

## **Copyright Law and the Digital Age: Challenges and Solutions**

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Copyright law is fundamental to protect the intellectual property rights of the creators and acquire their works under protection against the unauthorized use. Essentially, copyright gives a creator exclusive rights to his or her work that includes the right to reproduce, distribute, and innovate. With the evolution of internet, social media platforms and digital technologies, which were not meant to be always keeping up with the dynamism associated with the programmer. However, copyright enforcement problems have become quite complicated due to issues such as digital infringement, online piracy, ease of copying and sharing works without authorization. Digital piracy is one of the major issues in the copyright law in the modern world. The rampant issuing of copyrighted content and artifacts from peer to peer file sharing networks, torrent sites and streaming platforms have made unauthorized distribution of content. The digital reproduction and dissemination of these files, easy to make and distribute, has rendered the work of creators impossible to maintain control over, and all its economic losses. In addition, technological innovation presents problems such as protecting user generated content as well as the liability of the platform. It is an unresolved question whether the platforms that provide hosting space for user uploaded content such as YouTube, Facebook and Instagram should be held liable for content that they host, which goes beyond the scope of the law according to them. In this article, it would help u to study the basic principles of current law on copyright, history of the law, the problems facing the law in our time, and the possible solutions to some of these apparent problems. In this lecture, we will look at exclusives rights provided to creators by copyright laws, number of fair use, the global aspect of copyright enforcement. We will look into case law that influences the scope of copyright and what amounts to a creative work, and also investigate the most recent development techniques that help to the path of a creative work, such as artificial intelligence. Whether you create, write, post, tweet, tweet pictures, design, shoot, scan, edit, copy, distribute, e-mail, listen, record or comment on digital media, you should know about copyright law.

### **Introduction**

Most of the world, as we know it, is driven by creativity, innovation, and free exchange of ideas. And copyright law forms the bedrock of protecting creator's and artists' rights both domestically and globally. Copyright law is put in place to protect Intellectual property of creators and that could be from a book by an aspiring author to a catchy song composed by a musician or a stunning painting by a visual artist. Copyright law gives exclusive rights to the creator to how their works are used, distributed and reproduced so that the original or copyright work can be protected from improper use and exploitation. While its purpose is to balance the interests of creators with that of the public, copyright law is, at its core, an effort to create incentives for people to reward and therefore protect their work from exploitation or appropriation in some manner. On the one hand it rewards the creators for generating new original contribution in the world of art, literature, music including any other fields. It however makes the works public, so that people who can take knowledge, culture and education can access them. This delicate balance between free and unencumbered creativity while maintaining an appropriate governance surrounding access to and benefit from new works for the public here does not always exist. Yet the traditional sense and application of copyright law are being proven in new and unprecedented ways as the world continues to go more and more

digital and start interacting with each other online. Because of the fast rise of internet, social media platforms, and ease of digital content copying, sharing and distribution globally, copyright enforcement has become challenging. With millions of copyrighted works uploaded, shared, and distributed without proper authorization, piracy, unauthorized sharing and digital infringement is rampant. As artificial intelligence and machine learning is currently sweeping the scene, it also brings along certain questions regarding the authorship and ownership of creative works and adds thickets on the copyright law. Furthermore, as businesses, governments and people move innovation into new dimensions, copyright law has to adjust to new situations and it must guarantee the contractors' rights in a world where creativity can be duplicated and share in seconds. In the digital realm, copyright law is seen today as it must be shaped as digital world grows bigger by the day.

## **Evolution of Copyright Law**

The process of copyright law in India has been seen to go through quite a revolution in time, starting from the colonial era and until the present day. The Copyright Act of 1847 was the first copyright law of India which was based on British Copyright law and prohibited from books and printed works only. This was followed by the Copyright Act of 1911 that covered other works including music, art and dramatic pieces as protected. Once India became an independent country in 1947, the fillip was given to introduce a national copyright framework and along those lines the Copyright Act of 1957 was introduced that laid its foundation as an important part of Indian copyright system. In addition to the many things it protected, it introduced moral rights for creators, set the duration of copyright for copyright at the lifetime of the author plus 50 years, and it did all of this. In the 1980s and 1990s, during the implementation of the TRIPS agreement, India also 'up to date' its copyright law with international standard, in 1994, with Copyright (Amendment act) 1994 providing 60 years of copyright protection and stricter anti-piracy measures. The Copyright (Amendment) Act of 2012 further tuned the Copyright law to the modern digital era with provisions pertaining to combating internet piracy, digital rights management and other issues with fair use provisions extended for educational and research purposes. Over the years, India's copyright law has come to balance the protection of digital content with the public access to creative works in the right way.

## **Challenges in Copyright Law**

Copyright law protects the creators, but the situation in the present world is not simple where it can be applied and enforced. Perhaps, however, these challenges are predominantly driven by technology, through the internet, and the emerging one that employs artificial intelligence (AI). These are some of the major problems that the copyright law is facing today.

### **1. Digital Piracy and Online Infringement**

With the advent of the internet, the reproductibility and distribution of creative works (and indeed accessibility) has exploded in terms of pirate activity. On internet, file sharing platform (like sharing movies, music, books and software through torrent website and social media), the unauthorized copying and sharing of copyrighted works is common.

Case Law: Capitol Records, LLC v. Redigi Inc. (2018): This case dealt with Redigi, a platform that allowed users to resell digital music. The court ruled that selling digital music without

permission from copyright holders violated the rights of the creators. The decision underscored how digital technology can facilitate copyright infringement, making enforcement difficult.

Challenges:

- **Ease of Replication:** Unlike physical works, digital files can be copied and shared instantaneously across the globe, making it challenging to track and prevent piracy.
- **Platform Liability:** While platforms like YouTube, Facebook, and Twitter host user-generated content, they can become conduits for widespread infringement. The question arises: should platforms be held liable for user-uploaded content, or should they be protected under laws like the Digital Millennium Copyright Act (DMCA) in the U.S.?

## 2. Fair Use and Ambiguity

The concept of fair use (Section 107 of the U.S. Copyright Act) allows limited uses of copyrighted works without the permission of the copyright holder. Common uses include the Criticism, comment, news reporting, teaching, scholarship, or research. However, determining whether a use is "fair" is often subjective and varies by case, which can create uncertainty for creators and users. Courts consider factors such as, the purpose and character of the use (e.g., commercial vs. educational), the nature of the copyrighted work, the amount and substantiality of the portion used, the effect of the use on the market for the original work.

**Case Law:** *Campbell v. Acuff-Rose Music, Inc.* (1994): The U.S. Supreme Court ruled that a parody could qualify as fair use, even if it was used for commercial purposes. This case clarified the role of parody in fair use and established that transformative works—works that add new meaning or context—may fall under fair use.

Challenges:

- **Subjectivity:** The application of fair use is often debated and requires case-by-case analysis, making it difficult to predict the outcome of litigation.
- **Commercial vs. Non-Commercial:** The line between commercial and non-commercial uses is increasingly blurred in the digital age, particularly with the rise of social media influencers and content creators.

## 3 International Enforcement and Jurisdictional Issues

In the digital age, works often cross national borders. Copyright laws change considerably between countries and enforcement is practically impossible globally with regard to the internet. International treaties, such as the Berne Convention, lay down some kind of a standardization for copyright protection but do not always provide solutions for disagreements between national laws.

**Case Laws:** *Lucasfilm Ltd. v. Ainsworth* (2011): This UK case holding is about the dispute over the ownership of the design of the storm trooper helmets of Star Wars. In effect, it highlighted the barriers to enforcing copyright beyond borders, as the helmet design had been made in the UK, but the copyright ownership lay with a U.S. company.

Challenges:

- **Complications for Enforcement:** A work infringing in one country may be uploaded to another country's server or across the border.
- **Different Duration:** The time period for which copyright exists is different from one law to another. For instance, some countries provide copyright protection for 50 years after the death of the author whereas some others give copyright protection for 70 years.

#### 4. The Rise of AI and Algorithmic Works

This is the era of artificial intelligence and machine learning technologies that start creating works without human intervention and start this through music, visual art and written content. In many jurisdictions, whether the rights to AI-generated works belongs to the author, owner of the underlying IP in the dataset, the institution, the public, or some other parties, remains unsettled.

**Case Law: Thaler v. Perlmutter :** In this case, the question was whether an AI system can be an inventor (2021) United States Patent and Trademark Office. For authorship, say, the issue arises of how only humans can be inventors, and the ruling implies the same with artificial intelligence generated works.

Challenges:

- **Ownership:** Upon what conditions must our AI copyright be registered as belonging to whom? It was the programmer who developed the AI? The user of the AI? The AI itself?
- **No Precedent:** There is no precedent under the law to deal with these types of issues, resulting in gaps in protection of the creators of the AI generated works.

### **Solutions to Copyright Challenges**

#### 1. Strengthening Digital Enforcement Mechanisms

The solution to the issue of digital piracy is to increase the digital enforcement mechanism. These systems like YouTube's content ID automatically identify and manage the content which is already on platforms of Facebook, Instagram and YouTube. The above systems can find and take infringing content down or block people from uploading it. Also, Digital Rights Management (DRM) technologies are used by copyright holders in order to prevent copying and distribution of their works without their permission. Opponents however claim that these technologies can lead to overblocking, that is the removal of or restriction to the lawful uses of copyrighted works (e.g., fair use or commentary).

#### 2. Reforming Fair Use Doctrine

Although the Fair use Doctrine is certainly an important tool to have, there are guidelines that would be beneficial to clear up the ambiguity surrounding it. Unless and until more specific and predictable criteria are generated by legislators and tech industry in collaboration with legal scholars, the wording of the fair use provision could work to their advantage. It might involve giving courts detailed examples that would help them in future cases.

#### 3. International Harmonization of Copyright Laws

Harmonisation of copyright laws around the globe would help in the enforcement of it as cases would be easier to handle and be predictable. There are also different ways that the World Intellectual Property Organization (WIPO) could take the lead in drafting international standards for protection of copyrighted works and processing cross-border cases of infringement. Copyright holders would have an easier time enforcing their rights around the world in countries that aligned with copyright laws that offered similar protections and exceptions.

#### 4. Addressing AI-Generated Works

With growing AI technology, lawmakers will have to confront who is the author and owner of AI generated works. A way out is to set up a framework that acknowledges what AI can and should perform in a creative process but grant rights to those who are the humans. Others have proposed that AI generated works may well slip into the public domain with nobody being the copyright holder. But that could leave AI-generated content too difficult to make a profit from, and therefore discourages the development of the technology further.

### **Conclusion**

Finally, copyright law is an indispensable legal weapon in the protection of the creative works of authors, artists and inventors and of the stimulating of new works into existence and of supporting the development of culture, education and economy in general. Nevertheless, with the evolution of technology particularly digital platforms and artificial intelligence, the copyright law's challenge has become more complex. Compared with more recent form of digital piracy, online infringement and the gray zones of fair use, creating IP protections has been a big hurdle for creators. Additionally, the increase in user-generated content, combined with the presence of AI generated works are among the big questions over who owns, and is responsible for, content that copyright law is not ready for. Yet despite these challenges, there might exist viable solutions to modernize copyright law and fit copyright to modern needs of the digital age. However, more international cooperation with respect to digital piracy on foreign borders is essential; and fair use guidelines could help reduce legal ambiguity and more consistency in enforcement. Moreover, the technological developments like digital rights management (DRM) as well as blockchain can provide real solutions toward proper tracking and digital work protection. Legal reforms towards the accommodation of growing technology and clearer delineation on the obligations of the platforms can make copyright laws to stay relevant and keep them working to protect the rights of the creators. The end of copyright is a matter of how well the law will be able to adapt to new technologies, while ensuring that creators and knowledge and culture enjoy their processes. Copyright law can remain intact by tackling the problems unit by one through sensible reforms, staying in touch with the international community, and finding clever solutions to problems in an increasingly interwoven world.

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