians are deciding against cable television and switching to online streaming. Although the statistics demonstrate that the VoD industry is still in its infancy, the debut of nearly 40 VoD companies in just three years suggests the enormous potential of the sector.

In India, four out of every five smartphone owners view content on at least one OTT app. The OTT apps have surpassed messaging apps like WhatsApp, e-commerce apps like Amazon and Flipkart, and social networking apps like Facebook as the most downloaded app category. According to PwC India (2018), the streaming market would be responsible for 46% of the entire growth of the Indian entertainment and media sector between 2017 and 2022².

This report made by Jasjit Singh discusses the development, popularity, key streaming services in India, the types of content that are frequently seen via OTT, audience traits, issues, and prospects for OTT services in India. The elements that led to India's VoD market's abrupt growth and the debate about censorship are covered in the following section.

¹ Juan José Ganuza & María Fernanda Viencens, Over-the-top (OTT) content: Implications and best response strategies of traditional telecom operators. evidence from Latin America, 16 info 59–69 (2014).

² Emergence and future of over-the-top (OTT) video services in India: An ..., News18, (2019).

STREAMING INTO THE FUTURE: THE LEGAL LANDSCAPE OF OTT PLATFORMS IN INDIA

Introduction

Over-the-top (OTT) platforms have witnessed a surge in popularity, revolutionizing the way content is consumed in India. These platforms provide streaming services directly to viewers via the internet, bypassing traditional broadcasting methods. As the popularity of OTT platforms continues to grow, it is crucial to analyze the legal landscape surrounding these platforms in India. This essay aims to explore the definition and characteristics of OTT platforms, examine existing laws governing them, discuss freedom of speech and expression concerns, delve into censorship and content regulation issues, address jurisdictional challenges, evaluate privacy and data protection concerns, analyze competition law implications, and finally conclude with potential future developments or challenges.

Definition and Characteristics of OTT Platforms

OTT platforms refer to digital streaming services that deliver audiovisual content over an internet connection without requiring users to subscribe to traditional cable or satellite channels.³ These platforms are characterized by their on-demand nature, allowing users to access content at any time from various devices such as smartphones, tablets, or smart televisions. Unlike traditional broadcasting methods that follow a linear schedule determined by broadcasters' programming choices, OTT platforms offer a personalized viewing experience where individuals can choose what they want to watch.

Overview of Indian Laws Governing OTT Platforms

In India's legal framework for media regulation, there are several laws that apply to OTT platforms⁴. The Information Technology Act 2000 serves as a primary legislation governing electronic communication networks and services including OTT providers⁵. Additionally, certain provisions under the Cable Television Networks Regulation Act 1995 also extend its scope towards regulating certain aspects related to television-like programming available on these platforms.

³ The Information Technology (intermediary guidelines and Digital Media Ethics Code) rules, 2021, PRS Legislative Research (2023).

⁴ Thankachan Jose Kaitharath & Shruti Nirmal, Contemporary relevance of OTT platforms in the entertainment world with special reference to Indian cinema industry, 9 Journal of Management Research and Analysis 187–190 (2022).

⁵ Debarun Chakraborty et al., Watching is valuable: Consumer views – content consumption on OTT platforms, 70 Journal of Retailing and Consumer Services 103148 (2023).

Furthermore, regulatory authorities such as the Ministry of Information & Broadcasting (MIB) have issued specific guidelines for digital media intermediaries, including OTT platforms, under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021. These guidelines aim to regulate content by setting standards for self-classification of content, implementing parental controls, and ensuring compliance with various principles such as the prohibition on certain types of content.

Freedom of Speech and Expression

Freedom of speech and expression is a fundamental right guaranteed by the Indian Constitution. With regard to OTT platforms, this right allows individuals to express their opinions freely through the creation and dissemination of audiovisual content. However, like all fundamental rights, it is subject to reasonable restrictions in the interest of morality, public order, or national security.

In recent years, concerns have been raised regarding offensive or objectionable content available on OTT platforms. While freedom of speech enables creative expression and diverse viewpoints in art forms such as cinema and television shows on these platforms, there is a need for responsible self-regulation to strike a balance between artistic freedom and avoiding harm or offense.

Technology has advanced to the point where people now have a variety of options to view content on a variety of platforms such as Smart TVs, Roku, computers, tablets, mobile phones, or gaming consoles. This is because the Judiciary recognized the right to the internet as a fundamental right in the case of *Faheema Shirin R.K. vs State of Kerala*⁶. Over-The-Top, or OTT, is a method of delivering television, movies, and other entertainment content via the internet at the request and in accordance with the needs of the specific consumer. It suggests that a content provider is superseding already-available internet services.

The regulatory difficulties with its material are as extensive as the OTT world itself. It all began with the case *Justice for Rights Foundation v. Union of India*⁷, in which a petition to the Delhi High Court requested that the Ministry of Information and Broadcasting (hereafter referred to as MIB) formulate guidelines for content produced by OTTs. According to MIB's response,

⁶ *Faheema Shirin R.K. vs State of Kerala and Others* (2019) SCC (WP (C) No. 19716 of 2019 (L).

⁷ *Justice for Rights Foundation v. Union of India*, (2018) SCC.

there are no restrictions on OTT viewer material. The Delhi High Court further noted that the Information Technology Act of 2000 offered sufficient procedural protection for taking action in the event that broadcasters aired anything that was illegal.

Constitutional Protections for Expression and Free Speech

The Indian Constitution's Preamble declares that the freedom of thought, expression, and belief will be safeguarded for its people. The ability to speak and express oneself freely is essential for the development of public opinion on social, political, and economic issues. It is a fundamental and inalienable right.

Article 19 (1) (a)

The idea of this basic right under Article 19(1)(a) is dynamic as speech and expression's content and methods of communication have changed over time and with the development of technology. It encompasses the freedom of expression and the right to publish one's opinions in any newspaper, magazine, or motion picture, as well as through electronic and audio-visual media.

Article 19(1) in The Constitution Of India 1949

All citizens shall have the right
to freedom of speech and expression;
to assemble peaceably and without arms;
to form associations or unions;
to move freely throughout the territory of India;
to reside and settle in any part of the territory of India; and omitted to practice any profession, or to carry on any occupation, trade or business⁸

OTT platform rights To broadcast

Article 19(1)(a) of the constitution guarantees citizens the fundamental right to watch movies on online streaming services. The SC determined that this right was comparable to a citizen's right to communicate his opinions through any other media, like as newspapers, magazines, advertisements, hoardings, and so on in *Odyssey Communications v. Lokvidayan Sanghatana*.⁹

⁸ Article 19(1) in The Constitution Of India, (1949)

⁹ *Odyssey Communications (P) Ltd. V. Lokvidayan Sanghatana* (1988) 3 SCC 410.

To dissent

A healthy democracy must have the freedom to criticize the government through OTT movies and web series, and this freedom is protected by Article 19(1)(a). The Supreme Court ruled in *Directorate General of Doordarshan v. Anand Patwardhan*¹⁰ that no matter how hostile to its goals, the State cannot stifle free speech.

In *Nikhil Bhalla v. Union of India*¹¹, the Delhi High Court dismissed the petition in which the petitioner asked for a grievance redressal mechanism to handle complaints about OTT services, specific online content, and specific dialogue in the Netflix series "Sacred Games" that painted the former Prime Minister in a negative light.

The Bombay High Court maintained the right to criticism while vacating a forfeiture decision made in relation to the play *Me Nathuram Godse Boltoy* under Section 95(1) of the Criminal Procedure Code, 1973.¹¹ The Bombay High Court noted that criticism is the core of democracy in the context of movie censorship.

Censorship and Content Regulation

Censorship plays an essential role in regulating content on OTT platforms in India. The Central Board of Film Certification (CBFC), established under the Cinematograph Act 1952, has authority over certification issues related to films released theatrically but also extends its purview towards regulating some aspects pertaining to films exhibited via OTT platforms.

The recent guidelines issued by the MIB require that digital media intermediaries implement appropriate mechanisms for age verification as well as classification ratings based on themes such as violence or sexual content.¹²

Jurisdictional Challenges

OTT platforms present unique jurisdictional challenges due to their global nature. Platforms based outside India may be subject to different legal frameworks governing them within their home countries¹³. Ensuring compliance with Indian laws can be complex in such scenarios.

¹⁰ *Directorate General of Doordarshan v Anand Patwardhan* (2006) 8 SCC 433

¹¹ *Nikhil Bhalla v. Union of India*, W.P. (C) No. 7123/2018

¹² Golwalkar & Mishra, *The Information Technology (intermediary guidelines and Digital Media Ethics Code) rules, 2021*, PRS Legislative Research (2023).

¹³ Anil Sharma & Hiren Harsora, *A study on preferences of consumers towards international OTT platforms and*

However, the recent Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 have sought to address some of these challenges by requiring digital media intermediaries to establish a grievance redressal mechanism within India.

Privacy and Data Protection Concerns

Privacy and data protection are significant concerns with respect to user data collected by OTT platforms.¹⁴ These platforms often collect personal information from users for various purposes, including targeted advertising or content recommendations.

In India, the Personal Data Protection Bill is under consideration, aiming to provide comprehensive regulation on data protection matters. Once enacted into law, this legislation will bolster privacy safeguards for individuals using OTT platforms and ensure that their personal data is handled responsibly.

Competition Law Implications

The dominance of certain players in the Indian streaming market has raised competition law concerns. The Competition Commission of India (CCI) plays a pivotal role in ensuring fair competition among different streaming providers which benefit consumers by fostering innovation and preventing anti-competitive practices.¹⁵ Regulatory actions have been taken against dominant players when necessary to maintain a level playing field.

Conclusion

OTT platforms have reshaped the entertainment industry landscape in India but have also brought forth several legal considerations. The existing laws governing OTT platforms provide a framework for content regulation while balancing freedom of speech and expression rights guaranteed under the Indian Constitution. Censorship mechanisms are in place to moderate content and ensure compliance with societal norms.

Sustainability Strategy in Indian market, 2 International Journal of Management, Public Policy and Research 32–40 (2023).

¹⁴ Thankachan Jose Kaitharath & Shruti Nirmal, Contemporary relevance of OTT platforms in the entertainment world with special reference to Indian cinema industry, 9 Journal of Management Research and Analysis 187–190 (2022).

¹⁵ Anil Sharma & Hiren Harsora, A study on preferences of consumers towards international OTT platforms and Sustainability Strategy in Indian market, 2 International Journal of Management, Public Policy and Research 32–40 (2023).

Jurisdictional challenges arise due to the global nature of these platforms, but recent guidelines require digital media intermediaries to establish grievance redressal mechanisms within India itself. Privacy concerns related to user data collection are being addressed through proposed legislation on data protection.

Competition law implications help foster healthy competition among different streaming providers for consumer benefit as regulatory authorities like CCI take action when necessary. To ensure a thriving and responsible OTT ecosystem in India, it is essential to adapt regulations as the industry evolves and address future challenges that may arise.

Who Owns What:

Intellectual Property Rights in the Digital Age

Introduction

Intellectual property rights (IPR) play a crucial role in safeguarding creators' work and promoting innovation in various industries. In the digital age, where information can be easily accessed, shared, and reproduced, the protection of intellectual property has become more challenging. This essay aims to explore the evolution of IPR in the digital age, focusing on copyright law, patents, trademarks, enforcement challenges, balancing rights with access to information, and international perspectives.

Definition and Overview of Intellectual Property Rights

Intellectual property rights encompass legal protections granted to individuals or entities for their inventions or creations. These rights include copyrights for literary and artistic works, patents for inventions or technological innovations, trademarks for branding and product identity protection, and trade secrets for confidential business information protection.¹⁶ The purpose of IPR is to encourage creativity by providing exclusive rights to creators while enabling them to reap financial benefits from their work.

Evolution of Intellectual Property Rights in the Digital Age

The rapid advancements in technology have revolutionized how content is created and consumed globally. The proliferation of the internet has facilitated easy access to digital content

¹⁶ Natalya Buzova & Marina Karelina, Judicial protection of intellectual property rights in a Digital Economy: is there a need for change?, 2 Legal Issues in the Digital Age 114–126 (2021).

but has also presented new challenges regarding copyright infringement and online piracy. The ease of copying and sharing digital files across different platforms without proper authorization or compensation for creators' efforts poses significant threats to IPR.

The concept of intellectual property has been present on the internet for a while, and it has been successful in getting the legislation changed to accommodate the online community. Intellectual property has been able to make such an impact in the digital era because corporate assets are more often mirrored in terms of intelligence than materiality. Concerns concerning intellectual property rights and their protection are proliferating due to the internet's quick rise in our daily lives. The internet was first intended to be a social and scientific experiment, but it has since transformed into a commercial network where new business models are constantly being created to provide customers new ways to get services.

As a result, this journey is nothing short of revolutionary, even while the nature of the rights remains consistent in prohibiting the exploitation of a person's creativity and ingenuity. Due to advances in technology, the way that these rights are shared and transferred is always evolving. Communication technologies like telephones, phonograms, televisions, cable and broadcast networks, satellite communications, recorders, compact discs, and the internet are only a few examples that have had a big impact on intellectual property law.

Copyright Law in the Digital Age

Copyright law has undergone considerable adaptations to address emerging issues related to digital content distribution. The concept of fair use allows limited usage of copyrighted material without infringing on owners' exclusive rights.¹⁷

Additionally, Digital Millennium Copyright Act (DMCA) was enacted as a response mechanism against online piracy by providing a framework that regulates Internet service providers' liability concerning hosting infringing content.

A direct copyright infringement of OTT content is what the Copyright Act classifies as. The Act guarantees exclusive rights to the author of the work under Section 2(m), which also explains the definition of the right and identifies an infringing copy. The duration of such

¹⁷ Natalya Buzova & Marina Karelina, Judicial protection of intellectual property rights in a Digital Economy: is there a need for change?, 2 Legal Issues in the Digital Age 114–126 (2021).

copyright is set at 60 years in Sections 26, 27, and 29 of the Copyright Act of 1957, which essentially applies to all applicable content on OTT platforms. It is deemed a direct infringement by an OTT service provider when content is provided on a platform that could lead to civil and criminal liability under Section 51 of the Act¹⁸, which classifies illegal copying or purposeful storing of the work as infringement. The Act also provides technological protections to preserve copyright.

Additionally, the Information Technology Act of 2000 considers the unauthorized distribution of copyrighted content to be an offense when read in conjunction with the Intermediary Rules of 2011, and it places responsibility on intermediaries to make sure that no infringing content is posted on their platforms. These platforms are required to create technology-based solutions to identify and stop infringing behavior under the draught Information Technology [Intermediaries Guidelines (Amendment) Rules] 2018. What transpires, though, if an unauthorized copy is found on any platform? The removal of the offensive content from the intermediaries' or associated websites is typically the result of cease-and-desist letters. On the other hand, platforms like Telegram frequently make it considerably more difficult to initially spot infringements.

By imposing dynamic injunctions or John Doe orders that impose restrictions on not just the recognized websites but on unnamed infringers and middlemen, courts have developed efficient methods for identifying such websites and banning them from distributing or making available pirated copies. A John Doe order was issued for the protection of intellectual property in the case of *Taj Television & Anr v. Rajan Mandal & Ors.*,¹⁹ for instance. The Specific Reliefs Act and the Civil Procedure Code both permit courts to issue temporary injunctions. Dynamic orders to stop infringements have significantly relieved this situation for both copyright holders and the media and broadcasting industries.

Dynamic, lawful online platforms that fall under the category of intermediaries and are shielded from liability must avoid the standards set by courts to identify pirate websites. A platform was once sued by the US Supreme Court under the "Doctrine of Inducement" for facilitating the peer-to-peer transfer of copyrighted data. The fact that there is currently no clear law on online copyright infringements, which has an impact on OTT platforms' incentives and the revenue

¹⁸ The Copyright Act, 1957

¹⁹ *Taj Television & Anr v. Rajan Mandal & Ors.*, (2003) SCC. F.S.R. 22.

they generate from their work as long as their labor is still being stolen, means that India's IP laws must be updated to accommodate these new forms of infringement.

Patents and Trademarks in the Digital Age

The digital age has brought about significant changes in the way patents and trademarks are protected. Patents, which protect novel inventions or technological innovations, face challenges due to the rapid pace at which technology evolves²⁰. Additionally, patenting software-related inventions presents unique legal implications due to the abstract nature of these innovations. Similarly, trademarks face new challenges in the digital era with issues such as cybersquatting and online brand impersonation becoming prevalent.

Challenges for Intellectual Property Rights Enforcement Online

Enforcing intellectual property rights online poses numerous difficulties for authorities worldwide. Jurisdictional challenges arise when infringing activities transcend national boundaries, making it difficult to determine appropriate legal jurisdiction²¹. The anonymity afforded by online platforms further complicates identifying and prosecuting infringers. Moreover, cross-border enforcement cooperation among different countries is crucial but often proves challenging due to varying laws and regulations.

Balancing Intellectual Property Rights with Access to Information

A debate exists regarding striking a balance between protecting IPRs and ensuring public access to information. Advocates for stricter protection argue that strong IPR encourages innovation by incentivizing creators through exclusive rights and financial rewards²². On the other hand, proponents of open access emphasize that excessive restrictions can stifle creativity and hinder societal progress by limiting knowledge dissemination.

OTT VIDEO PIRACY ISSUES

Online video piracy has increased as a result of users' continued desire to have free access to premium OTT content in the form of movies and web series. There are numerous ways for

²⁰ Natalya Buzova & Marina Karelina, Judicial protection of intellectual property rights in a Digital Economy: is there a need for change?, 2 *Legal Issues in the Digital Age* 114–126 (2021).

²¹ Fengqiao Electronic Age: Research on Online Mediation of Intellectual Property Infringement in Guangzhou 2021

²² EH Ikpe & SS Ibekwe, The print media and the consumer in the Cyber Age, 3 *Lwati: A Journal of Contemporary Research* (2007).

internet viewers to access a pirated version of the content that was originally owned by OTT media companies due to the enormous demand for such free content.

As an illustration, users frequently share pirated content on Telegram, a cloud-based instant messaging and voice-over IP service based in Dubai, including movies and web series that are typically accessible on OTT platforms like Netflix, Amazon Prime Video, Hotstar, and others. Peer-to-peer piracy has increased as a result, enabling users to share and distribute digital media that has been obtained unlawfully. Such platforms and content providers are harmed by this increase because it significantly reduces their prospective earnings. Regulating this illegal activity is challenging due to the difficulty in finding the criminals, the low cost of illegal distribution, and the impossibility of tracking the number of persons who access stolen content.

By enabling users to access their preferred content without their online behavior being linked to their IP address, the introduction of Virtual Private Networks (VPNs) exacerbates the tracing issue. Even if someone is found guilty of pirating OTT video content, deciding the case may be difficult because there are numerous countries involved and it might be difficult to establish jurisdiction. Another problem is that it may take several people to copy and reproduce content from several platforms in order to distribute the pirated version to the general public, making it difficult to track down the offender and place responsibility for the crime.

INTELLECTUAL PROPERTY AND OTT PLATFORMS: A RELATIONSHIP

Internet-based businesses frequently have huge databases that are covered by intellectual property laws. These platforms effectively own the intellectual property of the original content in internet streaming services, opening up opportunities for licensing and monetization in the future. The copyright law, in particular, attempts to fulfill the public's right to information by returning the original product to its creators. This is so because copyright infringement on the internet, which can be thought of as a media without boundaries, is incredibly easy to do. To ensure that content is free from concerns about ownership, copyright, trademarks, and licensing must all be addressed.

The protecting of original works of authorship that are imprinted on a tangible media is referred to as copyright protection. Trademarks cover names and branding that identify a certain good

or service. Regarding streaming services, there are various factors to consider. Text, music, video, publicity rights, and more fall under this category. Along with the right to the notoriety of persons who appear in the content, a new media license or a video syncing license would be necessary. As opposed to network operators that charge a hefty cost, people choose to download content from OTT service providers because it is free.

Additionally, this industry is less tightly regulated than traditional media, including movies and television. This makes it possible to create more creative material and makes it possible for these platforms to appeal to a larger audience. These benefits, together with how simple it is to use these platforms from anywhere at any time, are what really make them appealing. The platforms' simplicity of use, which is promoted as a win-win situation for subscribers, is considered to be their most alluring feature. The over-the-top strategy of entrants has benefited from digital content and marketing, while telecom carriers have been unable to absorb this shift in market revenue.

The production of the show is requested by the broadcasters. When a contract is made between a broadcaster and a producer, the broadcaster pays a predetermined amount, and the channel receives the IPR for the content along with the licensing rights to broadcast it in different languages, sell it to other platforms for content acquisition, including airlines, international markets, and their own OTT platforms. The producers' previous income was constrained because they were unable to capitalize on the expanded audience and revenues. Additionally, no one previously owned any IPR, further limiting revenue potential.

International Perspectives on Intellectual Property Rights in the Digital Age

Different countries have varied approaches toward intellectual property rights in the digital age based on their cultural values, economic considerations, and legal frameworks. For example, some countries have implemented stringent copyright laws with severe penalties for infringement, while others adopt more flexible approaches with greater emphasis on fair use exceptions.

Conclusion

In conclusion, the digital age has presented both opportunities and challenges for intellectual property rights. The evolution of IPR in response to advancements in technology has led to adaptations in copyright law and efforts to protect patents and trademarks. However, enforcing

IPR online remains challenging due to jurisdictional issues and the anonymous nature of cyber activities. Balancing IPRs with public access to information is an ongoing debate that requires careful consideration. International perspectives further highlight the diversity of approaches taken by different countries towards IPR protection in the digital age. As we move forward, it is crucial to continue exploring innovative solutions and collaborations at national and international levels to address these challenges effectively.

Pushing Boundaries: The Risks and Rewards of Taboo Content

Introduction

The exploration of taboo content has always been a contentious subject, as it challenges societal norms, cultural traditions, and legal boundaries. Taboos can encompass a wide range of themes or topics that are considered inappropriate, offensive, or immoral in certain contexts. Pushing boundaries with taboo content can be both risky and rewarding for artists, creators, and society as a whole. This essay will delve into the risks and rewards associated with pushing boundaries in relation to taboo content.

Definition and Explanation of Taboo Content

Taboo content can be defined as material that is deemed unacceptable or forbidden within specific cultural, social, or legal frameworks. What is considered taboo varies across different cultures and time periods due to differing values, beliefs, and moral standards²³. For example, nudity may be regarded as taboo in some conservative societies while being more accepted in others.

The right to free speech includes the liberty to criticize social ills such as rape, violence, dowry, prostitution, human trafficking, slavery, immorality, the caste system, child labor, child marriage, poverty, corruption, gender inequity, untouchability, drug misuse, and sati.

The Supreme Court of India ruled in *K. A. Abbas v. Union of India*²⁴ that depicting a societal vice as heinous as rape, prostitution, or the like could not by itself warrant the use of the censor's scissors. What needs to be seen is how the filmmaker handles the theme.

²³ Amy K Saenger et al., The power of social media in medicine and medical education: Opportunities, risks, and rewards, 64 *Clinical Chemistry* 1284–1290 (2018).

²⁴ *K. A. Abbas v. Union of India* (1970) 2 SCC 780.

In *Bobby Art International v. Om Pal Singh Hoon*²⁵, the petitioner asked that frontal nudity scenes depicting Phoolan Devi, a rape victim who later rose to fame as one of India's most dreaded dacoits, be censored. The Supreme Court denied the petition and said that Phoolan Devi's transformation was also partially explained by the rape scene.

The Supreme Court affirmed the filmmaker's right to have his film shown in *Anand Patwardhan v. Union of India*,²⁶ where Doordarshan had refused to telecast an award-winning film due to communal violence.

In *Mahesh Bhatt v. Union of India*²⁷, the Delhi High Court recognized the rights of the filmmaker and overturned the regulations that aimed to impose a general prohibition on the representation of smoking in movies.

Risks Associated with Pushing Boundaries

When artists push the boundaries with taboo content, they face potential risks or negative consequences that need to be carefully considered. Legal implications such as censorship or restrictions on certain types of content may arise. Governments often regulate what is permissible to protect the public interest or prevent harm.

Societal backlash or controversies are also common when challenging established norms through boundary-pushing works. Artists risk facing criticism from conservative factions who perceive their creations as offensive or morally objectionable.

Rewards of Pushing Boundaries

Despite the risks involved in pushing boundaries with taboo content, there are several potential benefits and positive outcomes that can result from these endeavours. Boundary-pushing works have the power to foster social progress by challenging outdated beliefs and provoking critical thinking.

Additionally, such creations provide opportunities for freedom of expression, enabling artists to communicate powerful messages that may have been previously suppressed. By breaking

²⁵ *Bobby Art International v. Om Pal Singh Hoon* (1996) 4 SCC 1.

²⁶ *Anand Patwardhan v. Union of India* (2006) 8 SCC 433

²⁷ *Mahesh Bhatt v. Union of India* (2009) 156 DLT 725

societal taboos, artists can create a space for marginalized voices or topics that were previously silenced.

Ethical Considerations in Pushing Boundaries

Ethical dilemmas arise when creating or consuming taboo content. Questions surrounding consent, harm, exploitation, and artistic freedom need to be carefully examined. Artists must consider the potential impact of their work on individuals or communities involved.

Different ethical frameworks can be used to evaluate controversial works and determine whether the benefits outweigh the potential harms. The principle of autonomy emphasizes individual freedom of choice and supports pushing boundaries as long as consent is obtained and harm is minimized.

The Great Debate: Censorship and Content Regulation in India

Introduction

Censorship and content regulation have been subjects of intense debate around the world, including in India. In an era marked by digital advancements and increased access to information, the question of how best to regulate content remains crucial. This essay aims to provide an overview of the key laws and regulations governing censorship and content regulation in India, explore their historical context, present arguments both for and against censorship, analyze case studies on its impact on Indian media, identify challenges faced by authorities when regulating content, examine international perspectives on content regulation, and offer insights into potential future developments.

Overview of Indian Laws on Censorship and Content Regulation

India has several laws that govern censorship and content regulation. The Constitution of India guarantees freedom of speech and expression but also imposes reasonable restrictions in certain situations such as public order or morality²⁸. The Information Technology Act 2000 regulates online content while the Cinematograph Act 1952 controls films²⁹. The Press Council Act 1978

²⁸ Vivek Dsouza et al., How does Indian News Media Report Smokeless Tobacco Control? A content analysis of the Gutka Ban Enforcement, 3 PLOS Global Public Health (2023).

²⁹ Uta Kohl, Platform regulation of hate speech – A transatlantic speech compromise?, 14 Journal of Media Law 25–49 (2022).

establishes guidelines for journalistic ethics³⁰. These laws aim to strike a balance between protecting individual liberties and safeguarding societal interests.

Historical Context of Censorship in India

Censorship policies in India have evolved over time. During British colonial rule, stringent measures were enforced to suppress dissenting voices on political matters. After gaining independence in 1947, censorship continued under different pretexts such as maintaining communal harmony or national security concerns. Several significant events like the emergency rule from 1975-1977 further shaped contemporary regulations.

The Great Debate: Arguments for Censorship

Supporters argue that censorship is necessary to protect public morality, national security, and cultural sensitivity. In a diverse country like India with various religious and cultural communities, certain content may be deemed offensive or harmful to societal harmony. Censorship can also prevent the circulation of hate speech or misinformation that could incite violence or disrupt social cohesion.

These platforms are not subject to any kind of regulation by the Union Ministry of Information and Broadcasting, Law and Justice, Electronics, Information and Technology, Telecom, or CBFC. The government views these platforms as middlemen over which they have no legal authority.

However, in accordance with Rule 3(2)(b), (c), and (e) of the Information Technology (Intermediaries Guidance) Rules, 2011, intermediaries must use caution when showing, hosting, or publishing any obscene, pornographic, or illegal information and must not endanger minors. According to Rule 3(3), the intermediary is not permitted to knowingly host or start the transmission of such content.³¹

The Great Debate: Arguments against Censorship

Critics contend that censorship infringes upon freedom of expression and artistic freedom. They argue that individuals have the right to explore different perspectives and express their

³⁰ Yash Vekaria et al., Differential tracking across topical webpages of Indian News Media, 13th ACM Web Science Conference 2021 (2021).

³¹ Information Technology (Intermediaries Guidance) Rules, 2011

opinions without fear of reprisal.³² Furthermore, censorship may stifle creativity by limiting artistic expressions that challenge societal norms or provoke critical thinking.

Films and other visual entertainment have always been potent works of art that have helped to reveal a lot of previously unrecognized knowledge. India's cinema industry is recognized as the most popular way to connect with people because to its diversity, with representation in each language. A fundamental right is violated when creativity is hampered or restrictions are imposed.

However, this shouldn't stop someone from expressing their beliefs or offering a justification for them. The right to think beyond the box must be provided in a democratic society, to which no one will oppose.

Everyone in a democratic nation has the right to express their opinions on numerous endeavours. Many different viewpoints are constantly being transmitted around the nation in various ways. While a filmmaker might choose to promote his own ideas, even if others don't support them, that doesn't take away from his right to present himself and give form through his manifestations.

One of the most recent cases involving content from OTT platforms was brought before the Honourable Kerala High Court, where it was argued that the language used in the Malayalam movie "Churuli" ("Film") is filthy and hence in opposition to morals, public order, and decency[2]. It is noteworthy that the CBFC was included in these proceedings because the version of the film that was made available on the OTT Platform did not have CBFC approval or certification.

Several cases illustrate the impact of censorship on various forms of media in India. For instance, the gutka ban enforcement led to news media reporting restrictions due to fears surrounding litigation risks. Such limitations can impede investigative journalism and hinder the dissemination of important information to the public.

³² Uta Kohl, Platform regulation of hate speech – A transatlantic speech compromise?, 14 Journal of Media Law 25–49 (2022).

Challenges Faced by Indian Authorities in Regulating Content

Indian authorities face numerous challenges when it comes to effectively regulating content. Technological advancements have made it easier for individuals to access and share information globally, making traditional methods of regulation ineffective³³. Jurisdictional complexities arise when dealing with international platforms where laws may differ from those in India. Balancing conflicting interests such as protecting individual rights while maintaining social order poses a significant challenge for authorities.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules) represented the initial effort to offer a specific structure for the hitherto unregulated OTT sector. It called for the establishment of a three-tiered grievance resolution process with a government agency as its third level.

A Code of Ethics was included in the IT Rules to help platforms self-classify their material into age-appropriate categories. The Central Board of Film Certification (CBFC) is modeled after by this system, although through a self-regulatory structure, however monitoring is more difficult given the amount of content available on OTT platforms and its accessibility.

Many people reacted negatively to the IT Rules, worried about how it might affect media freedom. The Bombay High Court declared that Rules 9(1), 9(3), and 2 were "an affront on the guarantee of the right to freedom of free speech and expression conferred by Article 19(1)(a) of the Constitution"³⁴ and ordered their suspension. Furthermore, it was noted that, like journalistic standards, the Code of Ethics should serve as a set of guiding principles rather than being enforced in the way that IT Rules intended. A "chilling effect qua the right to freedom of speech and expression of writers, editors, and publishers" would result if it had any other consequence. The Madras HC also upheld this.

“The complex balancing act between the public interest and the fundamental rights protected by the Constitution is crucial to media regulation. These concepts serve as the foundation for media democratization and set internet content apart from traditional media. Web material is typically more open-minded, addressing ideas and issues that are not typically found in

³³ Yash Vekaria et al., Differential tracking across topical webpages of Indian News Media, 13th ACM Web Science Conference 2021 (2021).

³⁴ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules) The Constitution of India, 1950

traditional media. As a result, it frequently departs from accepted censorship norms.”³⁵

Notably, the planned modifications to the IT Rules that were published in 2022 are still a source of worry because of their hazy and ambiguous provisions; the worry is that the proposed censorship body is terribly opaque and might impose onerous limitations on media.

A mixed governance paradigm might be the answer. Implementing pre-screening procedures would be difficult. Therefore, a likely option could be an independent, self-regulatory body made up of industry stakeholders, whose work would be guided by a certain set of principles, reflecting the ethos and mores of society in the twenty-first century, to handle complaints and grievances relating to the OTT content.

International Perspectives on Content Regulation

Countries around the world employ varying approaches to content regulation. Some nations prioritize strict control over online platforms while others adopt more liberal policies allowing greater freedom of expression. By exploring these international perspectives, India can gain insights into alternative strategies and assess their applicability within its own context.

Conclusion

Censorship and content regulation in India continue to provoke passionate debates. While it is important to protect public morality, national security, and cultural sensitivity, it is equally crucial to uphold freedom of expression and artistic freedom. Indian authorities face challenges in regulating content due to technological advancements, jurisdictional complexities, and balancing conflicting interests. By examining international perspectives on content regulation and analyzing case studies on the impact of censorship on Indian media, India can chart a path forward that strikes a balance between individual liberties and societal concerns. In conclusion, the ongoing Great Debate surrounding censorship and content regulation in India requires careful consideration of both historical developments and contemporary realities as the country navigates its way toward a more inclusive society where diverse voices can be heard while ensuring social stability for all its citizens.

³⁵ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules)

Show Me the Money:**Monetization and Revenue Generation for OTT Platforms****Introduction**

OTT platforms have become a significant part of the digital era, revolutionizing the way we consume content. These platforms, which include streaming services like Netflix, Amazon Prime Video, and Hulu, offer a wide range of movies, TV shows, documentaries, and original content that can be accessed anytime and anywhere. The purpose of this research paper is to explore the topic of monetization and revenue generation for OTT platforms.

Definition and Explanation of OTT Platforms

OTT stands for "over-the-top" and refers to any platform that delivers video or audio content over the internet directly to users without going through traditional media channels such as cable or satellite providers. These platforms function by utilizing internet connectivity to stream high-quality videos on various devices such as smartphones, tablets, smart TVs, etc.

OTT platforms provide a diverse array of content catering to different interests and preferences. They offer not only popular movies and TV shows but also niche genres like documentaries, independent films, foreign language content, stand-up comedy specials, educational programs, and much more.

To circulate

The right to circulate extends to the online distribution of media via OTTs in addition to the print media distribution of newspapers. The freedom to communicate one's opinions orally, in writing, or through audio-visual means was liberally defined by the Supreme Court in the case of LIC v. Manubhai D. Shah³⁶. This includes the freedom to spread one's ideas via print or other media.

To advertise

Companies that use OTTs to promote for profit are no different from media outlets like newspapers that operate as for-profit businesses. The Supreme Court ruled in Tata Press Ltd. v. MTNL³⁷ that the right to free speech and expression guaranteed by Article 19(1)(a) includes the right to speak for profit.

³⁶ LIC v. Manubhai D. Shah (1992) 3 SCC 637: AIR 1991 SC 171.

³⁷ Tata Press Ltd. V. MTNL (1995) 5 SCC 139.

Importance of Monetization for OTT Platforms

Monetization is crucial for the sustainability and growth of OTT platforms. It enables these platforms to invest in producing high-quality content while providing a seamless viewing experience to their subscribers. Without effective revenue generation strategies in place, maintaining an extensive library of engaging content would be challenging.

Methods of Monetization for OTT Platforms

There are several methods used by OTT platforms to generate revenue:

Subscription Models: Many popular streaming services operate on subscription-based models where users pay a monthly or annual fee to access unlimited content. This model provides regular income streams allowing them to produce exclusive original programming and acquire rights for popular movies and TV shows. Examples include Netflix's tiered subscription plans offering different features at varying price points.

Advertising: Advertising plays a significant role in revenue generation for OTT platforms. Some platforms offer a combination of free and ad-supported content, where advertisements are inserted strategically during video playback. These platforms earn revenue by charging advertisers for ad space and targeting specific user demographics based on viewing habits. Hulu is an example of such an ad-supported platform.

Partnerships: OTT platforms often form partnerships with other companies or brands to generate additional revenue streams. Examples include collaborations with production studios, which may result in co-production agreements or exclusive licensing deals. This allows the platform to acquire popular content while also benefiting from cross-promotion and marketing efforts.

Challenges Faced by OTT Platforms in Revenue Generation

Despite the opportunities presented by monetization, OTT platforms face several challenges when it comes to generating revenue:

Competition: The increasing number of streaming services has led to intense competition among industry players. Many platforms struggle to differentiate themselves and attract subscribers amidst a crowded market. This requires them to continually invest in creating unique original content and offering personalized recommendations based on user preferences.

User Preferences: User preferences constantly evolve, making it challenging for OTT platforms to keep up with changing demands. Platforms must continuously analyze data on viewer behavior and adapt their content library accordingly to ensure customer satisfaction. Failure to do so may lead to an erosion of the subscriber base and a decline in revenue.

Regulatory Issues: Regulatory frameworks governing digital media can pose challenges for OTT platforms. Different countries have varying regulations regarding licensing agreements, content classification, and taxation. These regulatory hurdles require careful navigation by these platforms, which can sometimes result in additional costs or legal complexities.

Legal Considerations for Monetizing OTT Platforms

Monetization practices for OTT platforms are subject to legal considerations. A framework that governs copyright laws ensures that intellectual property rights are protected. Other legal aspects include compliance with privacy laws, data protection regulations, and advertising standards. Platforms must ensure that their monetization strategies align with these legal frameworks.

Strategies for Effective Revenue Generation on OTT Platforms

To maximize revenue generation potential, OTT platforms can employ several effective strategies:

Content Localization: By offering localized content that caters to specific regions and cultures, platforms can attract a larger audience base and increase subscription rates. This strategy involves providing subtitles or dubbing in different languages and promoting content that is relevant to local markets.

Strategic Partnerships: Collaborating with other players within the entertainment industry or even outside it can create opportunities for additional revenue streams. Platforms can explore co-production agreements, content distribution partnerships, and sponsorships as means of generating revenue while expanding their reach.

Data-driven Personalization: Utilizing data analytics and machine learning algorithms, OTT platforms can personalize user experiences by recommending content tailored to individual preferences. This increases user engagement and retention while also enabling targeted

advertising opportunities, resulting in higher ad revenues.

Impact of Monetization on User Experience

Different monetization methods can have varying impacts on user experience on OTT platforms. Subscription-based models provide an ad-free viewing experience, allowing users to enjoy uninterrupted content. On the other hand, ad-supported models may interrupt the viewing experience with advertisements. The frequency and placement of ads are critical considerations to maintain a positive user experience. High-quality original programming funded through effective monetization allows platforms to continue delivering engaging content to subscribers, making them more likely to remain loyal customers over time.

Conclusion

Monetization and revenue generation are essential for the sustainability and growth of OTT platforms. Subscription models, advertising, and partnerships are some of the methods employed by these platforms to generate income. However, challenges such as competition, user preferences, and regulatory issues must be navigated strategically. To ensure sustainable growth, OTT platforms need to adopt innovative strategies like localization, strategic partnerships, and personalized recommendations. Finding a balance between generating revenue and maintaining a positive user experience is crucial for long-term success in this fast-growing industry. By understanding the significance of monetization and revenue generation for OTT platforms, we can appreciate their role in transforming the way we consume content and shape the future of entertainment.

Navigating The Legal Maze: Compliance Challenges for OTT Platforms

Introduction

Over-The-Top (OTT) platforms have become increasingly popular in today's digital landscape, revolutionizing the way users consume content. These platforms deliver audio, video, and other media through the Internet without requiring traditional cable or satellite television subscriptions. However, as these platforms continue to grow and gain prominence, they face a myriad of compliance challenges that need to be addressed. This essay aims to explore the compliance challenges faced by OTT platforms and propose strategies for overcoming them.

Definition of OTT Platforms

OTT platforms can be defined as online services that provide streaming media over the internet

directly to users' devices without involving traditional broadcast methods. They are characterized by their ability to bypass traditional distribution channels and deliver content on-demand, allowing users to access a wide range of movies, TV shows, music, and other forms of entertainment at any time.

These platforms operate by leveraging internet connectivity to transmit data packets containing audio or video content from their servers to users' devices. By utilizing adaptive streaming technologies such as HTTP Live Streaming (HLS) or Dynamic Adaptive Streaming over HTTP (DASH), OTT platforms ensure seamless playback quality based on users' available bandwidth.³⁸

Regulatory Framework for OTT Platforms

The regulatory framework surrounding OTT platforms varies across different jurisdictions worldwide. Some countries have specific laws or regulations in place that govern these platforms, while others rely on existing regulations applicable to broadcasting services or digital content providers.

For instance, India has introduced intermediary liability rules under Section 79 of its Information Technology Act, which holds OTT platform providers responsible for controlling harmful content accessible through their services. Similarly, European Union member states abide by the Audiovisual Media Services Directive (AVMSD), which sets out obligations for both linear broadcasters and on-demand service providers.

Compliance Challenges Faced by OTT Platforms

OTT platforms encounter several compliance challenges in areas such as content regulation, data privacy, and intellectual property rights.

Content Regulation Challenges

One of the major compliance challenges faced by OTT platforms is content regulation. The diverse nature of content available on these platforms raises concerns regarding censorship, harmful content, hate speech, and obscenity. Striking a balance between freedom of expression and protecting users from potentially harmful or offensive material poses a significant

³⁸ Hrishikesh Kumar, A study on consumers' preference towards OTT platforms during the post covid-19 lockdown periods, 10 Journal of Development Economics and Management Research Studies 65–70 (2023).

challenge for platform providers.

In the case of *Regina v. Hicklin*,³⁹ it was laid down that the publication can be judged for obscenity, based on isolated part of the work considered out of the content. While applying Hicklin Test, the work is taken out of the whole context of the work and then it is seen that if that work is creating any apparent influence on the most susceptible readers/viewers such as children or weak-minded adults. In the Roth test which was developed by US Courts in 1957 to judge such obscenity, it was held that only those sex related materials which had the tendency of exciting lustful thoughts were found to be obscene and the same has to be judged from the view of an average person by applying contemporary community standards. This test was sharper and narrower than the Hicklin test as it does not isolate the alleged contents but limits itself to the dominant theme of the whole material and checks whether if taken as a whole, it has redeeming social value or not.

The State has pointed out that the Hon'ble Apex Court in the matter of *Aveek Sarkar v. State of West Bengal* reported held as under:

"The correct test to determine the obscenity would be the community standard test i.e., Roth Test and not Hicklin Test and in order to check whether there is obscenity or not the material in question is to be taken as a whole. When the material taken as whole, it is found to be lascivious and tends to deprave a person who reads or sees or hears that material only can be said to be obscene.

The Court observed that Hicklin test is in contravention to the Indian Penal Code. Further the Hon'ble Court observed that as the term 'obscene and obscenity' is not defined in Indian law. This makes the community standard test to be more suitable for Indian law regime.

Also, the community standard test is more adaptive in need of changing the society."⁴⁰

Data Privacy Challenges

Data privacy is another critical compliance challenge faced by OTT platforms. These platforms collect vast amounts of user data to personalize recommendations and improve the overall user experience. However, ensuring the security and confidentiality of this data while complying with local privacy regulations can be complex.

³⁹ *Regina v. Hicklin*, (1868)

⁴⁰ *Aveek Sarkar v. State of West Bengal*, (AIR 2014) SC (1493).

Platforms must adopt robust data protection measures to safeguard user information from unauthorized access or misuse. With evolving privacy laws such as the General Data Protection Regulation (GDPR) in Europe and the California Consumer Privacy Act (CCPA) in the United States, OTT platforms must navigate various legal requirements to maintain compliance.⁴¹

Intellectual Property Rights Challenges

OTT platforms also encounter challenges related to intellectual property rights, particularly concerning copyright infringement issues. As users gain easier access to copyrighted material through these platforms, piracy becomes a concern for both content creators and platform providers.

Platform operators need to implement effective mechanisms for detecting and preventing copyright infringement on their services while respecting fair use provisions under copyright law.

Strategies for Compliance

To overcome compliance challenges effectively, OTT platform providers can consider implementing several strategies:

Collaborating with regulatory authorities: Building strong partnerships with regulatory authorities helps foster open communication channels that enable mutual understanding of industry dynamics and facilitate compliance efforts.

Implementing robust content moderation systems: Deploying advanced algorithms combined with human review processes allows platforms to proactively monitor and filter out harmful or infringing content before it reaches users' screens.

Enhancing transparency through clear terms of service: Platforms should provide transparent guidelines outlining their policies on content moderation, data privacy, and intellectual property rights. This ensures that users are aware of the platform's compliance efforts and their responsibilities as consumers.

⁴¹ Shradha Murthy et al., The effects of OTT platforms on the Indian Film Industry, 2 REST Journal on Data Analytics and Artificial Intelligence, 40–52 (2023)

Conclusion

In conclusion, OTT platforms have revolutionized the digital entertainment landscape by providing users with on-demand access to a vast array of content. However, they face various compliance challenges related to content regulation, data privacy, and intellectual property rights. By addressing these challenges effectively through collaboration with regulatory authorities and implementing robust systems for moderation and transparency, OTT platforms can continue to thrive while ensuring user safety and satisfaction. It is crucial for the industry as a whole to recognize the importance of compliance in order to build trust among users and create a sustainable future for OTT platforms.

Conclusion / Recommendation

The laws and regulations that apply to OTT platforms in India have sparked debates and discussions regarding their repercussions and benefits. The impact of censorship on these platforms has been a subject of scrutiny and analysis. While there are varying perspectives on the role of censorship in protecting citizens and upholding free speech, it is important to consider the complexities and nuances of the issue.

The introduction of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules in 2021 marked a significant shift in the regulatory landscape for OTT platforms. These rules established bodies such as the Indian Broadcasting and Digital Foundation (IBDF) and the Digital Media Content Regulatory Council (DMCRC) to regulate the content on these platforms. However, the implementation of censorship on OTT platforms is still subject to legal challenges, as freedom of speech and expression is a fundamental right under the Indian constitution.

The impact of censorship on Indian media, particularly on OTT platforms, has both positive and negative aspects. Here are some key points to consider:

Repercussions of Censorship:

Censorship on OTT platforms can limit creative freedom and expression for filmmakers and content creators.

It may lead to self-censorship and hinder the exploration of diverse and thought-provoking content.

Censorship can potentially restrict the availability of certain types of content, affecting the choices and preferences of viewers.

It may also raise concerns about the infringement of freedom of speech and expression guaranteed by the Indian constitution.

Benefits of Censorship:

Censorship on OTT platforms can help protect viewers from offensive or inappropriate content. It can ensure that content aligns with cultural, social, and moral values, maintaining public order and decency.

Censorship can play a role in safeguarding national security and protecting the interests of consumers.

The debate surrounding the censorship of OTT platforms in India reflects the need to strike a balance between creative freedom, responsible content creation, and the protection of viewers' interests. It is crucial to have a regulatory framework that addresses concerns related to content regulation, data privacy, consumer protection, and national security.

Ultimately, whether the censor board and censorship are a boon or bane for Indian media depends on the effectiveness of the regulatory framework, the transparency of decision-making processes, and the preservation of fundamental rights and freedoms. Striking the right balance is essential to ensure that censorship serves its intended purpose without unduly stifling creativity and expression.

The Indian Broadcasting and Digital Foundation (IBDF) and the Digital Media Content Regulatory Council (DMCRC) are two regulatory bodies that are responsible for regulating OTT platforms in India. The IBDF is a self-regulatory body that regulates television content in India. The DMCRC was established under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, to regulate digital media content, including OTT platforms. The DMCRC is responsible for ensuring that the content on OTT platforms does not offend cultural or religious sensibilities and does not promote hate speech methodology. Compliance under Intermediary Rules is mandatory for OTT platforms.

The Indian OTT platform regulatory landscape is still developing, and there are continuing arguments and disputes about the efficacy of the existing regulatory frameworks. Although the IBDF and DMCRC are crucial in controlling the material of OTT platforms, there are worries about the potential effects of censorship on free speech and the ability to express oneself. It's critical to achieve a balance between consumer protection, ethical content production, and the

maintenance of basic freedoms and rights.

In conclusion, two regulatory organizations that oversee OTT platforms in India are the IBDF and DMCR. The regulatory environment for OTT platforms is still changing, and continuing arguments and discussions around the efficiency of the existing regulatory frameworks.

While censorship can play a role in safeguarding national security and protecting the interests of consumers, it is important to ensure that it does not unduly stifle creativity and expression.

Striking the right balance is essential to ensure that censorship serves its intended purpose without infringing on fundamental rights and freedoms.

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