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DIGITAL AGE OF COPYRIGHT

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ABSTRACT

The defense of the interests of copyright owners and the control of their rights has become increasingly challenging as a result of the expansion of the Internet in every region of the world. Infringement of intellectual property rights has been given a new outlet on a worldwide scale thanks to the Internet. Copyright legislation requires modernization to align with the digital era. The methods for creating, referencing, and utilizing creative works have evolved significantly since the enactment of present legislation. The term of "publisher" becomes ambiguous when anybody with internet access can produce and disseminate their work. Proposing and debating modernization methods is difficult without a comprehensive awareness of the stakeholders involved and the varying issues between countries, thus hindering journalists' participation in the process. Enhanced and thorough dialogues among publishers, technology firms, and policymakers are essential to formulate new legislation that safeguards journalistic endeavors while acknowledging the public's engagement with creative works in contemporary digital societies. The swift progression of technology has initiated the digital era, transforming the methods by which we produce, consume, and disseminate content. This development presents new difficulties to copyright law, which seeks to safeguard creative works and promote innovation. This article will examine the significant influence of the digital age on copyright law, highlighting the opportunities and problems associated with digital material creation and delivery.

Key words- Copyright, digital, technology, infringement, fair use

INTRODUCTION

Copyright is a form of intellectual property that safeguards original works of authorship once the creator has recorded the work in a tangible medium. Copyright law encompasses a wide range of creative works, such as paintings, pictures, graphics, musical compositions, sound recordings, computer programs, novels, poems, blog posts, movies, architectural works, plays, and many others.

The Copyright Act of 1957 regulates the legislation of copyright in India. The primary objectives of this copyright law are two-fold: firstly, to ensure that authors, composers, artists, designers, and other creative individuals have the right to their creative expression; and secondly, to allow others to freely build upon the ideas and information presented in a work. India's copyright laws have their origins in the period of British colonial administration. The Indian Copyright Act, 1957, was enacted and became effective in January 1958. It has subsequently undergone five modifications in the years 1983, 1984, 1992, 1994, and 1999. India's initial copyright law after gaining independence was the Copyright Act of 1957, which has undergone six subsequent changes. The Copyright (Amendment) Act 2012, enacted in 2012, is the latest amendment. In India, copyright is regulated by the Indian Copyright Act of 1957, which is periodically amended, and the Indian Copyright Rules of 1958.

The reason for this is that the digital environment presents a unique set of issues for copyright, notably due to the ease with which digital content may be reproduced and spread.¹

More than one and a half billion kids have been experiencing difficulties in their education as a result of the global shutdown. As a result, online classes quickly became the norm in order to fill the void in the delivery of education that was caused by a pandemic that swept the globe. There has been a widespread adoption of online instruction in educational institutions all over the world. On the other hand, despite its many benefits, online education is not without its numerous downsides. Among these significant problems is the utilization of content that is protected by intellectual property rights in online education. Although online teaching has been for a

¹ Gormley, H. (2020, March 17). *TEACHing from a Distance and Copyright Considerations* / Copyright. The Library of Congress. <https://blogs.loc.gov/copyright/2020/03/teaching-from-a-distance-and-copyright-considerations/>

considerable period, it was not until the COVID-19 epidemic that educational institutions worldwide were compelled to embrace this teaching approach. Online or remote teaching utilizes video-conferencing software to deliver educational content, including PowerPoint presentations, movies, audio, and text documents. Nevertheless, managing the oversight of information is a challenging endeavor in the context of online education, particularly when course materials must now be uploaded online for students to access, given the limited availability of school or university libraries.²

In the 21st century, our daily activities are consistently connected to artificial intelligence (AI) in multiple aspects of our existence. Artificial intelligence is deeply embedded in human existence, rendering numerous societal tasks unfeasible without its assistance. The capabilities of AI are beyond anything one can conceive. A new revolution in artificial intelligence is unfolding. Artificial intelligence will influence all facets of human existence, including employment, education, mitigating workplace risks, forecasting natural disasters, and significantly, creativity, among other domains. Companies are utilizing AI as a means to foster creativity and, in certain cases, to potentially develop independently.³ This signifies a substantial transformation in the dominant paradigm. The commercial and social ramifications of this will be substantial. Artificial intelligence and intellectual property rights (IPR) are not solely the domain of patent and copyright enthusiasts; they also possess significant business and societal implications as AI disrupts traditional IPR frameworks. When artificial technologies are employed to generate inventions, such as utilizing evolutionary algorithms for antenna design or leveraging IBM Watson for music production, intellectual property rights rules become pertinent. Artificial intelligence is engaged in several creative endeavors across animation, web applications, imagery, music, design, and other domains. The majority of AI-generated creative work influences the intellectual property rights of others in various ways. Artificial intelligence influences the existing framework of intellectual property rights.

² Interns, I. (2022, November 19). *Copyright Issues In Online Education*. Intepat IP. <https://www.intepat.com/blog/copyright-issues-in-online-education/#:~:text=While%20downloading%20original%20work%20shared,any%20purpose%20other%20than%20education>

³ Admin, & Admin. (2024, June 13). *Navigating Challenges and Seizing Opportunities*. IIPRD |. <https://www.iiprd.com/intellectual-property-rights-in-the-age-of-artificial-intelligence-navigating-challenges-and-seizing-opportunities/>

Copyright is a form of intellectual property that delineates the legal rights of a creator concerning many content types, including literature, music, cinema, visual art, software, and photographs. Copyrights empower authors to prohibit unauthorised use of their work and to receive remuneration for sanctioned uses by others. The utilization of copyrighted works is contingent upon the copyright legislation of the place of origin and other worldwide copyright conventions and treaties established to delineate the rights of artists in a global economy⁴.

The digital era has presented novel copyright applications that are inadequately covered by existing legislation. Currently, news aggregators, social media platforms, and search engines frequently disseminate headlines, excerpts, and links to a publisher's news articles. A novel use has arisen with the advent of generative AI, which 'learns' from accumulated digital information produced by others to generate its own derivative content, which may or may not be deemed original creative work. Journalists are progressively employing generative AI in news production, while original content is utilised to train AI tools.

RESEARCH OBJECTIVES

- Analyze the legal structure of Copyright laws in India
- Examine the extent and implementation of fair use (or fair dealing, in certain jurisdictions) concerning digital content, including an assessment of whether current regulations adequately address emerging forms of creative works.
- Examine the impact of AI tools, including automated copyright detection systems, AI-generated content, and machine learning algorithms, on the evolution of copyright protection and enforcement.
- Examine the effects of the global digital economy on copyright, particularly regarding cross-border enforcement and the issues posed by the ease of sharing digital content across international borders.

⁴ Center for News, Technology & Innovation. (2024, October 11). *Modernizing Copyright Law* - Center for News, Technology & Innovation. <https://innovating.news/article/modernizing-copyright/>

RESEARCH METHODOLOGY

I have relied on the Doctrinal Method of Research. A comprehensive study of both the primary and secondary available data is made. A lot of articles have been referred. The researcher is using the doctrinal approach to conduct the current study. The resources for theological research come from both primary and secondary sources.

- a) The primary sources include statute, regulations, schemes, circulars, and various expert committee reports and cases decided by the Apex court and different High Courts of India.
- b) While the secondary sources are books, commentaries, dictionaries, encyclopedia, reports, journals, the internet, and newspaper.

SIGNIFICANCE OF THE STUDY

The importance of examining the Digital Age of Copyright resides in its capacity to tackle the emerging difficulties and opportunities stemming from the convergence of intellectual property law and swiftly progressing digital technology. As digital platforms, social media, and AI-generated content transform the production, dissemination, and consumption of creative works, conventional copyright rules are becoming increasingly challenged. This study is essential for comprehending how copyright law must evolve to provide equitable protection for creators while balancing public access to knowledge and promoting innovation in the digital realm. Furthermore, examining the economic, social, and ethical ramifications of copyright in the digital era yields insights into how legal reforms can protect the interests of both content creators and consumers, fostering a more fair and sustainable digital economy.

LITERATURE REVIEW

1. **Barton, Carolina. (2016). Copyright Laws and Distance Education⁵**- The main objective of copyright law is not primarily to safeguard the economic interests of authors

⁵ Barton, Carolina. (2016). *Copyright Laws and Distance Education*. 10.13140/RG.2.1.3306.9042., https://www.researchgate.net/publication/305488815_Copyright_Laws_and_Distance_Education,

and artists, but rather to foster the advancement of the useful arts, which encompass knowledge and creative works. This is achieved by offering the creative community exclusive rights to their works for a specified duration, thereby providing an incentive for their creation. The fair use and TEACH Act play a crucial role in striking a balance between safeguarding the creative work of authors and utilizing it to promote education. Comprehending and adhering to copyright regulations is a comparatively complicated undertaking. Nevertheless, to prevent plagiarism and unauthorised utilization of copyrighted content, it is imperative for all institutions to exert utmost diligence in educating and enlightening students, teachers, and staff about the legal obligations of copyright law, both inside traditional classroom settings and through remote educational programmes.

2. **Yusuf, A. (2020). Copyright Protection in Digital age**⁶ The global expansion of the Internet has rendered the protection of copyright owners' interests and the regulation of their rights increasingly complex. This study elucidates the implications of copyright, fair use, and digital rights management. The report also elucidates the four factors of fair usage that various courts have proposed. Ultimately, the Author contemplates copyright protection in the digital era, focusing on creativity, authors' rights, and musical rights.
3. **Fair Dealings and Fair Use**⁷- Copyright law is a crucial mechanism that enables original authors or copyright holders to disseminate their work in a manner they deem advantageous. Nevertheless, certain limitations on the rights of copyright holders exist to reconcile the interests of the holders with those of the general public. Such doctrines, such fair use in the United States and fair dealing in India, are often established to circumvent the necessity of obtaining permission from copyright holders or to utilize copyrighted information in situations that benefit the public, such as research or education. Various governments implement distinct philosophies with differing stipulations for the

⁶ Yusuf, A. (2020). Copyright Protection in Digital age. Research Gate. https://www.researchgate.net/publication/353121763_Copyright_Protection_in_Digital_Age

⁷ Manupatra. (n.d.-b). *Articles – Manupatra*. <https://articles.manupatra.com/article-details/FAIR-DEALINGS-AND-FAIR-USE-CRITICALLY-ANALYSING-THE-COPYRIGHT-EXEMPTION-DOCTRINES-IN-PLACE-IN-INDIA-AND-THE-UNITED-STATES>

reproduction of copyrighted works. This article examines the Fair Use theory of the United States and the Fair Dealings doctrine of India, which is also present in other Commonwealth countries.

4. **Catherine W. Cook & Christian Sonnenberg- Technology and Online Education:**

Models For Change, Volume 7, Number 3 (2014) - This paper argues that advancements in technology contribute to the progress of online education. This descriptive study will analyze and integrate various mobile computing and transformational technologies. The aim of the project is to develop novel mobile awareness models that aim to comprehend technological advancements for mobile devices and their potential applications in online learning. These models will utilize data from technological fluctuations, online educational platforms, and literature on mobile devices to construct a comprehensive representation of historical, present, and prospective patterns in online learning. The implementation of this methodology is expected to result in an improved delineation of mobile awareness needs and enhanced online presence in relation to the selection of suitable model criteria and requirements. The models will ascertain the definitions of online problems, advancements in hardware and software, analysis of mobile objectives, and the designation of assessment criteria and requirements for the purpose of designing online mobile awareness. Models can be developed to promote understanding of online learning and evolving technologies by incorporating technology vicissitudes, online education systems, and mobile device variables identified in the existing research. The utilization of futuristic models can aid in the identification of suitable strategies and methodologies for enhancing the overall efficacy of future mobile devices in the context of online learning. It is anticipated that the integration of technology and the establishment of borderless networks for mobile awareness would serve as a catalyst for motivation and yield advantages for all forthcoming online teaching and learning communities.

5. **Intellectual Property Challenges in the Digital Age - GIPC**⁸ Intellectual property is a legal notion pertaining to creations of the intellect, including inventions, literary and

⁸ *Intellectual Property Challenges in the Digital Age - GIPC*. (n.d.). Global IP Convention - GIPC. <https://www.globalipconvention.com/blog/intellectual-property-challenges-in-the-digital-age>

creative works, designs, symbols, and commercial names. The digital era has transformed the creation, distribution, and consumption of intellectual property with the advent of the internet and emerging technologies. This has resulted in new issues for intellectual property rights holders, governments, and consumers.

6. **"Copyright Law in the Digital Society" authored by Bernt Hugenholtz**- Hugenholtz's book examines the interplay between copyright law and society within the framework of emerging digital technologies. The book offers a comprehensive examination of how copyright law must evolve in response to the difficulties of digital distribution, user-generated material, and online infringement. The author examines the ethical aspects of copyright law, focusing on the equilibrium between intellectual property protection and public access to knowledge in the digital era. Central topics encompass the function of the public domain, the progression of fair use, and the ethical obligations of material providers.
7. **"Internet Law: A Field Guide" authored by Michael L. Rustad and Thomas H. Koenig**- This book offers an extensive overview of internet law, encompassing the legal ramifications of copyright infringement, digital piracy, and the governance of online material. Rustad and Koenig examine the convergence of internet technology and intellectual property law, highlighting how digital platforms, including social media, streaming services, and peer-to-peer networks, have introduced novel legal issues in copyright enforcement. The book examines jurisdiction and international enforcement challenges, which are vital in the global landscape of digital material.
8. **Dawar, K., Sudarshan, A., & T, C. B. (2021). Copyright Protection in Digital Era** ⁹- The emergence of the internet and technological advancements in the twentieth century introduced a novel array of difficulties to the realm of copyright. The digitization of content has resulted in a remarkable surge in the dissemination of illegal copyrighted materials and has significantly affected copyright law. With the predominance of digital information and its global accessibility, the necessity to safeguard writers' interests has increased over the

⁹ Dawar, K., Sudarshan, A., & T, C. B. (2021). Copyright Protection in Digital Era. *IARJSET*, 8(6), 611–616. <https://doi.org/10.17148/iarjset.2021.86105>

past decade. The study examines the copyright challenges encountered in the digital age that have remained unrecognized. This paper examines the challenges encountered by copyright holders due to individuals circumventing laws to access content unlawfully, as well as the legal solutions in the digital age that remain unanswered. The report finishes with several methods and concepts that may be beneficial for regulating digital copyright infringement.

EXAMINATION OF DIGITAL COPYRIGHT IN INDIA

In the evolving digital landscape, India's Copyright Act of 1957 has experienced significant modifications to adequately confront the distinct difficulties posed by the digital age. This legal system, initially designed to protect artists' intellectual property rights, has been persistently enhanced to maintain its relevance and effectiveness in a society increasingly characterized by digital content creation, distribution, and consumption.

The Copyright (Amendment) Act of 2012 constituted a significant enhancement to India's copyright protection framework. This amendment addressed the evolving dynamics of the digital era by harmonizing India's copyright laws with international treaties, including the World Copyright Treaty of 1996 and the WIPO Performance and Phonogram Treaty of 1996. The Act broadened its protective scope to include the swiftly growing domain of digital works, a territory previously unexplored by copyright legislation. The Copyright (Amendment) Act of 2012 established an extensive array of regulations aimed at addressing the unique issues presented by the digital environment. These laws encompassed sanctions designed to mitigate copyright infringement, especially in the digital domain.

Furthermore, the amendment elucidated the complexities of management information rights, specifying the duties and liabilities of internet service providers to mitigate copyright infringements on their platforms. The amendment established statutory licenses for activities such as cover versions and broadcasting to promote creative expression and innovation, therefore ensuring a balance between the rights of producers and public access to content.

Indian courts have significantly influenced the evolution of digital copyright in response to these legal advances. The significant case of *UTV Software Communication Ltd v. 1337x and others*¹⁰ illustrates this function. The court's decision affirmed that online copyright infringement is equivalent to physical violation, reinforcing that the digital domain is subject to copyright laws. This judicial viewpoint highlights the essential equilibrium that must be kept between safeguarding the rights of authors and guaranteeing an open and accessible internet. It emphasizes the necessity of establishing explicit boundaries for the utilization and regulation of digital content within the distinct context of India.

“FAIR USE”

The doctrine of fair use is grounded in both English and U.S. case law. *Authors Guild v. Hathi Trust et al.*¹¹ is a recent fair use case that establishes four factors of fair use as the criteria for liability. Judge Baer applied the fair use test and determined that the nature of the use was unequivocally non-profit and educational. He asserted that the notion of fair use must include transformative uses. For instance, when copyrighted concert posters from a Grateful Dead archive were used without authorisation in a Grateful Dead biography, the utilisation of the posters was deemed transformative, since it constituted a novel and distinct application compared to the posters' original purpose—concert marketing. In the case of *Campbell v. Acuff-Rose*¹², the Supreme Court stated that not all fair use must be transformative, citing the creation of multiple copies for educational purposes as a quintessential example of non-transformative fair use.

Rather than protecting the idea itself, copyright law protects how an idea is expressed. Thus, copyright protects material manifestations like books and videos. According to Section 13 of the Indian Copyright Act 1957, all works that fall under the category of literary, dramatic, artistic, or musical works, as well as cinematographic films and sound recordings, are protected by copyright in India¹³.

¹⁰ AIR ONLINE 2019 DEL 773

¹¹ Authors Guild, Inc. v. HathiTrust, 2012 WL 4808939 (S.D.N.Y. Oct. 10, 2012).

¹² Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1994)

¹³ The Copyright Act 1957, section 13

Any other individual is prohibited by copyright from exploiting the original author's work without their consent. Nonetheless, under some circumstances, copyright law allows the use of a work that is protected by copyright without requiring the author's permission. This is the fair use theory, sometimes known as the doctrine of fair dealing in India (even though the two ideas are not the same; a discussion of their distinctions would be outside the scope of this article). The intent, type, and quantity of the work utilized in conjunction with the copyrighted work must all be taken into consideration to determine fair use.

Through their rulings, Indian courts have established what fair use is. The Kerala High Court established a three-part test in *Civic Chandran and Ors. v. C. Ammini Amma and Ors.*¹⁴ to establish whether the defense of fair use may be raised in a particular instance. These were:

- i. The amount and worth of the material obtained;
- ii. The reason for the acquisition; and
- iii. the possibility of a conflict between the two pieces.

It is important to remember that fair dealing with any original work for the purpose of criticism and review, whether of that work or any other work, does not amount to copyright infringement, as stated specifically in Section 52(1)(a) of the Copyright Act. Furthermore, anything copied by a teacher or student for academic purposes in a school would not be considered a copyright infringement, according to Section 52(1)(i)¹⁵.

OWNERSHIP OF AI CREATED WORKS

Under Indian copyright law, ChatGPT cannot be deemed the author, as the legislation stipulates that the claimant of copyright must be a natural person. Section 17 of the Indian Copyright Act stipulates that only individuals may be considered authors.¹⁶ The term 'persons' often refers to individuals; nevertheless, corporations like firms can be granted copyright (Section 18) by individuals through an agreement for a specified duration¹⁷. Section 17 stipulates that, in the

¹⁴ 1996 PTC 670 (Ker HC) 675-677.

¹⁵ The Copyright Act 1957, section 52

¹⁶ Copyright Act 1957, section 17

¹⁷ Pandey, H. C. a. K. G. (2024, February 26). Balancing Indian Copyright Law with AI-Generated Content: The 'Significant Human Input' Approach. IJLT. <https://www.ijlt.in/post/balancing-indian-copyright-law-with-ai->

absence of a contrary arrangement, the individual will invariably retain the initial copyright to the product.¹⁸ The framework of the act is distinctly human-centered. The copyright registration application (Form-XIV) necessitates the declaration of the claimant's name, nationality, and address. The question of whether writers can solely be natural beings or include things is outside the scope of this study.

The developers' assertion would mostly rely on their 'Terms of Use' agreement. If a developer states that they will maintain the rights to the work produced by their AIs, they will possess the copyright for it, unless an existing contract stipulates otherwise. Nonetheless, the 'Terms of Use' for widely utilized AIs, such as ChatGPT and BingChat, do not assert copyright over the created outputs. Logically, it appears unjust to confer upon developers the authority to claim copyright ownership of AI-generated creations. A comparable scenario is evident in the generation of a painting via Microsoft Paint; it would be unreasonable for Microsoft to assert copyright over the resulting content. Although akin to a chatbot, the services offered by Paint are significant for the creation of artwork (application of colours, forms, etc.). The resulting creative creation is a product of individual human cognition. Likewise, OpenAI is only offering a service; the resulting product depends on the manner in which the individual utilizes that service.

A single-line prompt alone does not suffice to secure copyright protection for a work. Copyright law provides protection to an author if their artistic work meets the necessary criteria to be deemed 'original.' The minimal criterion for conferring copyright protection to the author (not applicable in India) is the 'sweat of the brow' doctrine, which asserts that an author acquires copyright rights via mere diligence and effort expended. A significant case for comprehension is *University of London Press Ltd v. Tutorial Press Ltd*¹⁹, in which a publisher compiled question papers issued by the University of London. The university contested it on the basis that it violated the copyright of professors who invested their expertise and time in producing such publications. The publisher contended that the papers were derived from pre-existing knowledge and therefore lacked

generated-content-the-significant-human-input-

approach#:~:text=The%20output%20we%20receive%20is,India%20for%20claiming%20copyright%20protection.

¹⁸ The Copyright Act 1957, section 17

¹⁹ *University of London Press Ltd v. Tutorial Press Ltd*, [1916] 2 Ch. 601

originality, rendering them ineligible for copyright protection²⁰. Nonetheless, the court determined that notwithstanding the paper's derivation from pre-existing knowledge, the exertion of effort was sufficient to warrant copyright protection for the documents. This criterion of 'originality' confers copyright based on diligence and effort, without necessitating further inventiveness. Nonetheless, an output derived from a basic prompt—regardless of its uniqueness compared to other works—is not eligible for copyright protection due to the minimal effort exerted by human authors in composing a single-line prompt.

COPYRIGHT INFRINGEMENT BY AI

Section 52 of the Copyright Act, 1957 delineates the provisions pertaining to the fair dealing principle, which constitutes a legitimate exception to copyright infringement.²¹ It is important to note that India's fair dealing exceptions are far more limited in scope compared to the United States' fair use concept. Furthermore, India's legal stance is deficient in comprehensive judicial rulings and jurisprudence when compared to that of the United States.

Section 52 enumerates a limited number of permitted exceptions, including translations, critique, reviews, backup, storage, and recitation. The regulatory provisions appear antiquated and do not address the utilisation of copyrighted material for AI training, leading to escalating arguments and conflicts of interest between copyright holders and corporations seeking to enhance their AI models.

A recent development in these discussions is the Indian government's inflexible position requiring AI developers to obtain required authorisation from copyright owners if their AI model is intended for commercial purposes. Consequently, the primary emphasis has been on the motivations driving the deployment of AI for business objectives. Consequently, this stance advocates for the authors of copyrights and is orientated towards safeguarding the interests of copyright holders. Conversely, this stance could prove detrimental to the viability of AI developers, as they must obtain consent from numerous parties to supply their algorithms with substantial data sets. Furthermore, attention must transition from the operational goal of AI to the consequences of utilising such data on the

²⁰ Id. at 3

²¹ The Copyright Act 1957, section 52

owners, while assessing its influence on the originality and financial worth of the copyrighted works.

Therefore, the legal framework in India requires reform to adapt to societal and technological advancements, thereby mitigating potential misuse in ambiguous areas.

Consequently, although a list of exclusions exists to mitigate culpability for infringement of intellectual material, the issue of AI utilizing segments of data that include copyrighted works remains intricate and must be adjudicated based on the specific facts and circumstances of each instance. A new global jurisprudence is evolving over this subject, with several countries adopting comparable yet distinctly diverse positions.²² The status in the US may appear reassuring for AI developers who have been exempted from liability, provided that the AI's application serves a distinct function. The Indian government has suspended the use of copyrighted works by AI developers by instituting a requirement for required authorization from the owners of those works, therefore addressing the gaps resulting from insufficient jurisprudence. However, it is crucial to recognize that this stance may hinder the advancement of AI inside Indian contexts and should be revised from a long-term viewpoint.

CHALLENGES AND IMPACT

A major difficulty of the digital age is the simplicity of reproducing and disseminating copyrighted material. Copyright holders struggle to retain control over their works due to the simplicity of sharing and reproducing content enabled by digital formats and the internet. This trend has led to extensive piracy, impacting industries such as publishing, film, and music.

In the digital era, enforcing copyright presents numerous obstacles. Technologies like Digital Rights Management (DRM) have been developed to protect digital content against unauthorised use and distribution. These policies often face criticism for limiting fair use rights and hindering

²² Nayantara Sanyal, Sheetal Mishra, Nihal Shah, Nayantara Sanyal, Sheetal Mishra, & Nihal Shah. (2024, March 5). Intersection of Intellectual Property Rights and AI-Generated Works – Part I. Bar And Bench - Indian Legal News. <https://www.barandbench.com/law-firms/view-point/intersection-intellectual-property-rights-ai-generated-works-part-i>.

innovation²³. Lawmakers and copyright holders continue to struggle to achieve an appropriate equilibrium between copyright protection and the preservation of user rights²⁴.

A significant copyright challenge in the digital age is piracy. The proliferation of peer-to-peer file sharing and internet streaming platforms has facilitated unprecedented access to and dissemination of protected information without authorization.²⁵ This has led to substantial revenue losses for copyright holders, especially in the music and film sectors.

A further concern is to the concept of fair usage. Fair use is a legal principle permitting restricted utilization of copyrighted content without authorization, applicable in contexts such as criticism, commentary, news reporting, education, scholarship, or research. Nevertheless, the digital age has complicated the assessment of what qualifies as fair use, especially with online material.

The digital age has interconnected individuals globally as never before. This interconnectedness has necessitated international cooperation and the harmonization of copyright rules. Due to the global nature of the internet, it is crucial to create consistency and interoperability among copyright systems to address cross-border infringement and facilitate the equitable sharing of ideas and creative works.

SAFEGUARDING AND UPHOLDING COPYRIGHT IN THE DIGITAL ERA: A PROACTIVE STRATEGY

A proactive strategy is crucial for firms and people seeking to safeguard and uphold their copyright in the digital era. This encompasses²⁶:

²³ Firm, G. (2023, June 13). *The Impact of the Digital Age on Copyright Law*. The Green Firm, Attorneys at Law. <https://gspattorneys.com/impact-digital-age-copyright-law/>

²⁴ Admin. (2024a, June 9). *The Digital Age & Copyright: Challenges and Solutions in the USA*. Brealant. <https://www.brealant.com/the-digital-age-copyright-challenges-and-solutions-in-the-usa/>

²⁵ *Intellectual Property Challenges in the Digital Age - GIPC*. (n.d.-b). Global IP Convention - GIPC. <https://www.globalipconvention.com/blog/intellectual-property-challenges-in-the-digital-age>

²⁶ Sweetenham, E. (2023, November 14). Copyright Law Evolution: Navigating the Digital Age. Lawdit Solicitors. <https://lawdit.co.uk/readingroom/copyright-law-evolution-digital-age>

- Internet Surveillance: Consistently oversee the web for occurrences of unauthorised utilization of your copyrighted material and promptly act to assert your rights and eliminate infringing stuff.
- Copyright Registration: In many jurisdictions, such as the United States, registering copyright with a national body confers extra benefits, including eligibility for statutory damages and attorneys' fees in legal proceedings.
- Employ digital watermarking and encryption technologies to safeguard your copyrighted materials and prevent unauthorised reproduction or dissemination.
- Educational Initiatives and Advocacy: Conduct awareness campaigns and actively engage in lobbying to influence copyright policy, addressing the difficulties of the digital era.
- Engaging with Legal Experts: Collaborate with seasoned intellectual property attorneys who can offer customized guidance and assistance to aid your firm in maneuvering through the intricate landscape of copyright law in the digital era²⁷.
- Adapting to the swiftly evolving digital landscape is essential for enterprises and individuals seeking to safeguard their creative assets. As copyright law evolves, it is essential to be educated and investigate proactive measures to protect your intellectual property in the digital age. With the assistance of seasoned legal experts, you may adeptly maneuver through the intricacies and prospects of copyright law in the digital era.

SUGGESTIONS/DELIBERATIONS

1. Digital Rights Management (DRM) It is a method that restricts access to digital content and prevents unauthorised reproduction and dissemination. It can be utilized to deter the unlawful downloading of copyrighted media, encompassing music, films, and e-books.
2. The method of incorporating a unique identifier into digital assets, such as images or videos, is referred to as watermarking. It can be utilized to ascertain information, trace its origin, and terminate unauthorised usage.

²⁷ I Muhammad (2023). Communal intellectual property in the digital age: Exploring the relevance, regulation, and impact of creative commons licenses, Indonesian Law Journal, 16(1), 39-62, <https://ejournal.bphn.go.id/index.php/ILJ/article/view/127/68>

3. Copyright education promoting the proper use of copyrighted materials and informing users about copyright legislation and the consequences of violation are two methods to mitigate the prevalence of piracy.
4. Creative Commons License Authors may utilize the complimentary, standardized licenses provided by the non-profit organization Creative Commons to permit others to utilize their copyrighted creations. These licenses enable content creators to retain ownership of their works while permitting third parties, in accordance with the license's stipulations, to utilize them in diverse manners.
5. The design and implementation of effective copyright protection systems require the collaboration of diverse stakeholders, including publishers, technology providers, content creators, and legal professionals. Through collaboration, these parties may develop more comprehensive and effective solutions to the challenges posed by copyright protection in the digital era.
6. Criteria for Equitable Utilization Some applications of copyright-protected material are permissible even in the absence of the owner's approval. Nonetheless, the notion of fair use may be arbitrary and subjective, contingent upon the circumstances and applicable legislation. The establishment of comprehensive fair use regulations can facilitate the ethical utilisation of copyrighted content while safeguarding the rights of copyright holders.

CONCLUSION

As a result of the advent of the digital age, the landscape of copyright law has experienced significant transformation. The ease with which copying and distribution can be accomplished, the rise in the amount of content generated by users, the evolution of business models, the challenges associated with enforcing copyright laws, and the necessity of international collaboration are all factors that contribute to the complexity of copyright law. There is still a lot of work to be done in

order to determine how to strike the right balance between protecting the rights of creators, encouraging innovation, and making creative works more accessible. On the other hand, the digital era allows for a tremendous amount of opportunities for producers to connect with audiences all over the world and for individuals to take part in a culture that encourages collaboration. In order for copyright law to continue to be effective and relevant in this fast-paced digital era, it must develop in tandem with the progression of technology.

The progression of India's copyright framework in the digital age demonstrates the nation's dedication to modifying its legal structure in response to technological advancements. This endeavor involves a nuanced balance between safeguarding intellectual property rights and cultivating a digital landscape that encourages innovation, creativity, and fair access to content.

Copyright challenges in the digital age have emerged from the effortless reproduction and dissemination of content, necessitating flexible legal frameworks that reconcile artists' rights with public access. Global cooperation, revised legislation, and digital proficiency are essential for tackling these challenges and fostering a respectful and inventive digital environment that safeguards intellectual property rights.