



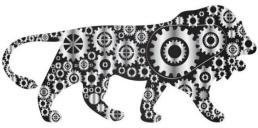
ISSN: 3048-5320 (Online)

# **CSIBER International Journal - CIJ**

Vol 2, Issue 3, July - 2024

# **MULTIDISCIPLIANRY JOURNAL**





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### A Study on Challenges in Copyright in the Digital World with Special Reference to Kolhapur City: A Review

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#### **Abstract:**

Copyright is a category of intellectual property rights. Intellectual property rights Petty rights over intellectual creation. In other words, "copyright" means literary, artistic, dramatic, musical, and other rights granted additional functions due to the author's self-intellectual creation. The rapid proliferation of digital technologies has revolutionized the dissemination and consumption of creative works, posing significant challenges to traditional copyright frameworks. This paper investigates the evolving landscape of copyright in the digital realm, focusing on the unique challenges faced within the context of Kolhapur City, India.

Through a comprehensive literature review and empirical analysis, this study examines the impact of digitalization on copyright enforcement, protection, and infringement. It delves into the intricacies of digital rights management, the rise of online piracy, and the implications of emerging technologies such as artificial intelligence and block chain on copyright law.

Furthermore, this research sheds light on the socio-economic implications of copyright challenges in Kolhapur City, exploring the perspectives of content creators, consumers, and policymakers. By identifying the key obstacles and opportunities in safeguarding intellectual property rights in the digital era, this paper aims to provide insights for policymakers, legal practitioners, and stakeholders in Kolhapur City and beyond.

With the dawn of the twentieth century, revolutionary advancements in technical advancement ushered in new opportunities for the exploitation of copyrighted works. However, it also poses a serious threat. Challenges to the copyrighted work's protection In particular, the arrival of the In the second half of the twentieth century, the Internet and digital technology made it possible. Copyrighted work in the digital or virtual world is difficult to

### Keywords: Copyright, Digital world, Challenges, Intellectual property **Introduction:**

Intellectual property is related to the ownership of intangible objects. Intangible objects are objects that have no physical form or form as opposed to any physical object. For example goodwill, brands, patents, trademarks, trade names and customer lists. And it also includes designs, ideas, signs, writing and creation. It is also related to digital media such as audio and video clips which are accessible through any electronic medium like computer, mobile etc. Since intellectual property is intangible, it can be difficult to recover if it is stolen or copied.

In today's 21st century, the impact of digital technology on information technology on every generation of society is unprecedented. The present millennium sees a new culture that is cyber culture. The life of today's generation is incomplete without the digital world. Their day begins and ends with the digital world. The invention of digital technology was one of the most important revolutions of the last century.

So, when we talk about copyright protection, it comes to our mind that it is usually given to original literary, musical, dramatic or artistic works. But the rise of new technology has given birth to new concepts such as computer programs, databases, payouts, various works on the web.

Copyright is a right granted by law to creators of literary, dramatic, musical and artistic works and to producers of cinematographic films and sound recordings. Copyright is basically the right to copy or reproduce an existing work.

The twenty-first century is an amazing advancement in computerized innovation that improves our lifestyle. Mankind has now entered an age that requires a state-of-the-art technology called the "digital age", with the advent of the Covid-19 technology and digitization more advanced than in previous years.

In today's world of digitalization, this philosophy has emerged in the nineteenth century with the rise of urbanization and industrialization in the world of globalization. But the downside of digitization is that it has given rise to many problems such as cyber crime, software piracy and many other challenges in the digital world. The digital world is very useful for India in every respect. Because whether poor or rich, literate or uneducated, employed or unemployed, the digital world can benefit. As urbanization and digitization grow so fast we can see everyone using mobile phones and computers. Today mobile phone is a very important element of human life, it is like food, clothes etc. essential human needs. Mobile phones are an easy weapon for digital crime.

Any literary or artistic work such as audio, video, drawing etc. on every digital platform. Easily available and also easy to access so anyone can use it for their personal benefit. But this affects the rights of the original creator. It also affects his financial rights. The creator must pay a certain amount for each creative work. Just as physical

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strength is required for any physical work, mental strength is required for any creative work. Therefore, financial benefits are also required.

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The research is aimed at understanding copyright law and social responsibility in a real sense and understanding the challenges of copyright in the digital world and trying to find solutions to such crimes. Researchers are also looking at the status of copyright on digital media in Kolhapur. The researcher is of the opinion that every section of the society needs to be aware of copyright. The aim of the research is to raise awareness of copyright awareness among the general public in Kolhapur city as everyone is using or enjoying the digital world.

The aim of the researcher is to spread awareness about copyright laws as everyone knows about the digital world. As information is readily available on information technology platforms, its misuse is also largely possible. The main component of this study is to learn more about copyright and what are the challenges of copyright in the digital world of Kolhapur city. But according to research studies, copyright crimes are lower in Kolhapur city.

In India, because of COVID-19 disaster the spread or use of digital world is increased as compare to previous years. The COVID-19 came to India in Feb-2020. From 2020 to 2021 which is period of two years there were lockdown in India for many times. In lockdown people were at home for 24 hours so there only source of entertainment or to pass the time only instrument was digital world. So the use of digital media and many other digital platforms have been increased. And also many creators used digital world to express their talent and show their creation through digital media. So their creation should be protected for that copyright act is implied. That's why researcher thought of this topic for the research.

Different developments are taking place in the world according to human needs. The Internet is one of the most important human endeavors to date because in today's age the internet is an essential part of human life. And the fact that the internet is also growing so fast also helps to communicate. So we can say that internet is the fastest growing way of communication. There is no one who has control of the internet. Hence it is sometimes called "information technology and communication chaos".

With the advancement of the Internet and the evolution of industry-based knowledge, a new form of property has emerged that comes from human intellect and enterprise. This new form of property is called intellectual property. Intellectual property is related to the creation of the human mind such as imagination, art, design, creativity, applied art, fine art of new technology. It is a package of rights that can be brought or sold or leased. It also includes copyrights, patents, trademarks, geographical indications and designs.

Intellectual property differs from other forms of property because its value and uses are quite uncertain. It cannot be kept in a safe deposit vault or bank or locked up in a house. It is easily and readily available to the general public and is, therefore, easier to steal. It is a product of intellect. So it is difficult to protect. With the arrival of internet and computers, the works of intellectual property are easily traceable. Computer programs are intellectual property. The evolution of the World Wide Web has led to the registration of a large number of domain names which are a kind of intellectual property. In the field of computer there has been emergence of various general rights. The authors have thus made a general study of various intellectual property rights like trademarks and copyright. Computer database have also been accepted as literary works and are protected under the copyright law. Apart from computer database and computer program there may also exist other literary, musical or artistic work on the internet that can be protected under copyright.

Human beings are the unique creation of God, who carries a brain with inquisitiveness, due to this inquisitiveness man always try to do something different & useful things for the society. These creations of human brain are his solo development of his mind &labour. These developments should be protected by the others. In the Indian traditions & mythology there is a concept of gains of learning for those who do these works as a reward. In modern world India becomes a common law nation that's why its legal system is founded on the basis of Common law Doctrines and Frameworks, due to this, the protection of these developments are also based on Common Law. India enacted Indian Copyright Act 1957 in the light of English enactment.<sup>2</sup>

The intellectual property belongs to the class of incorporeal property as it has no corpus i.e., no physical form. Intellectual property refers to those products that are primarily creations of the mind. Black's Law Dictionary defines 'intellectual property' as a 'category of intangible rights protecting commercially valuable products of the human intellect.' They may be manifested as inventions, literary and artistic works, symbols, names, images and designs used in commerce, protected in law as patents, copyrights, trademarks, industrial designs and others. The Law of Intellectual Property pertains to the legal mysteries behind this universe of ideas.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup>http://hdl.handle.net/10603/100920

<sup>&</sup>lt;sup>2</sup>http://hdl.handle.net/10603/45291

<sup>&</sup>lt;sup>3</sup>http://hdl.handle.net/10603/188175

There are many issues and problems related to the use of digital information. Creating digital or digital copies of content, including text, images, audio and video, is easy; And this digital information can be distributed worldwide via e-mail, electronic bulletin boards, websites and networks.

ISSN: 3048-5320 (Online)

The increasing use of primary and secondary mass storage media made it possible to download, store, display and print. Further, the downloaded documents can be modified or forwarded to others without the knowledge of its rightful owner. In comparison to printed information, electronic information is not so permanent; it is open to modifications, additions, deletions, revisions and manipulations without leaving any resemblance and difficult for detection. Unlike the case of printed materials, close monitoring and restriction of usage of electronic documents is difficult. Digital environment makes the issues related to copyright law a difficult task, as only element in knowledge society has not changed with advent of new technologies.

Currently the technologies that are causing problems for copyright law are related to digital storage and the transmission of works. There are several aspects of this technology that affect copyright law, including:

- I) Ease of Reproduction: Once a work is submitted in digital form, it can be reproduced quickly at low cost and without any loss of quality. Each copy, in turn, can be reproduced without any loss of quality. In this way, a copy of the work in digital format can meet the needs of millions of users. We've seen how compact discs (CDs) with original digital versions of recorded music and sold to consumers in the 80's and 90's have become "masters" with billions of copies being distributed on computers. The Internet in this decade.
- II) Ease of Dissemination: The rise of the global digital network allows for the rapid, global spread of work in digital form. Similar to broadcasting, digital networks allow broadcasts from a single point to multiple individuals (although, unlike broadcasting, digital content does not have to reach each person at the same time). However, digital networks allow each recipient on the network to engage in further dissemination of work, allowing the work to spread geometrically (sometimes called "viral") at an increasing rate. This, combined with the ease of reproducing works, means that a digital copy of the work can be multiplied thousands of times in a few hours worldwide. When transmitted through high-speed transmission lines such as coaxial cable networks or even fiber optic lines, the process becomes even faster and the transmission capacity of works also increases.
- III) Ease of Storage: Digital storage is dense, and it gets denser with each passing year. Ever-increasing quantities of material can be stored in a smaller and smaller amount of space. In the early 1990s, CDs, which can store over 600 megabytes of data, were perhaps the predominant form of digital storage used by commercial pirates for storing entire libraries of computer programs or sound recordings with aggregate retail values in the millions of dollars. Today's popular iPod portable music player can store nearly 70 times that amount (around 10,000 songs) in a device the size of a cigarette pack.

Third and the formidable issue with the current Copyright regime is that Copyright Act provides narrow definition to the copyrighted work. Thus, copyrighted work is not provided with any kind of online protection nor does copyrighted work is being provided online protection through judicial pronouncements. Therefore, if left unresolved, these issues will subvert the intellectual property system.

#### Digital Technology: An impetus to change:

Since nothing is concrete and subject to change, technology has come a long way from analog technology to digital technology. Thus, with the advent of the digital age, users of digital technology are being offered more and more options to record download and transmit high quality data in less time than analog systems. Download and transmit data. Thus, the result will be that more and more copyrighted work will incur infringement at a lower cost and it will be more difficult to prevent.

### History of technological progress and obstacles in copyright law

In the 1980's, analog technology was replaced by digital technology. Sales of analog photographic albums began to decline, and sales of compact discs reached record highs. Thus, the digital form of data transmission is becoming more common than the analog logs of transmission in the form of television, radio and fiber optic cable. And the main reason for such a drastic change in analog transmission in digital transmission is the improvement in quality, lower cost of transmission and higher speed of data transmission and recording.

Copyright law is considered to be the greatest revolution in intellectual property governance, providing protection to the owner of a creation from a possible copy of creative work.

With the owner of the copyrighted work not only being provided protection against possible copying and but also being provided with compensation in the form of damages, in case of violation, copyright law seems to be comprehensive protection that the owner of the copyrighted work needed. However, when the Copyright Act was being framed by the legislature, technology was not so advanced and we didn't entered the digital era. However,

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with the advent of the technology, Copyright Act seems to be lacking in addressing the problems being created by new digital data transmission and technology.

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### Issues in digital era with Copyright Act:

Therefore, with the advent of technology, copyright law faces three major problems and barriers that need to be addressed. The first and foremost problem of copyright law is that in the digital age, online infringement of copyrighted work will become more and more common, and copyright law does not provide effective solutions to deal with such infringement. Violations are difficult to detect online, mainly due to privacy interests and laws, as well as the continued public acceptance of digital copies. Thus, both situations will make copyright law even more difficult to enforce.

Another major problem in the digital age is the proper use of the permissions permitted by copyright law. This law allows copying of work for private use under the rules of fair use. This way, people can copy the copyrighted work for fair use and publish that work online unauthorized; making it even more difficult for copyright law to prevent such unauthorized use.

#### **Review of Relevant Literature**

Here discuss about the references to article researched by researchers, books, research papers. The goal of the review to find gap between previous studies and what is needed for current study.

The researcher received input on their prior study, the concept and methodology employed in the study, and the conclusion derived from the previous study when analyzing the previous study. It was also important to ensure that similar and duplicate work hasn't been done before on the same study.

### Researcher has reviewed following primary literature:

- 1. Newspaper, articles, clipping, and reports that have been published in newspapers. Online news platforms like Times of Express are used while doing this research.
- 2. Available articles from various referred journals evaluated and approved by the researcher during the research process.

### For Example:

### a) Copyright in digital era:

This article is by Nehal Wagale. This article gives very good information about the copyright and it's relation with digital world in today's era. The advancement of digital technology is a masterpiece of the human mind. Technology has opened its doors to a wide range of possibilities in various fields such as media, entertainment, communication, advertising and education. However, easy access to content available on the Internet has caused great concern for copyright infringement. Copyright is the most important intellectual property right that represents the rights of creators for literary and artistic works. It includes works from books, pictures, computer programs, movies, databases and maps. Digitization has made it much easier to copy, replicate and sell the copyright owner's work without his permission, and such infringement is difficult to detect. This poses a serious threat to the rights of copyright owners or creators.<sup>4</sup>

b) T. C. James, "Indian Copyright Law and Digital Technology History of Copyright Law":

It describes various improvements made from time to time. The international community has responded to the challenges of digital technology in the form of WIPO Copyright Treaty (WCT) and WIPO Performers and Phonograms Treaty (WPPT). The major copyright issues in the digital age are identified. It was found that many issues in Indian copyright law are still unresolved. Amendments to the law are suggested to make it compatible with WCT.<sup>5</sup>

- 3. Previous research scholar's thesis and dissertation on the topic relevant to the current research theory. For better study researcher has gone through many research scholars thesis which were available on the internet. Shodhnaga is official website where thesis of scholars are easily available. From this website researcher has taken some thesis for the research.
- 4. Books and their relevant to the topic relating to the current research study. Some of the books used while doing this research are as follows:

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<sup>&</sup>lt;sup>4</sup>https://blog.ipleaders.in/copyright-digital-era/:

<sup>&</sup>lt;sup>5</sup>T. C. James, "Indian Copyright Law and Digital Technology History of Copyright Law." Journal of Intellectual Property Rights Vol 7, September 2002, pp 423-435 <a href="http://docs.manupatra.in/newsline/articles/Upload/040BB5AA-DE9A-4895-AA66-C82590E7BFF2.pdf">http://docs.manupatra.in/newsline/articles/Upload/040BB5AA-DE9A-4895-AA66-C82590E7BFF2.pdf</a>

a) M. K. Sinha, March 2017, Copyright law in the digital world: Challenges and opportunities:

ISSN: 3048-5320 (Online)

The book addresses key issues, challenges and consequences arising from changes in copyright law and the relevant judicial responses. Using concrete examples, the book assumes no prior knowledge of copyright law, but brings together leading intellectual property researchers to consider the important role of copyright law in meeting the needs of the modern digital world. It provides insights into two different areas: copyright and digital media. The exponential growth in the ability to multiply and disseminate information through digital media has led to numerous copyright-related conflicts - and in turn has prompted legislators to expand the scope of copyright protection in the digital age. Given the new questions that the advent of the digital age has posed on the role and function of copyright, the book presents a collection of papers specifically covering new frontiers and changing horizons in this area. The contributions focus on key issues, including the fatigue principle, copyright and digital media, hosting service providers' responsibility, originality requirements, accessibility of published works for the visually impaired, criminalization of copyright infringement, and software protection under copyright law. Containing 14 dissertations, the book will be of equal interest to researchers, policy makers, scholars and legislators, especially those active in the field of intellectual property rights (IPR).

**b)** Copyright Act, 1957

[Amended up to Act 7 of 2017 & copyright rules 2013 amend up to G.S.R. 788 (E) dated 10-08-2016 & all 07-12-2020] This bare act contains laws and regulation which were governing laws.

- c) Information Technology Act, 2000
  - Various provisions related to IT are given under this bare act.
- d) Intellectual Property Act, 2014

This bare act contains sections of Intellectual Property Act.

e) Law relating to intellectual Property

This book is by Dr. B. L. Wadhera. The author of this book has classified various concepts and sections of intellectual property. This book provides very good information relating to the copyright act which was very helpful to the researcher while doing this research study.

#### **Conclusion:**

Although digitalisation has given manufacturers the opportunity to effectively showcase their work and creations, at the same time the concern of violating the rights of owners has also increased. However, despite many efforts, both internationally and nationally, to remove barriers to ensuring copyright protection in the digital sector, much remains to be done. At the national level, there is a need to create awareness among the people, train enforcement agencies and develop appropriate mechanisms to prevent violations. At the international level, it is important to ensure that the provisions and principles enriched under international agreements and conventions are adhered to ensure effective management of copyright protection in the digital world.

In conclusion, this study highlights the multifaceted challenges facing copyright protection and enforcement in the digital landscape, with a specific focus on Kolhapur City. The analysis underscores the need for adaptive legal frameworks and technological solutions to address issues such as online piracy, digital rights management, and the impact of emerging technologies on intellectual property rights.

Research emphasizes the importance of collaboration among stakeholders, including content creators, consumers, legal experts, and policymakers, to develop holistic approaches to copyright protection. By understanding the unique socio-economic dynamics of Kolhapur City and leveraging local insights, tailored strategies can be formulated to safeguard intellectual property rights effectively.

This study contributes to the broader discourse on copyright in the digital age, providing valuable insights and recommendations for navigating the complex challenges posed by digitalization. It serves as a foundation for future research and policy development aimed at fostering innovation, creativity, and respect for intellectual property rights in Kolhapur City and beyond.

There is no right answer to the question of the future Copyright because the future of the Internet is still like that Uncertain, of course, will be the choice we make now Subsequent courses will be affected. Copyright does not make sense to give its holders unique control over their work; instead, it is a very specific bundle of designed rights enhancing creativity in the public interest. Another one an interesting option is to interpret reasonable use to avoid large-scale harmful violations, Unprofessional use. No matter the copyright Problems are solved, it is

<sup>6</sup>https://www.researchgate.net/publication/320957123\_Copyright\_law\_in\_the\_digital\_world Challenges and opportunities

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clear that other systems Compensation to authors may co-exist on the Internet. Service providers like VSNL offer 'live' Exhibition, where well-known people visit the chat Interact with rooms and customers. Software Companies provide technical support. Free rationalist Works a lot on the internet with Express Indications of what conditions they may be in Copied or used. For example, this could be a paper Published in any format if properly submitted and not sold for profit. Finally, the new form of Compensation may revoke copyright. Maybe in ultimately, copyright on the Internet could be the future much depends on popular beliefs Restrictive rules. Laws are possibly intended Reflect public opinion, don't control it. People follow They consider the rules reasonable. As John Perry Barlow noted in reference to encryption, 'a social Rather relying more on protection through barricades Vivek will finally turn around and then faint Infiltration and theft in sports rather than crime. The basic concept of what is fair and just May decide the future of copyright at best Cyberspace

ISSN: 3048-5320 (Online)

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