



DIGITAL THEFT: COPYRIGHT INFRINGEMENT IN THE MUSIC AND MOVIE SECTORS

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ABSTRACT

In the current digital age, particularly in the music and film sectors, copyright infringement is a significant challenge that significantly undermines the integrity of creative industries. The proliferation of online platforms that facilitate the sharing and reproduction of content has created unique obstacles for creators and rights holders. This article examines digital piracy in-depth as it relates to copyright infringement in these sectors. It explains the basic principles of copyright law, discusses the specific legal frameworks applied to protect musical and cinematographic works, and assesses the various manifestations of digital copyright infringement. Furthermore, this article highlights contemporary case studies and relevant legal precedents highlighting the ongoing struggle against digital piracy and its impact on creators, consumers, and the broader creative economy. This analysis reveals the complex nature of copyright enforcement in a digital environment characterized by rapid technological advancements, emphasizing the continuing need for legal reform and innovative technological solutions to address this widespread problem of intellectual property theft effectively.

INTRODUCTION

The advent of the digital era has revolutionized the way we consume and interact with music and movies. Streaming services, online marketplaces, and peer-to-peer sharing platforms have made vast entertainment libraries readily accessible at our fingertips. While this digital transformation has brought undeniable convenience and expanded access, it has also ushered in a significant challenge: digital theft, primarily in the form of copyright infringement.¹ The ease with which digital content can be copied, shared, and distributed online has created an environment where unauthorized reproduction and dissemination of copyrighted material has become rampant.

Copyright law fundamentally provides creators with exclusive rights to their original works. This includes the authority to reproduce, distribute, perform, and present their creations. These rights are intended to incentivize creativity, protect the economic interests of artists and industries, and foster a thriving cultural landscape. However, the digital realm has fundamentally altered the dynamics of copyright enforcement.² The internet's lack of borders, along with the nearly free and immediate ability to duplicate digital content, has created significant challenges for rights holders in managing the online use of their creations.

The music and movie sectors have been particularly vulnerable to the impact of digital copyright infringement. From illegal downloads and file sharing to unauthorized streaming and the proliferation of counterfeit physical media, these industries have faced substantial financial losses and a constant struggle to protect their intellectual property.³ The consequences of digital theft extend beyond mere economic harm; they can stifle creativity, undermine investment in new productions, and ultimately diminish the quality and diversity of available content.

¹ *Global Education Monitoring Report 2023: Technology in education: A tool on whose terms?* UNESCO. (2023). <https://unesdoc.unesco.org/ark:/48223/pf0000385723> (Last visited April 23, 2025).

² Adv. Aditi Ganesh Patnuskar, Adv. Kunal Pradeep Divekar and others, *The Impact of Copyright Law on Digital Innovation and Creativity*, International Journal of Emerging Technologies and Innovative Research (IJETIR) Volume 3, Issue 11, November 2023.

³ Rathansing M, *Entertainment industry: Piracy crisis*, International Journal of Law, Policy and Social Review, Volume 6, Issue 2, 2024, Page No. 44-48, 2024.



This article aims to provide a comprehensive exploration of digital theft in the context of copyright infringement within the music and movie sectors. It will begin by defining the core concepts of copyright and digital theft, followed by an examination of the legal frameworks designed to address these issues. The article will then delve into specific examples of copyright infringement in the digital realm, supported by relevant case laws that illustrate the legal battles and evolving interpretations surrounding this complex issue. By analyzing these examples and legal precedents, this article seeks to shed light on the challenges and complexities of combating digital piracy and to underscore the ongoing need for effective legal and technological solutions to safeguard the rights of creators in the digital age.

The Concept of Digital Theft and Copyright

In the contemporary digital landscape, where information and creative content are disseminated at unprecedented volumes, understanding the intricacies of copyright infringement becomes essential. This complexity arises from the fundamental concepts of digital theft and copyright, which serve as the pillars of intellectual property law. As digital technologies advance, there is an increasing necessity for legal systems to tackle the distinct challenges associated with the online distribution of creative content.

Copyright is a legal entitlement granted to the creators of original works, covering a wide range of creative expressions such as literary works, music, plays, and other types of intellectual property.⁴ This legal structure provides creators with sole authority over how their works are used and shared, enabling them to gain both financial and artistic advantages from their intellectual efforts. The primary objectives of copyright law are multifaceted: first, it aims to incentivize creativity by ensuring that creators can protect their original ideas and are encouraged to invest their resources be it time, effort or capital into the creative process.⁵ This economic incentive is critical in fostering an environment conducive to artistic innovation.

In addition, copyright law is designed to safeguard the financial interests of creators and rights holders. By providing exclusive rights, copyright allows individuals and organizations to profit from their work through different avenues, such as licensing deals, sales, and various distribution methods. This framework is pivotal for industries that rely heavily on creative content, such as the music, film, and publishing sectors, as it not only sustains economic viability but also nurtures the development of new works and artistic expressions.⁶ Furthermore, by safeguarding the rights of creators, copyright law contributes to the cultural development of society at large. It cultivates an environment where diverse artistic contributions can flourish, ensuring that artists are duly recognized and rewarded for their efforts.

The Specific Rights Afforded by Copyright

The rights conferred by copyright are comprehensive and encompass several key areas that collectively protect the creator's interests. Among these rights are the right of reproduction, which allows the creator to produce copies of the work in any format, including digital reproductions.⁷ Additionally, the right of distribution enables the creator to make their work available to the public through various modalities such as sale, rental, or lending. The right to public performance allows for the presentation of the work to an audience, whether through live events or digital broadcasts, thereby enhancing visibility and access to the creation.

Furthermore, copyright includes the right of public display, which grants creators the ability to exhibit their works publicly, fostering appreciation and engagement with their art. Notably, the right to create derivative works empowers authors to adapt, translate, or reimagine their creations, thereby spawning new interpretations that can

⁴ Copyright Office, *A Handbook of Copyright Law*. <https://copyright.gov.in/documents/handbook.html> (Last visited April 23, 2025).

⁵ Fishman, J. P. (2014). Creating Around Copyright. *Harvard Law Review*, 128, 1333. https://www.law.berkeley.edu/files/Fishman_Joseph_IPSC_paper_2014.pdf (Last visited April 24, 2025).

⁶ Manasy Hariharan1, Sreejith B, *Navigating Intellectual Property and Copyright in the Digital Era: Challenges and Legal Perspectives*, Volume: 2, Issue: 1, 2024, Alliance Journal of Intellectual Property Law (AJIPL).

⁷ Irish Patents Office, *Copyright and Related Rights*. Intellectual Property Office of Ireland, <https://www.ipoi.gov.ie/en/understanding-ip/help-guidance/ip-information-booklets/copyright-and-related-rights.pdf> (Last visited April 24, 2025).



contribute to the richness of cultural discourse.⁸ This suite of rights not only affirms the ownership of creative work but also provides a structured means for creators to engage with their audiences and articulate their artistic visions.

Automated Protection and Duration of Copyright

An essential aspect of copyright law is that protection is generally conferred automatically upon the creation of an original work, provided it is expressed in a tangible medium. This automatic protection serves to simplify the process for creators, eliminating the need for formal registration in order to secure copyright status. However, while registration may present certain legal advantages, it does not constitute a prerequisite for copyright protection.⁹

The framework of copyright law is essential in the digital age as it not only incentivizes creativity and protects the interests of creators but also enriches the cultural fabric of society. As digital theft and copyright infringement become more prevalent in an increasingly interconnected world, continuous examination and adaptation of copyright laws will be necessary to address these ongoing challenges effectively. By fostering a legal landscape that respects and rewards creative expression, society can ensure the continued proliferation of innovation and artistic diversity.

Unauthorized Access and Reproduction

Digital theft, especially concerning copyright violations, poses a significant challenge in today's digital world. Fundamentally, digital theft involves unauthorized access, reproduction, distribution, or use of copyrighted works without obtaining permission from the rights owners.¹⁰ Unlike traditional theft, which involves the physical removal of property, digital theft encompasses the creation of perfect duplicates of digital content. This characteristic allows for widespread dissemination of such material without physically depriving the original owner of possession. Consequently, this inherent quality of digital media renders it exceptionally vulnerable to unauthorized exploitation, raising significant concerns for creators and rights holders alike.¹¹

Several key facets define the phenomenon of digital theft in relation to copyrighted material. The ease of reproduction stands as a primary characteristic; digital files can be duplicated rapidly and efficiently, maintaining their original quality. This simplicity in the reproduction process facilitates the unauthorized replication of content, making it relatively easy for individuals to create and distribute copies without regard to ownership rights.¹² Moreover, the scalability of distribution offered by the internet allows for global dissemination of digital content with minimal effort and financial cost. The potential reach of a single unauthorized copy can extend to millions of users, amplifying the impact of such actions on the creative industries.

Further complicating the issue are the elements of anonymity and the difficulty associated with tracking infringers in the digital realm. The online environment frequently provides individuals engaged in digital theft with a considerable degree of anonymity, hindering rights holders from identifying and pursuing those who infringe on their copyrights. Additionally, the intricacies of digital content can blur the lines between personal use, fair use,

⁸ Mark S. Nadel, *How Current Copyright Law Discourages Creative Output: The Overlooked Impact of Marketing*, Berkeley Technology Law Journal, 2004, Vol. 19:2, pp. 824.

⁹ University of Michigan Library, "Copyright Basics: Copyrightability.", Copyright Basics, <https://guides.lib.umich.edu/copyrightbasics/copyrightability> (Last visited April 24, 2025).

¹⁰ Sruti Bansal, Dr. Neha Saxena, *Digital Copyright Infringement: Challenges Under The Information Technology Act, 2000*, Volume: 2, Issue: 1, 2024, Alliance Journal of Intellectual Property Law (AJIPL).

¹¹ L.T.C. Harms, *WIPO Guide on Managing Intellectual Property for Publishers*. 4th Edition, World Intellectual Property Organization (WIPO). (2018). https://www.wipo.int/edocs/pubdocs/en/wipo_pub_791_2018.pdf (Last visited April 24, 2025).

¹² Committee on Intellectual Property Rights in the Emerging Information Infrastructure, National Research Council. (2000). *The Digital Dilemma: Intellectual Property in the Information Age*. National Academies Press. <https://www.cs.yale.edu/homes/jf/DigitalDilemma.pdf> (Last visited April 24, 2025).

and outright infringement.¹³ This ambiguity often leads to unintentional violations, as individuals may not fully understand the legal boundaries surrounding the use of copyrighted materials in a digital context.

Digital theft manifests itself in various forms, presenting a broad spectrum of illegal activities. For instance, illegal downloading involves acquiring unauthorized copies of music, films, software, or other copyrighted works from the internet. Similarly, unauthorized file sharing encompasses the distribution of copyrighted material through peer-to-peer networks or other online platforms, further exacerbating the issue.¹⁴ Illegal streaming represents another significant concern, wherein users gain access to copyrighted content via unauthorized streaming services or websites. Additionally, the evasion of technological protection measures, such as digital rights management systems, underscores the ongoing struggle between content owners and individuals attempting to circumvent these protections.¹⁵ Commercial piracy, involving the reproduction and distribution of copyrighted materials on a large scale for profit, poses an additional threat to the integrity of creative industries.

The prevalence and ease of digital theft present a considerable threat to the economic models that underpin the creation and distribution of artistic works such as music and film. This persistent issue not only undermines the financial viability of these industries but also raises critical ethical questions regarding the respect for creators' rights and the overarching value of intellectual property in the digital age.¹⁶ As digital content continues to evolve and proliferate, addressing the challenge of digital theft remains paramount to safeguarding the rights and interests of creators in a rapidly changing landscape.

Legal Frameworks for Copyright Protection in the Music and Movie Sectors

In India, copyright protection for music and film is mainly governed by the Copyright Act of 1957 and the Copyright Rules of 1958, which aim to protect the rights of creators of original works, including films, sound recordings, and artistic compositions.¹⁷ The act has undergone various amendments since its inception, reflecting the changing landscape of media and technology.

Central to the Copyright Act, 1957 are several key provisions that delineate the scope and extent of copyright protection. Works that can be protected by copyright include original creations in literature, drama, music, and art, along with films and audio recordings.¹⁸ Significantly, it expands the scope of what constitutes literary works to encompass computer programs, acknowledging the changing landscape of creative expression in the digital age.

The Act also details the specific rights granted to the copyright holder. These rights encompass, but are not limited to, the ability to reproduce the work, distribute copies to the public, publicly perform the work, create films or audio recordings, make adaptations, and conduct translations.¹⁹ In the context of musical works, these rights further encompass public performances and arrangements. For cinematograph films, the rights extend to making copies, selling or hiring, and communicating the film to the public.

Additionally, Section 17 creates a presumption of ownership by identifying the author of a work as its initial owner. However, there are exceptions to this rule; for example, if a work is produced as part of employment, the

¹³ Sangharsh Pandey, *Changing Mechanisms in Copyright Ontology: Digital Rights Management*, Manupatra, <https://www.manupatra.com/roundup/328/Articles/digital%20rights%20management.pdf> (Last visited April 24, 2025).

¹⁴ Dr. V.K.Ahuja, *Law of Copyright & Neighbouring Rights, National & International Perspectives*, p.257, LexisNexis Butterworths, 2007

¹⁵ Kanchana Kariyawasam, Royal Raj Subburaj, Importance of the doctrine of digital exhaustion in copyright law, *International Journal of Law and Information Technology*, Volume 33, 2025, eaaf009, <https://doi.org/10.1093/ijlit/eaaf009> (Last visited May 01, 2025).

¹⁶ Tomczyk, Łukasz. 2021. "Evaluation of Digital Piracy by Youths" *Future Internet* 13, no. 1: 11. <https://doi.org/10.3390/fi13010011>, (Last visited April 28, 2025).

¹⁷ Supra 4.

¹⁸ Sec. 13 of the Copyright Act, 1957.

¹⁹ Sec. 14 of the Copyright Act, 1957.



employer may claim ownership unless there is a specific agreement in place.²⁰ In the case of cinematograph films and sound recordings, the producer is usually identified as the first owner.²¹

The Act also addresses copyright infringement in Section 51, defining the circumstances under which copyright infringement occurs. It specifies that any person who engages in acts reserved for the copyright owner without appropriate authorization is in violation of copyright law. This includes activities such as permitting a public venue to communicate the work for profit, selling or hiring infringing copies, or importing infringing copies into India.²²

In contrast, Section 52 delineates certain instances where the use of copyrighted material does not constitute infringement, commonly referred to as "fair dealing." This encompasses allowed uses for personal reasons, academic research, critique or evaluation, reporting on current affairs, and educational purposes under specific conditions. The judiciary has interpreted the concept of fair dealing in cases such as *Civic Chandran v. Ammini Amma*,²³ where the court assessed various factors, including the significance and purpose of the usage, as well as its impact on the market value of the copyrighted material.

Civil remedies for copyright infringement are articulated in Chapter XII, encompassing Sections 54 to 62. Section 55 details the remedies that can be sought, such as injunctions to stop ongoing infringement, financial damages for losses suffered, and a report on the profits made by the infringing party. Furthermore, Section 62 assigns jurisdiction to the District Court where the copyright owner resides or conducts business, thereby facilitating access to legal recourse.

Chapter XIII addresses the criminal offenses associated with copyright infringement, with Section 63 prescribing penalties, including imprisonment for a term not less than six months (extendable to three years) and fines starting at fifty thousand rupees (capable of reaching two lakh rupees). Enhanced penalties are also stipulated for repeat offenders under Section 63A, and Section 64 empowers law enforcement to seize infringing copies without a warrant in specified situations.

Significant case law has further shaped the interpretation and application of copyright protections within India. In the case of *R.G. Anand v. Deluxe Films*,²⁴ established that while there is no copyright in ideas themselves, copyright subsists in their expression. The court underscored that for a claim of copyright infringement in cinematographic and literary works to be substantiated, the similarities must be both fundamental and substantial in the mode of expression utilized.

In *Eastern Book Company v. D.B. Modak*,²⁵ the Supreme Court clarified the copyright status of law reports, highlighting the distinction between the original work of the author, such as the judge's judgments, and the editorial enhancements performed by publishers. The court determined that, although original judgments may reside in the public domain, the editorial effort involving skill and judgment in selection, arrangement, and formatting warrants copyright protection.

Additionally, the case of *Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Association*,²⁶ has contributed to clarifying copyright considerations for musical works incorporated into cinematographic films. The Supreme Court affirmed that the copyright in musical works remains intact when integrated into

²⁰ Naik Naik & Co. (2025, February 19). "Authorship vs. Ownership of Work under the Copyright Act: What is the Difference?" Naik Naik & Co., <https://naiknaik.com/2025/02/19/authorship-vs-ownership-of-work-under-the-copyright-act-what-is-the-difference/> (Last visited May 02, 2025).

²¹ *Saregama India Limited v. Vels Film International Limited & Ors.*, CS(COMM) 38/2025 & I.A. 1021/2025, I.A. 2163/2025, Delhi High Court.

²² Seth, K. (2013, February). *Protecting copyright in the cyberspace*. Karnika Seth - Cyberlawyer & Expert, <https://www.karnikaseth.com/protecting-copyright-in-the-cyberspace.html> (Last visited May 02, 2025).

²³ 16 PTC 329 (Kerala), 1996.

²⁴ 1978 AIR 1613.

²⁵ AIR 2008 SUPREME COURT 809.

²⁶ 1977 AIR 1443.

cinematographic films, reinforcing the legal protection afforded to composers and creators within the intricate landscape of copyright law in India.

International Copyright Treaties and Conventions

The increasing ease of cross-border digital dissemination necessitated by the internet underscores the critical role of international cooperation in ensuring adequate copyright protection. Several pivotal international treaties and conventions have been established to harmonize copyright laws across disparate national jurisdictions and facilitate the global safeguarding of intellectual property rights.

The Berne Convention, a foundational treaty dating back to 1886, articulates fundamental principles of copyright protection. This encompasses the principle of automatic protection, which states that copyright is granted automatically as soon as a work is created, without the necessity for formal registration.²⁷ Furthermore, the principle of national treatment mandates that each member country extend the same copyright protection to foreign authors as it grants to its nationals. The Convention also establishes minimum standards for the scope and duration of copyright protection, thereby providing a baseline for national copyright laws.

Addressing the specific challenges posed by the digital environment, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), adopted in 1996 under the aegis of the WIPO, represent significant advancements in international copyright law. The WCT provides copyright protection to computer programs and databases, recognizing their increasing importance in the digital age. It also clarifies the applicability of copyright to digital works and their communication to the public online, addressing issues such as digital transmission and access.²⁸ Complementarily, the WPPT grants performers and producers of phonograms (sound recordings) specific rights within the digital sphere, acknowledging their contributions to creating and disseminating music and sound-based works.²⁹

The TRIPS Agreement, overseen by the World Trade Organization (WTO), establishes minimum criteria for the protection and enforcement of various intellectual property rights, including copyright, applicable to all member nations.³⁰ It includes provisions for both civil and criminal enforcement, enhancing global mechanisms to combat copyright infringement. These international agreements collectively furnish a framework for cross-border copyright protection, fostering collaboration among nations in their efforts to combat digital piracy and influencing the evolution of national copyright legislation towards greater coherence and efficacy in the digital era.

In response to the escalating challenges posed by digital piracy, numerous countries have enacted specific legislation or amended existing copyright laws to address online infringement directly. These legal measures often concentrate on critical areas such as Digital Rights Management (DRM), Online Service Provider (OSP) Liability, and the implementation of robust Anti-Piracy Measures.

Legislation concerning Digital Rights Management (DRM) frequently aims to prohibit the circumvention of technological safeguards employed by copyright holders to control access to and utilization of their digital works.³¹ A notable example of this type of legislation is the Digital Millennium Copyright Act (DMCA) in the

²⁷ "Summary of the Berne Convention for the Protection of Literary and Artistic Works (1886)." World Intellectual Property Organization (WIPO)., https://www.wipo.int/treaties/en/ip/berne/summary_berne.html (Last visited May 02, 2025).

²⁸ "WIPO Copyright Treaty (WCT)." World Intellectual Property Organization (WIPO)., <https://www.wipo.int/treaties/en/ip/wct/> (Last visited May 02, 2025).

²⁹ "WIPO Performances and Phonograms Treaty (WPPT)." World Intellectual Property Organization (WIPO)., <https://www.wipo.int/treaties/en/ip/wppt/> (Last visited May 02, 2025).

³⁰ "TRIPS Agreement - Introduction." World Trade Organization (WTO)., https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm (Last visited May 02, 2025).

³¹ Adv. Asma Athar Lokhade, Shirodkar Dinesh Gangadha & others, *The Role of Digital Rights Management (DRM) in Modern Copyright Law*. International Journal of Emerging Technologies and Innovative Research, Volume 3, Issue 11, November 2023, <https://iciset.in/Paper2648.pdf> (Last visited May 02, 2025).



U.S., which has laws that make it illegal to bypass technological protections meant to safeguard copyrighted content.³²

Legislation regarding Online Service Provider (OSP) Liability creates guidelines for the responsibility of online intermediaries—like internet service providers, hosting services, and social media sites—concerning copyright violations carried out by their users.³³ These legal frameworks often incorporate "safe harbour" provisions, which can shield OSPs from liability provided they undertake specific actions,³⁴ such as implementing and adhering to notice-and-takedown procedures for the expeditious removal of infringing content upon notification by copyright holders.

Furthermore, some legal systems have implemented Anti-Piracy Measures that specifically target online activities associated with copyright infringement, such as the operation of illegal file-sharing platforms or the large-scale distribution of counterfeit digital content.³⁵ These laws may prescribe more stringent penalties for digital copyright infringement, particularly when such activities are undertaken for commercial gain, reflecting the significant economic impact of online piracy on the music and movie industries. The legal landscape about digital copyright infringement remains dynamic, continually evolving as lawmakers grapple with the complexities introduced by emergent technologies and shifting online behaviors.³⁶ The interpretation and enforcement of these evolving laws are subjects of ongoing legal discourse and development, reflecting the persistent need to adapt legal frameworks to the realities of the digital age.

The music industry has occupied a central position in the ongoing struggle against digital copyright infringement since the widespread adoption of the internet. The inherent ease with which digital music files can be replicated and disseminated online has fostered pervasive piracy, presenting substantial challenges for artists, record labels, and other stakeholders in the music ecosystem. Numerous illustrative examples and significant case law underscore the diverse manifestations of digital music piracy and the corresponding legal responses aimed at addressing these infringements.

The emergence of Peer-to-Peer (P2P) file-sharing networks like Napster, Kazaa, and Limewire in the late 1990s revolutionized music distribution, allowing users to share files directly without copyright authorization. This led to widespread copyright infringement and significant losses for the music industry. The case *A&M Records, Inc. v. Napster, Inc.*³⁷ established legal accountability for P2P services in cases of copyright infringement. Despite the decline of these networks, illegal downloading still poses challenges, as seen in the *Capitol Records, LLC v. ReDigi Inc.*³⁸ case, where the court ruled that reselling legally purchased digital music constituted copyright infringement due to unauthorized reproduction.

Unauthorized streaming platforms significantly contribute to digital music piracy, providing access to copyrighted music without proper licenses or compensation to rights holders. The case of *UMG Recordings, Inc. v. MP3.com*,³⁹ illustrates this issue, as the court ruled that MP3.com's service, which allowed users to stream music linked to

³² *The Digital Millennium Copyright Act*, U.S. Copyright Office. U.S. Copyright Office. <https://www.copyright.gov/dmca/> (Last visited May 03, 2025).

³³ Adeyemi, Adebola, *Liability and Exemptions of Internet Service Providers (ISPs): Assessing the EU Electronic Commerce Legal Regime* (February 5, 2018). Computer and Telecommunications Law Review, Vol 24, Issue 1, 2018, pg 6 - 12, <https://ssrn.com/abstract=3172732>, (Last visited May 03, 2025).

³⁴ P. Himaja Sree Reddy, *Intermediary Liability and Safe Harbour Laws: Striking A Balance in the Digital Age*, Vol. 2 Issue 3, Journal of Legal Research and Juridical Sciences, 2023.

³⁵ *Copyright and Anti-Piracy*. Rouse, <https://rouse.com/services/brand-protection-anti-counterfeiting-anti-piracy-and-enforcement/copyright-and-anti-piracy> (Last visited May 03, 2025).

³⁶ Manjramkar Nagraj Namdevrao, *The Evolving Landscape of Digital Copyright In The Streaming Era: Challenges and Solutions*, International Journal of Global Research Innovations & Technology (IJGRIT), Volume 01, No. 04, October-December 2023, pp 37-43.

³⁷ 239 F.3d 1004 (9th Cir. 2001).

³⁸ No. 16-2321 (2nd Cir. Dec. 12, 2018).

³⁹ 92 F. Supp. 2d 349 (2000).



physical CD ownership, still constituted copyright infringement. These examples highlight the ongoing legal challenges in combating digital music piracy.

Challenges in Combating Digital Copyright Infringement

Despite the established legal frameworks and sustained enforcement efforts, the battle against digital copyright infringement within the music and movie sectors remains a formidable and multifaceted challenge. Several interconnected factors contribute to the enduring complexity of this issue.

The global and borderless nature of the internet fundamentally complicates the enforcement of national copyright laws. The ease with which individuals can access and share copyrighted material across geographical boundaries means that infringing activities often fall outside the jurisdictional reach of the national legal systems.⁴⁰ While international cooperation through treaties and agreements is crucial, the practicalities of coordinating investigations and enforcement actions across different legal regimes can be complex, time-consuming, and subject to varying national priorities and legal procedures.

The inherent ease and low cost of digital copying and distribution further exacerbate the problem. Unlike physical media, digital content can be duplicated and disseminated almost instantaneously and at negligible cost. This facilitates the creation and widespread sharing of unauthorized copies on an unprecedented scale, often without any direct financial outlay for the infringing user.⁴¹ This ease of reproduction and dissemination makes it significantly more challenging to control the spread of copyrighted material compared to the pre-digital era.

The potential for anonymity and the difficulty of identification in the online environment provide a shield for many engaged in digital piracy. While IP addresses can be traced, technically proficient users can employ Virtual Private Networks (VPNs) and other anonymization tools to mask their identities and locations, hindering the efforts of rights holders and law enforcement agencies to identify and pursue infringers.⁴²

The sheer scale of infringement in the digital realm presents an overwhelming challenge. The vast quantities of digital content being created, shared, and consumed online make it practically impossible for rights holders to effectively monitor and pursue every instance of unauthorized use.⁴³ The sheer volume of infringing activity often surpasses the available enforcement resources, necessitating strategic prioritization rather than comprehensive policing. The continuous evolution of technologies and methods of infringement requires a constant adaptive response from rights holders and law enforcement agencies. As new technologies emerge, so do novel methods of circumventing copyright protection and distributing infringing content, ranging from sophisticated circumvention tools to illicit streaming services and decentralized file-sharing systems.⁴⁴ This technological arms race demands ongoing investment in detection and prevention strategies.

The significant variations in legal frameworks and enforcement capabilities across different countries create a fragmented global landscape for copyright protection. Discrepancies in copyright laws, the strength of enforcement agencies, and the penalties for infringement can create loopholes and safe havens for infringers operating across borders, making international legal action more complex and less effective. Public perception and attitudes towards copyright play a crucial role in the prevalence of digital piracy. Varying levels of understanding regarding copyright law and the economic impact of infringement, coupled with a sometimes-prevailing attitude that digital content should be freely accessible, contribute to the challenge. Shifting these attitudes through education and awareness campaigns is a long-term endeavor requiring sustained effort.

⁴⁰ Rohina Malik, Beenish Aslam Shaikh, *Adapting Copyright Law for the Digital Age: A Global Challenge*, Pakistan Journal of Law, Analysis and Wisdom, Volume No. 3, Issue No. 9, September 2024.

⁴¹ Litman, Jessica D. *Digital Copyright*. 2nd ed. Amherst, N.Y.: Prometheus Books, 2006.

⁴² *The Power of Virtual Private Networks (VPN) in Privacy Protection*. Information Security at Washington University in St. Louis. <https://informationsecurity.wustl.edu/the-power-of-virtual-private-networks-vpn-in-privacy-protection/> (Last visited May 03, 2025).

⁴³ Keerthivasan, *Copyright And Social Media: Examining Infringement And User Rights In Video Content In India*, International Journal of Creative Research Thoughts (IJCRT), Volume 12, Issue 11 November 2024

⁴⁴ Maayan Perel & Niva Elkin-Koren, *Accountability in Algorithmic Copyright Enforcement*, 19 STAN. TECH. L. REV. 473 (2016), pp 497.



The increasing adoption of cloud storage and decentralized platforms introduces new complexities for copyright enforcement. Infringing content can be stored privately within cloud accounts or shared through encrypted channels on decentralized networks, making detection and access significantly more difficult for rights holders and enforcement agencies compared to traditional web-based platforms.

Finally, the burgeoning field of Artificial Intelligence (AI), particularly generative AI models capable of creating original music, images, and videos, introduces novel and complex copyright challenges.⁴⁵ The training of these AI models often involves the use of vast datasets of copyrighted material, raising fundamental questions about fair use, the potential for derivative works, and the attribution and ownership of AI-generated content. This nascent area of technological development necessitates careful legal consideration and the potential adaptation of existing copyright frameworks.

CONCLUSION

Digital theft, particularly through copyright infringement, presents a significant threat to the music and movie industries. The digital revolution has opened up new avenues for content creation but has also fostered widespread unauthorized reproduction and distribution of protected works. This dynamic landscape highlights the importance of understanding copyright laws and the challenges posed by online piracy, including recent developments in illegal streaming and AI-generated content. The legal frameworks at both national and international levels strive to protect creators' rights while grappling with the complexities of enforcement in a borderless online environment.

Looking ahead, the future of copyright in the digital age will be shaped by ongoing technological innovations, evolving legal frameworks, and shifts in content consumption patterns. Balancing the protection of creators' rights with the need for an accessible digital culture is essential for policymakers, rights holders, technology providers, and consumers. As new forms of digital theft emerge, it becomes increasingly critical to adapt and reinforce copyright protections to ensure a sustainable and vibrant digital landscape.

⁴⁵ Hutson J. The Evolving Role of Copyright Law in the Age of AI-Generated Works. *Journal of Digital Technologies and Law*. 2024;2(4):886-914. <https://doi.org/10.21202/jdtl.2024.43>. EDN: SHDUEF, (Last visited May 03, 2025).