



# ILE

INTELLECTUAL PROPERTY AND  
CORPORATE LAW REVIEW

VOLUME 3 AND ISSUE 1 OF 2024

INSTITUTE OF LEGAL EDUCATION



ILE INTELLECTUAL PROPERTY  
AND CORPORATE LAW REVIEW  
'INTELLECTUAL WILL PREVAIL'

## ILE INTELLECTUAL PROPERTY AND CORPORATE LAW REVIEW

APIS – 3920 – 0008 | ISSN – 2583 – 6153

(Free Publication and Open Access Journal)

Journal's Home Page – <https://ipclr.iledu.in/>

Journal's Editorial Page – <https://ipclr.iledu.in/editorial-board/>

Volume 3 and Issue 1 (Access Full Issue on – <https://ipclr.iledu.in/category/volume-3-and-issue-1-of-2024/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

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## THE LEGAL INTRICACIES OF COPYWRONG IN THE DIGITAL AGE

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**BEST CITATION** – MELYNDA J, THE LEGAL INTRICACIES OF COPYWRONG IN THE DIGITAL AGE, *ILE INTELLECTUAL PROPERTY AND CORPORATE LAW REVIEW*, 3 (1) OF 2024, PG. 60-66, APIS – 3920 – 0008 | ISSN – 2583–6153.

### ABSTRACT

*In the digital age, the pervasive issue of copyright infringement, colloquially referred to as "copywrong," presents significant challenges for content creators. This research delves into the complexities of copywrong within the digital landscape, where the ease of content sharing has led to widespread misconceptions about content ownership. By analyzing factors contributing to these misconceptions and the resultant impact on creators, this study seeks to identify the underlying influences driving copywrong behaviors. Additionally, it aims to propose strategies to mitigate the negative effects of these behaviors on both creators and the broader digital ecosystem.*

**Key words:** copyright infringement, digital age, content creation, content distribution, content ownership, copywrong

### INTRODUCTION

This is an important area which actually explains with infringements of copyright majorly called as "copywrong" and the valid exceptions to copywrong.<sup>128</sup> Usually, infringing copies which are made and then sold for profit excluding the owner/author and performer. In such situations, it is also necessary to know where to find the remedies. Due to the increased area for the advanced technologies in the fastest prevailing world, copying one's content becomes very difficult to notice and to trace as much as it's nearly impossible to trace as much as become nearly impossible to prevent the all matters and information spreading in a fraction of seconds. In this technical era, copyright protection becomes very difficult. In the absence of any settled provisions even under the Intellectual property Act, 1970, recourse to case law has become unavoidable. Copywrong is not a formally recognized legal term as if now.<sup>129</sup> It's a

colloquial or informal area that's been used in discussions about copyright infringement, particularly in the digital age.<sup>130</sup> It's used to address the frustration and the injustice experienced by the producers whose work is used without proper authorization or compensation or recognition.

Copyright infringement is the legal term for using copyrighted material without their consent. This involves distributing, copying, performing, displaying or even creating the authorized work of enormous work done by the producers/creators. It's a violation of the legal rights granted to the copyright holder. Copywrong is not a easy topic to understand and learn online. In simple words, It arises when there's copyright infringement made by any persons, consumer, producer, artists other than the person who really did those enthused works done by their schedule and work because some people completely rely on their works and jobs but some people get those

<sup>128</sup> J Dittmann and F Nack, 'Copyright - Copywrong' (2000) 7 IEEE MultiMedia 14.

<sup>129</sup> Susan Sell and Christopher May, 'Moments in Law: Contestation and Settlement in the History of Intellectual Property' (2001) 8 Review of International Political Economy 467.

<sup>130</sup> '(PDF) Protection of Digital Contents under Indian Copyright Law in the Light of International Conventions' (*ResearchGate*) <[https://www.researchgate.net/publication/366291272\\_Protection\\_of\\_Digital\\_Contents\\_under\\_Indian\\_Copyright\\_Law\\_in\\_the\\_Light\\_of\\_International\\_Conventions](https://www.researchgate.net/publication/366291272_Protection_of_Digital_Contents_under_Indian_Copyright_Law_in_the_Light_of_International_Conventions)> accessed 22 August 2024.

infringed that causes frustrations and leading to some problems. Copywrong is also called as or popularly named as such copyright infringement, digital piracy, intellectual property theft, fair use,<sup>131</sup> digital rights management and content/music piracy and much more. Now under this article we'll discuss about the impact of copywrong in the digital age.<sup>132</sup>

***“Le piratage numérique est un vol de la créativité. Il prive les artistes de leur juste récompense et nuit à l’innovation”*** which means Digital piracy is a theft of creativity. It deprives of artists of their rightful reward and harms innovation.

#### CONTEXTUAL BACKGROUND

The paper attempt to highlights the conventional ideas about our topic copywrong, the concept of copyright infringement or digital piracy has evolved significantly from it's historical events. The first modern copyright law, the Statute of Anne(1710),marked a central shift by telling authors exclusive rights to their works for a shorter time, a response to the widespread copying by printing press. This law aims to balance both authors and public, allows accessing to literacy works. Through 19<sup>th</sup> and 20<sup>th</sup> centuries, the rise of media such as photography, audio recordings and film necessary for copyright laws. The Berne convention for the Protection of Literacy and Artistic works(1886) was the landmark International treaty that says the principle of national treatment and signifying a global effort to harmonize laws of copyright.<sup>133</sup>

In present, the paper our digital age has brought unprecedented challenges and transforming in the realm of copywrong.<sup>134</sup> The

Internet's rapid increase in late 20s and early 21s facilitated easy and widespread of unauthorized digital content. Peer-to-peer networks like Napster which emerges in 1999 and revolutionize how music was distributed leading to efficient legal battles and arising awareness about content piracy.In response, legislation like DMCA in the US(1998) and EU Directive on copyright in Digital Single market(2019) addressing content copywrong. Balancing the rights of content creators with public access remains a central issue, with debates educational exceptions, fair use,<sup>135</sup> length of copyright terms.<sup>136</sup>

We can expect in the future that overabundance of AI(Artificial Intelligence) and advanced technologies evolving legal frameworks to shape the landscape copywrong. Artificial intelligence and machine intelligence are composed to become a significant factor, using AI generated content complex questions about ownership and protection. Legislation only need flexible and responsive media and technology innovations that copyrights protections. International cooperation will be crucial that robust enforcement mechanisms. Balancing the protection of intellectual property with the need of public access and cultural preservation will be efficient and challenge in the evolution of copyright in digital age.<sup>137</sup>

#### OBJECTIVES

Protecting Intellectual Property Rights (IPR) is crucial for fostering innovation and creativity by ensuring fair compensation for creators, thereby incentivizing cultural and technical advancement. Effective management of unauthorized use and distribution of data, through mechanisms like Digital Rights Management (DRM), is essential to combat

<sup>131</sup> Sayed Quadrat Hashimy, 'The Doctrine of Copyright Exhaustion in Software Under Indian Copyright Act: A cursory Glance' (2022) 4 Indian Journal of Law and Legal Research 1.

<sup>132</sup> Sayed Quadrat Hashimy and M Suresh Benjamin, 'The Convolution of Artificial Intelligence and Intellectual Property Rights' (2023) 6 3891.

<sup>133</sup> Walter G Park, 'The Copyright Dilemma: Copyright Systems, Innovation and Economic Development' (2010) 64 Journal of International Affairs 53.

<sup>134</sup> '(PDF) Copyright or Copyleft: Copyright or Copywrong: What Is the Dichotomy?' ResearchGate <[https://www.researchgate.net/publication/368683648\\_Copyright\\_or\\_Copyleft\\_Copyright\\_or\\_Copywrong\\_What\\_is\\_the\\_Dichotomy](https://www.researchgate.net/publication/368683648_Copyright_or_Copyleft_Copyright_or_Copywrong_What_is_the_Dichotomy)> accessed 22 August 2024.

<sup>135</sup> Sayed Quadrat Hashimy, 'Comparative Insights Into Copyright Disclaimers of the United States and India' (2024) 1 170.

<sup>136</sup> '(PDF) The Doctrine of Copyright Exhaustion In Software Under Indian Copyright Act: A cursory Glance' ResearchGate <[https://www.researchgate.net/publication/361887365\\_The\\_Doctrine\\_of\\_Copyright\\_Exhaustion\\_In\\_Software\\_Under\\_Indian\\_Copyright\\_Act\\_A\\_Cursory\\_Glance](https://www.researchgate.net/publication/361887365_The_Doctrine_of_Copyright_Exhaustion_In_Software_Under_Indian_Copyright_Act_A_Cursory_Glance)> accessed 22 August 2024.

<sup>137</sup> Janice Rourke Hugener, 'Copyrights in Cyberspace: A Year in Review' (2014) 70 The Business Lawyer 289.

content piracy and ensure compliance with copyright laws. Balancing access and control involves protecting legitimate user rights while maintaining accessibility. Adapting to technological changes requires evolving legal frameworks and addressing intermediary liability to safeguard creators' content from infringement. International harmonization through global standards and trade agreements offers uniform protection and trade practices across borders. Additionally, public awareness and education are vital for promoting understanding and encouraging legal consumption, which is key to addressing and mitigating creators' frustrations with copyright issues.

#### RESEARCH PROBLEM

The availability of free, pirated online content significantly impacts consumer spending on legally purchased digital content by creating several issues. Revenue loss is a major concern, particularly in the music industry, where piracy leads to substantial financial setbacks for both businesses and associated sectors. Additionally, piracy undermines legitimate streaming services by diverting potential subscribers away from paid models, thereby disrupting their business strategies.<sup>138</sup> Content creators, such as bloggers and vloggers who rely on ad placements for income, also suffer as their revenue streams are diminished by the proliferation of pirated content.<sup>139</sup> Furthermore, the issue of plagiarism arises, as pirated works can be presented as original, thereby infringing on the intellectual property rights of the original creators.<sup>140</sup> These factors collectively contribute to reduced consumer spending on legitimate digital content.

<sup>138</sup> (PDF) Protection of Video Games under Indian and the United States of America Copyright Law' ResearchGate <[https://www.researchgate.net/publication/363001201\\_Protection\\_of\\_Video\\_Games\\_under\\_Indian\\_and\\_the\\_United\\_States\\_of\\_America\\_Copyright\\_Law](https://www.researchgate.net/publication/363001201_Protection_of_Video_Games_under_Indian_and_the_United_States_of_America_Copyright_Law)> accessed 22 August 2024.

<sup>139</sup> Elizabeth J Tao, 'A Picture's Worth: The Future of Copyright Protection of User-Generated Images on Social Media' (2017) 24 *Indiana Journal of Global Legal Studies* 617.

<sup>140</sup> submissionsvbcllr, 'Comparative Insights Into Copyright Disclaimers of the United States and India' (*VBCL Law Review*, 20 April 2024) <<https://www.vbcllawreview.com/post/comparative-insights-into-copyright-disclaimers-of-the-united-states-and-india>> accessed 22 August 2024.

#### RESEARCH

The digital revolution made in this period into unknown access to entertainment and information. This metamorphosis has also given a rise to a new problem named content pirating or theft. This practice provides unauthorized duplication, exploitation and distribution of content to others without the knowledge from the creator or patron leading to factual frustration to the directors.

#### TECHNOLOGY IN PIRACY AND ANTI-PIRACY SWEATS

Technology, the double-edged sword of the digital age, has both eased and conceded the problem with pirating. On the one hand, it has given users with certain tools to fluently replicate or duplicate and they distribute content online. Peer-to-peer training participating networks, streaming platforms have come a channel for appropriated material.<sup>141</sup> also, the increased complication of certain preventative ways has enabled the quality of the content to be participated fleetly and efficiently through millions of websites or bias online. On the other hand, technology provides precious tools for anti-pirated sweats. Digital Rights Management( DRM) systems were enforced or reused to cover copyrighted content by restraining access and operation. Watermarking technology implants unnoticeable into digital content, producing it easier to trace source of appropriated material. Further advanced methodical and machine literacy algorithms can be used to descry and help pirating by relating patterns and tricks in online databases.<sup>142</sup>

#### PIRATING ON DEVELOPING COUNTRIES

Developing countries are majorly come vulnerable to these goods of content/ music pirating. A lack of robust intellectual property( IP) protection fabrics, added with

<sup>141</sup> R Anthony Reese, 'What Should Copyright Protect?' in Rebecca Giblin and Kimberlee Weatherall (eds), *What if we could reimagine copyright?* (ANU Press 2017) <<https://www.jstor.org/stable/j.ctt1q1crjg.7>> accessed 22 August 2024.

<sup>142</sup> Christopher Jensen, 'The More Things Change, the More They Stay the Same: Copyright, Digital Technology, and Social Norms' (2003) 56 *Stanford Law Review* 531.

limited enforcement resource which creates a comfortable terrain for rovers to operate.<sup>143</sup> This ultimately impact the growth of original creative diligence the generators or directors are in need of the profit necessary to invest in product and gift. Likewise, pirating is against profitable development of every country by discouraging the foreign investment in creative sector. transnational companies may be veritably much involved to invest in countries with weak IP protection, as their intellectual property is being at threat of getting stolen. This can limit job creation and technology remove all kind of openings.

#### CASE STUDIES OF ANTI-PIRACY COMPLIANCE

Till date numerous countries and diligence enforced a successful anti-piracy styles and strategies too. The music assiduity, for illustration, has responded to pirating passing through different platforms online like Spotify and Apple Music, offering legal and accessible access to music.<sup>144</sup> These platforms have generated effective quantum of profit for artists and the generators that they earn, while also reducing impulses for pirating in this digital realm.<sup>145</sup>

The film assiduity took a combination of legal and technological measures to combat pirating. Workrooms were being invested heavily in DRM technologies and content encryption. Also they've got legal action against pirating websites and individualities who are involved in this brand violation or copywrong.

#### THE FUTURE OF CONTENT PRODUCT

The future of content product will be a great fat battle but still there are certain measures that could go against pirating. generators will need to acclimatize certain technological areas by developing innovative business ways and assessing certain strategies. Diversifying profit

aqueducts, similar as wares, live performances, and brand hookups, which come decreasingly important for generating fresh plutocrat.<sup>146</sup>

also, there's a growing need on creating high-quality, original content that incorporates with the general cult. As consumers come more concerned, they're formerly ready willing to pay for decoration content that offers a unique and new experience. This shift can help to alleviate the impact of pirating.<sup>147</sup>

In conclusion, content pirating remains patient and complex challenge for the creative diligence. While technology has increased the problem, it has also added precious tools for combating it. By strengthening IP protection, involving further in transnational cooperation, and investing in education and mindfulness shops, we can produce a more accessible and sustainable digital ecosystem in this digital realm.<sup>148</sup>

#### LEGAL DISCOURSE

In the digital age, the notion of "copywrong" has become a critical lens through which the efficacy and fairness of traditional copyright laws are examined. Originally designed in the 18th century to protect creators' rights and incentivize creativity, copyright laws are increasingly challenged by the realities of digital technology.<sup>149</sup> The ease of digital reproduction and distribution has complicated copyright enforcement, making it difficult to control unauthorized use and piracy.<sup>150</sup> Additionally, the global reach of the internet has introduced complex jurisdictional issues, while frameworks like fair use and Creative Commons attempt to balance creator

<sup>143</sup> Amanda Reid, 'Claiming the Copyright' (2016) 34 Yale Law & Policy Review 425.

<sup>144</sup> Shyamkrishna Balganes, 'Causing Copyright' (2017) 117 Columbia Law Review 1.

<sup>145</sup> Jonathan Rubens, 'Copyright in Cyberspace: Sword and Shield in the Dissemination of Online Content' (2015) 71 The Business Lawyer 333.

<sup>146</sup> Jiarui Liu, 'Copyright Reform and Copyright Market: A Cross-Pacific Perspective' (2016) 31 Berkeley Technology Law Journal 1461.

<sup>147</sup> Shyamkrishna Balganes, 'The Normativity of Copying in Copyright Law' (2012) 62 Duke Law Journal 203.

<sup>148</sup> Tianxiang He, 'What Can We Learn from Japanese Anime Industries? The Differences Between Domestic and Overseas Copyright Protection Strategies Towards Fan Activities' (2014) 62 The American Journal of Comparative Law 1009.

<sup>149</sup> Sayed Qudrat Hashimy and Emmanuel Elimhoo Kimey, 'Protection of Digital Contents Under Indian Copyright Law in the Lights of International Conventions' (2022) 5 1302.

<sup>150</sup> Sayed Qudrat Hashimy, 'Copyright or Copyleft: Copyright or Copywrong: What Is the Dichotomy?' (2023) 1 Intellectual Property and Corporate Law Review 1.

protection with public access.<sup>151</sup> However, these laws often fail to address the rapid and widespread sharing of content on platforms such as YouTube and TikTok, where enforcement can be either overly restrictive or insufficiently protective.<sup>152</sup> Critics argue that some copyright practices stifle innovation, limit access to important knowledge, and disproportionately burden smaller creators.<sup>153</sup> Moving forward, it is crucial to reform copyright laws to better align with digital realities, encourage open licensing, strengthen enforcement mechanisms, and promote digital literacy.<sup>154</sup> The ongoing tension between protecting intellectual property and fostering a free exchange of ideas underscores the need for a more adaptable and equitable approach to copyright in the digital era.<sup>155</sup>

#### THE INTRICACIES OF COPYRIGHT AND COPYWRONG

In the digital age, the concepts of copyright and copywrong represent contrasting facets of intellectual property rights, reflecting both the potential and pitfalls of current legal frameworks. Copyright, a legal doctrine designed to protect creators' rights to their original works, aims to incentivize creativity and innovation by granting exclusive rights to reproduce, distribute, and perform their creations. This protection is crucial for fostering artistic and scholarly advancement. However, the digital era has exposed significant flaws in the implementation of copyright laws, often leading to what some term "copywrong."<sup>156</sup> This term critiques the misuse of copyright to excessively restrict access to information and cultural content, stifling creativity and

collaboration.<sup>157</sup> For instance, overly broad copyright claims and aggressive enforcement can hinder the sharing of knowledge and the creation of derivative works that are fundamental to cultural and technological progress.<sup>158</sup> Critics argue that current copyright laws often prioritize the interests of large corporations over individual creators and the public good, leading to a monopolistic control over cultural and educational resources. The result is a landscape where access to information is unduly limited, and the balance between protecting creators' rights and promoting public access is skewed.<sup>159</sup> Thus, while copyright is intended to safeguard creativity, its misapplication in the digital age frequently results in "copywrong," where the laws' implementation impedes rather than promotes innovation and access.<sup>160</sup>

#### RECOMMENDATIONS

To address the challenges of content piracy and copyright infringement effectively, several measures are recommended. Robust copyright protection should include strong encryption, digital signatures, and watermarks, alongside registration with relevant authorities. For enhanced content protection, biometric technology can be utilized to prevent unauthorized copies and track their distribution. Implementing strict access controls will limit the distribution of authorized content online.<sup>161</sup> User education about copyright laws and the consequences of engaging with pirated content is crucial. Employing advanced monitoring and detection tools will help rapidly identify and prevent unauthorized online content.<sup>162</sup> Collaboration with anti-piracy platforms can keep creators engaged and

<sup>151</sup> Sayed Qudrat Hashimy, 'Comparative Insights into Copyright Disclaimers of the United States and India' (2024) 1 Annual International Journal of Vaikunta Baliga College of Law (AIJVBCL) 1.

<sup>152</sup> Jeremy de Beer, 'Making Copyright Markets Work for Creators, Consumers and the Public Interest' in Rebecca Giblin and Kimberlee Weatherall (eds), *What if we could reimagine copyright?* (ANU Press 2017) <<https://www.jstor.org/stable/j.ctt1q1crjg.8>> accessed 22 August 2024.

<sup>153</sup> Hashimy, 'Comparative Insights into Copyright Disclaimers of the United States and India' (n 25).

<sup>154</sup> Adi Libson and Gideon Parchomovsky, 'Toward the Personalization of Copyright Law' (2019) 86 The University of Chicago Law Review 527.

<sup>155</sup> Aryeh L Pomerantz, 'Obtaining Copyright Licenses by Prescriptive Easement: A Solution to the Orphan Works Problem' (2010) 50 Jurimetrics 195.

<sup>156</sup> Meredith L McGill, 'Copyright and Intellectual Property: The State of the Discipline' (2013) 16 Book History 387.

<sup>157</sup> Hal R Varian, 'Copying and Copyright' (2005) 19 The Journal of Economic Perspectives 121.

<sup>158</sup> Sayed Qudrat Hashimy and L Kavitha, 'Claims of Disclaimer in The Dirty Picture, Biopic on Silk or Dancing Star: Dancing to the Beat of Controversy and Indian Copyright Enigmas' (2023) 12 Mukta Shabd Journal 484.

<sup>159</sup> Hashimy, 'Copyright or Copyleft' (n 24).

<sup>160</sup> Danwill D Schwender, 'The Copyright Conflict between Musicians and Political Campaigns Spins Around Again' (2017) 35 American Music 490.

<sup>161</sup> Christopher Buccafusco, 'A Theory of Copyright Authorship' (2016) 102 Virginia Law Review 1229.

<sup>162</sup> Steven J Horowitz, 'Copyright's Asymmetric Uncertainty' (2012) 79 The University of Chicago Law Review 331.

informed about protective measures. Legal action, in cooperation with law enforcement, is essential to prosecute those involved in piracy. Subscription-based services and freemium models offer quality content and exclusive features to subscribers while attracting a global audience.

### CONCLUSION

Content piracy and copyright infringement pose significant threats to the creative industries, undermining economic value, stifling innovation, and disrupting fair competition. While digital technology facilitates widespread content creation and sharing, it also enables the unauthorized dissemination of copyrighted material. To combat these issues, a multi-faceted approach is necessary. Effective deterrence of piracy requires a combination of robust copyright protection, technological advancements, and strong legal frameworks. Promoting a culture of respect for intellectual property, coupled with user education on the impact of piracy, is also essential. By integrating prevention, detection, enforcement, and innovative business models, the creative industries can foster a sustainable ecosystem where creators are properly rewarded and consumers have access to a diverse array of legal content. Ultimately, protecting intellectual property is vital for supporting economic growth, creativity, and a thriving digital environment.

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[on\\_In\\_Software\\_Under\\_Indian\\_Copyright\\_Act\\_A\\_Cursory\\_Glance](https://www.researchgate.net/publication/361887365_The_Doctrine_of_Copyright_Exhausti)> accessed 22 August 2024
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