

THE INFLUENCE OF DIGITAL PLATFORMS ON COPYRIGHT ENFORCEMENT DYNAMICS AND FAIR USE PRINCIPLES IN THE MODERN DIGITAL LANDSCAPE**Gurpreet Kaur Dutta and Bhawika Diwan**

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ABSTRACT

This research paper examines the interplay between digital platforms, copyright enforcement, and fair use in the digital age. It explores the challenges and opportunities arising from the digitalization and internet-based distribution of creative content. Digital platforms have transformed content dissemination, offering new monetization avenues but also complicating intellectual property protection. The study highlights the inadequacies of traditional copyright regimes, biased compensation structures, and the dominance of a few tech giants in determining earnings.

The impact of on-demand services and social media on copyright enforcement is analyzed, with a focus on the differing regulatory approaches in the EU and the US. The paper also reviews the Indian Copyright Act of 1957, particularly its amendments aimed at protecting digital content, and discusses the enforcement challenges related to jurisdiction, piracy, and the ease of replicating digital material.

The doctrine of fair use is a central theme, examining its application in digital contexts and its role in balancing copyright holders' rights with public interest. The study compares fair use provisions in US and Indian law, highlighting key judicial decisions that shape these doctrines.

The conclusion underscores the dynamic impact of digital platforms on copyright enforcement and fair use. It calls for innovative legal and technological solutions, legal reforms, and collaborative efforts to foster a more equitable and sustainable digital ecosystem that respects both intellectual property rights and fair use principles.

I. INTRODUCTION

Copyright law and policy aim to protect creative work and ensure fair compensation for authors, performers, content producers, and broadcasters through international agreements. However, these protections alone do not provide satisfactory compensation across all stages of material creation, as the distribution of copyright earnings is based on capricious decisions by a few technological corporations. Copyright regimes can be biased in compensation determinations, leading to unguaranteed income for artists and authors without much leverage in negotiations. In fragmented markets, these artists may be easily ignored. Contracts given to prominent content creators may prioritize corporate interests over fair compensation for individual artists. Cultural industries often seek multiple privileges, while authors and performers surrender their rights to single or continuous payments. Enforcing and profiting from copyright law has become more challenging. Content development relies on economic incentives and rewards to stimulate new artistic works. Professional producers are expected to receive remuneration when their work is commercially exploited.¹

Online Distribution Models and the Place of Creators

The digitalization and ascent of the Internet have fundamentally transformed the methods by which individuals and cultural sectors generate and disseminate ideas, turning the medium into an unrivalled, global, and decentralised platform for expression and communication.

¹Gawer, Annabelle. "Digital platforms and ecosystems: remarks on the dominant organizational forms of the digital age." *Innovation* 24, no. 1 (2022): 110-124.

Online Platforms

Prior to the emergence of Apple's iTunes music store in 2001, file-sharing served as the predominant means for procuring creative content via online channels. The ascent of on-demand content marketplaces, streaming platforms, social networking sites, and advancements in Web 2.0 technologies engendered a reintermediation phenomenon within the realm of digital content dissemination.²

On-demand services

On-demand content platforms, such as iTunes, connect traditional creative industries with end users. These platforms offer various features and business models, including digital downloads of protected works, streaming video and audio services, and access to extensive libraries of films, TV episodes, and music. Internet platforms can discover and profit from user attention and preferences, as they collect and store personal data when a customer uses their services. This knowledge allows them to make money from online advertising and personalize commercial offers to each user. On-demand entertainment providers have an unprecedented opportunity to leverage established consumer preferences by using user profiles, allowing them to make money from online advertising and personalize commercial offers.³

Social media

The European Union (EU) is implementing stricter copyright responsibility standards for social media platforms to protect its legacy content industries, contrasting with the US where big platforms benefit economically. The directive from May 2019 requires services to obtain licenses for user-uploaded material and establishes rules for fair and transparent compensation for writers and performers. It also allows users to access information about earnings made by broadcasters and internet platforms from content exploitation. The rise of social media and specialized content platforms has increased accessibility, but they lack mechanisms to differentiate between original and non-copyrighted content.⁴

YouTube's lower licensing costs have led to a price gap with subscription services. However, YouTube's evolution has enabled professional video creation, including Google's 'Content ID' technology, allowing artists and copyright holders to enforce and monetize their rights. Digital services must use specific software and comprehensive rights management to ensure fair compensation for individual artists.⁵

Social media copyright duty is being tightened in the EU, rejecting platform neutrality. The May 2019 guideline requires providers to license user-uploaded content. Writing and performing artists may also get revenues from broadcasters and online platforms, ensuring equitable and transparent recompense. Governments encourage investment in unified music rights databases to offer a robust informational foundation for accurate and equitable payments. Writers might pick a licencing company in 2014, but collective rights management companies had to fulfil current efficiency, transparency, and accountability requirements. The US Copyright Office is building a database to identify and reward music rights holders. Access to secret data will boost artists' negotiating leverage under this legislation.⁶

²Komljenovic, Janja. "The rise of education rentiers: digital platforms, digital data and rents." *Learning, Media and Technology* 46, no. 3 (2021): 320-332.

³ Thomas Poell, "Platformisation [2019] 8(4) Internet Policy Review" <<https://policyreview.info/concepts/platformisation>> March 30, 2024.

⁴ Litman, Jessica. "Revising copyright law for the information age." pp. 271-296. Routledge, (2020).

⁵ Kahn, Asif, and Ximei Wu. "Impact of digital economy on intellectual property law." *J. Pol. & L.* 13 (2020): 117.

⁶ Shmatkov, Daniil. "Does copyright only serve the creative industries?" In *ICBMIS* (2020).

IPR, including copyrights, trademarks, patents, and trade secrets, protect the creator or inventor of a concept, product, or innovation. Despite these regulations, infringements are common, particularly in the large-scale reproduction of literary, music, or creative works. The rapid advancement of digital technology has increased the risk of infringement of copyrights or patents associated with digital material. Prior to digitization, protection was limited to artistic, musical, or literary works. However, the scope of legal protection has expanded to include digital information like computer programs, databases, and layouts. This study examines the safeguarding of digital material in accordance with Indian Intellectual Property legislation and evaluates the need for any modifications.⁷

II. WHAT DOES THE INDIAN COPYRIGHT ACT OF 1957 SAY ABOUT THE PROTECTION OF DIGITAL CONTENT?

Internet programming's high replicability makes it easy to transfer information across different platforms, posing significant challenges in copyright management and enforcement. The normalization of digital material infringement within society has made it difficult to trace online infringement, and determining jurisdiction in cases of disagreement is further complicated due to the global reach of the internet. It is difficult for copyright holders to claim their rights effectively due to the ease with which individuals may replicate material from internet sites. In 2012, the Indian Copyright Act was revised to better safeguard software, databases, and published works, as well as online works that might be reproduced for fair use with prior authorization, as it had been in 1957. In 1984, the legislation broadened the scope of what is considered a literary work to include computer software. Section 14 specifically prohibits the duplication and dissemination of software without prior licence. Computer programmes are now considered literary works under the law, as stated in Section 2.⁸

As important as it is to protect digital technology, protecting digital datasets is also important. The systematic accumulation of data kept on digital systems is what is known as a digital database. The database software and the data it stores are the two main parts of every database. The Act's categorization of the computer programme as a literary work makes protecting it easy, but protecting the content is more difficult. However, all legitimate databases inside the country are protected by the Indian Copyright Act, which includes the protection of digital databases as literary works. The duplication of digital materials raises questions about the reproduction right. Digital duplication of several types of content, including artistic, musical, and dramatic works, is protected under Section 14(1)(a) of the Indian Copyright Act of 1957. Moreover, the Act's Section 2(f)(f) protects owners' rights, which include digital content owners' rights to distribute and communicate to the public. To prevent unauthorised disclosure to the public, this clause is in place.⁹

Scope of Protection:

The Copyright Act protects literary, cinematograph, dramatic, artistic, musical, and sound recordings. This safeguard applies to both tangible and electronic versions of these creations. In "*YRF vs Sri Sai Ganesh Productions*"¹⁰, a lawsuit for copyright infringement was started by YRF against Sri Sai Ganesh Productions. The YRF claimed that Sri Ganesh Productions' film "Jabardasth" plagiarised substantial parts from YRF's film "Band Baaja Baaraat." These elements included the premise, theme, characters, narrative, story, script, and expression,

⁷ "Challenges to Copyright Protection in the Current Age of Digitalisation - GIPC" <<https://www.globalipconvention.com/blog/challenges-to-copyright-protection-in-the-current-age-of-digitalisation>> accessed March 30, 2024.

⁸ Mazziotti G, "A Data-Driven Approach to Copyright in the Age of Online Platforms" [2020] SSRN Electronic Journal <<http://dx.doi.org/10.2139/ssrn.3655027>>

⁹ Chakraborty D, "Copyright Challenges in the Digital Age: Balancing Intellectual Property Rights and Data Privacy in India's Online Ecosystem" [2023] SSRN Electronic Journal <<http://dx.doi.org/10.2139/ssrn.4647960>>

¹⁰ CS (COMM) 1329/2016.

among other features. The standards for evaluating originality were widened to encompass films, and the court treated them as protected works as a result. This was done to discern between the two films based on the fundamental elements, content, and core concepts that they each possess. In addition, the court wanted to determine whether or not a typical moviegoer would consider one film to be a replica of the other. As a result of the court's decision, Sri Sai Ganesh Productions was found to have committed copyright infringement by blatantly replicating the essential, fundamental, and distinctive aspects of the YRF film. In *"Ratna Sagar (P) Ltd. V. Trisea Publications & Ors"*¹¹ a copyright infringement allegation was made by the plaintiff, a major children's book publisher entitled "Living Science," against the respondent, "Unique Science." The plaintiff strongly claimed that the defendant's literary masterwork was a clever copy of theirs. After reviewing both publications, the court found the respondent guilty of copyright infringement and granted a perpetual injunction under Sections 14 and 19 of the Copyright Act. To obtain copyright protection, it is essential to have both originality and fixation.¹² The work must be both innovative and manifested in a physical form, encompassing digital formats as well. In *"University of London Press Ltd. V. University Tutorial Press Ltd."*¹³ the court determined that "original" refers to the quality of being innovative in one's statement. The court further determined that while fresh ideas are not obligatory, how the notion is articulated must be unique.

III. THE DOCTRINE OF FAIR USE

The "Doctrine of fair use" emerged from judicial efforts to strike a balance between copyright holders' rights and the public's demand for restricted copying in certain contexts. It is impossible to provide a clear definition of fair use using a single set of criteria. The idea of fair use is subjective and may change depending on the particular circumstances. The fundamental rationale underlying this notion is that it is not necessary to restrict all forms of copying, particularly where it serves a socially important objective or is used for "transformative use", such as engaging in criticism, reporting news, facilitating education and research, or producing a parody.¹⁴

The Copyright Act includes fair use, a judicially recognised notion, to describe copyrighted content uses. fair use under the Act is based on the copyrighted work's qualities, size and significance of the used component, influence on the work's potential market value, and characteristics. While it would probably be considered copyright infringement to modify or remix a song without permission, including a line from a Taylor Swift song in a music review would usually be considered fair use since it adds to commentary and critique. Similarly, quoting a passage from a book for research purposes is generally considered fair use, as it facilitates scholarly discourse and analysis, whereas rephrasing the content or reproducing another person's published work without permission would likely constitute copyright violation.

Exploring the Four Factors of Fair Use

Fair use determinations are guided by four factors, each playing a distinct role in assessing whether a particular use of copyrighted material qualifies as fair:

1. **Purpose and Character of the Use:** This factor evaluates whether the new work adds transformative value or simply replicates the original. Courts look for elements that give the new work new expression, meaning, or insights, as demonstrated in the landmark case of *"Campbell v. Acuff-Rose Music (1994)"*, where parody was deemed transformative due to its satirical critique.

¹¹ 1996 PTC (16) 597.

¹² Bhat, S.R., "Innovation and intellectual property rights law—an overview of the Indian law." IIMB Management Review, 30(1), pp.51-61 (2018).

¹³[1916] 2 Ch. 601.

¹⁴ HARNOWO, Tri. "Law as Technological Control of the Infringement of Intellectual Property Rights in the Digital Era." Corporate and Trade Law Review, [S.l.], v. 2, n. 1, p. 65-79, july (2022).

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2. **Nature of the Copyrighted Work:** This factor considers the inherent nature of the copyrighted material, distinguishing between factual and fictional works. While factual works may have more leeway for fair use, fictional works may face closer scrutiny.
3. **Amount and Substantiality of the Portion Taken:** The amount and importance of the copyrighted material's component in proportion to the total work is what courts consider. While using a little bit can be considered fair use, ripping off the main ideas or features might be considered plagiarism.
4. **Effect of the Use on the Potential Market:** This metric looks at how copyrighted content impacts the original work's marketability and how much money the copyright owner makes. The new work's potential impact on the original's market value is one factor that courts consider.

IV. FAIR USE: A RIGHT BUT NOT AN EXCUSE TO INFRINGE

Fair dealing does not provide you the authority to infringe against the copyright holder's rights. The concept of fair dealing cannot be used as a justification for reproducing material without obtaining permission. The concept of fair use permits the use of certain portions of a creative work. Furthermore, it is prohibited to replicate the whole work or a substantial portion of it. To avoid plagiarising the original author's expression of their notion. The fundamental goal of copyright is to make it easier for people to learn new things. The rights of those wishing to utilise copyrighted content and those of the owner of copyrights have been balanced by the courts. The core principle of this philosophy is that not all acts of replication should be deemed illegal. Particularly in areas of societal significance, such as critique, journalism, instruction, and investigation, all of which constitute integral components of education. The Berne Convention stipulates that copyright is a universally granted entitlement. Furthermore, with the alteration in legislation, fair use has emerged as a significant component of intellectual property rights. Ensuring that legal inquiries about fair usage are addressed with more clarity in a court of law.¹⁵

IV.I FAIR DEALING V. FAIR USE

In the United States, fair use is a fundamental aspect of copyright law, although it lacks a precise definition in the U.S. Copyright Act. Consequently, fair use is subject to interpretation by courts on a case-by-case basis. Initially, fair use was determined through a set of criteria articulated by Justice Story in the "*Folsom v Marsh*" case. The evaluation considered the material's amount, pertinence, purpose, and possible influence on the original work's economic viability or intended use. However, Congress amended Section 107¹⁶ to include Justice Story's findings. The fair use of copyrighted content is assessed using four main criteria. These criteria include the intent and nature of the use, distinguishing between commercial and educational purposes; the intrinsic characteristics of the copyrighted work; the quantity and materiality of the excerpt used relative to the entire work; and the potential impact on the anticipated market for the original work.

Section 52 of India's 1957 Copyright Act defines fair dealing, which allows certain uses of copyrighted work without infringing on the owner's rights. This strategy is narrower than US and Canadian fair use ideas. India considers research, private study, criticism, reviews, news reporting, and legal proceedings fair. Furthermore, the case of *The Chancellor, Masters & Scholars of the "University of Oxford v. Rameshwari Photocopy Services (2016)"*¹⁷ received a lot of focus on the topic of fair dealing in the classroom. The Delhi High Court declared a university photocopying service fair when it copied students' academic course materials. The copying was sustained because it was non-commercial, transformative, and important for students to have access to educational materials.

¹⁵ Hansika. "Critical Analysis of the Fair Dealing in Copyright." Issue 5 Indian JL & Legal Rsch. 4 (2022): 1.

¹⁶ US Copyright Act, 1976

¹⁷ RFA(OS) 81/2016

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The dispute between “*Tips Industries Ltd. And Wynk Music Ltd. (2018)*” is another landmark case in Indian law involving fair dealing. An internet music business streaming copyrighted songs may be fair dealing for private use, according to the Bombay High Court. The court noted the need to balance copyright owners’ and users’ interests but emphasized technical developments in copyrighted material delivery. Indian courts have construed fair dealing limits depending on the copyrighted work’s nature, quantity, substantiality, market impact, and purpose and character of use. Under India’s cultural and legal framework, these criteria are comparable to those of other countries.

IV.II THREAT TO COPYRIGHT PROTECTION

An adverse consequence of digitization is the heightened potential for copyright infringement. Several ways in which digitization poses a danger to copyright protection include:

- **Piracy-** Piracy includes the unlawful duplication or dissemination of copyrighted commodities, such as computer software, literature, music, and movies. It leads to the violation of the rights of copyright holders, such as authors, performers, artists, and creators of copyrighted content. Software piracy refers to the illicit use of copyrighted software without proper authorization. Engaging in unauthorised activities such as duplicating, acquiring, or trading software constitutes software piracy. Software piracy encompasses several actions, such as unauthorised personal use, unauthorised commercial usage, software generation, and the distribution of pirated software using computer technology.¹⁸
- **Linking-** Linking enables website users to go to another website by clicking on a shared hyperlink. Linking often results in the violation of the owner's website rights. This may result in the assumption that the two interconnected sites are identical, hence diminishing the importance of the linked site. The legal case *Ticketmaster Corporation v. Microsoft Corporation* is a notable case that addresses the issues of interlink and copyright infringement. Ticketmaster filed a lawsuit against Microsoft, alleging unlawful deep linking to the Ticketmaster Website. The court concluded that deep linking did not violate copyright law as it did not involve the direct reproduction of information.¹⁹
- **Social Media-** The proliferation of social media platforms has occurred on a vast magnitude and is extensively used for global interpersonal connections. Copyright infringements have arisen due to the widespread practice of sharing various forms of information, such as images, videos, photos, and written materials, on social media platforms. There is a common misunderstanding that any material posted on social media is publicly accessible. Engaging in the unauthorised dissemination of material might result in copyright violation. Unauthorised storage, reposting, or sharing of copyrighted content is strictly prohibited.²⁰
- **Fair Use Doctrine and Anti-Circumvention Laws-** Section 52 of the Copyright Act pertains to the notion of fair use. Engaging in responsible handling of any non-confidential work, excluding software applications, such as studying, critiquing, or reviewing the work, as well as covering current trends and market developments, including publishing an openly presented speech, does not constitute a violation of the work. Anti-circumvention laws offer robust safeguards to copyright holders by granting them exclusive rights over

¹⁸ “Intellectual Property Challenges in the Digital Age - GIPC” <<https://www.globalipconvention.com/blog/intellectual-property-challenges-in-the-digital-age>> accessed March 30, 2024.

¹⁹ “The Evolution of Copyright in the Digital Age: Challenges and Future Perspectives” (Medium, October 17, 2023) <<https://socratica.medium.com/the-evolution-of-copyright-in-the-digital-age-challenges-and-future-perspectives-240502765f97>> accessed March 30, 2024.

²⁰ Iplf, “Impact of Digitization on Copyright Law- Issues” (IPLF, February 16, 2023) <<https://www.ipandlegalfilings.com/digitalization-and-copyright-law/>> accessed March 30, 2024.

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their work for a certain duration, therefore preventing the general public from obtaining access to it. Nevertheless, India has not enforced anti-circumvention legislation.

V. ADDRESSING COPYRIGHT CHALLENGES IN THE DIGITAL ERA

1. **Holder:** Copyright prohibits unauthorised reproduction of 'work' Digital media makes copyrighted content easy to distribute. Lack of copy limitations allows copies to be made and circulated, resulting in economic losses for the copyright owners. Copyright holders struggle to identify and sue pirates on the internet platform, which spreads stolen content widely.
2. **Plasticity of Digital Media:** Digital creations are easy to modify. Digital media's versatility makes digital information easier to change. This causes authors and proprietors to worry about their original work. Unauthorised changes or omissions in the original text might change its meaning, which may not match the creator's intentions.²¹
3. **Caching and Mirroring:** Caching copies content from a source site, such as a website, and is termed "mirroring" when storing a complete site or a lot of data. Requesting the same content uses these copies instead of the source. The main goal of caching is to reduce network congestion and repetitive downloads to improve data access. Such material is stored for seconds, minutes, hours, or days. Caching duplicates and stores material for future use, which may harm copyright holders.²²
4. **Linking and Framing:** Linking and framing connects online material. Connecting uses a hyperlink with a "embedded electronic address of another website directing to the same location". Clicking on a hyperlink takes the user to the targeted website and lets them see its content. Framing displays connected content in "frames" on a host site. Digital copyright holders have challenges when linking and framing, especially when the referenced object is copyrighted and authorization has not been obtained. Digital technologies bring various copyright system challenges, including jurisdiction, digital libraries and archiving, peer-to-peer networks, liability, and machine-made works.²³

VI. JURISDICTIONAL ISSUES

As the internet is intangible, copyright infringement on the internet might include many nations or regions, adding another layer of complication. The identification of the proper jurisdiction to handle such matters becomes more complicated in light of this. Enforcing copyright protection in the global market presents particular difficulties due to the frequent occurrence of copyright infringements that transcend many jurisdictions. This may happen if the copyright holder or the offender is located in a different nation, or if the infringement happens in a different jurisdiction than the one where the copyright is officially registered.

The crucial inquiry that arises is which jurisdiction has the authority to oversee such matters. The allocation of jurisdiction in cases with international aspects, including those subjects to international treaties, is the duty of each state and its legal system. Territoriality is a crucial factor in establishing jurisdiction. This idea, firmly established in both local and global legal systems, adds to the intricacy involved in safeguarding and violating copyrights. Once an infringement case has been established, the task at hand is to determine the appropriate jurisdiction's laws and courts to be applied, therefore introducing more complexities to the process.

²¹ Experts GL, "Copyright In The Digital Age: Prospects And Challenges - Global Law Experts" (Global Law Experts, August 20, 2023) <<https://globallawexperts.com/copyright-in-the-digital-age-prospects-and-challenges/>> accessed March 30, 2024.

²² Sweetenham E, "Copyright Law Evolution: Navigating the Digital Age" (Lawdit Solicitors, November 14, 2023) <<https://lawdit.co.uk/readingroom/copyright-law-evolution-digital-age>> accessed March 30, 2024.

²³ *Ibid*

JUDICIAL DEVELOPMENTS

- *“Neetu Singh vs. Rajiv Saumitra & Ors.”*²⁴

The Plaintiff sought to stop the Defendants from reproducing and selling copyrighted works owned by the Plaintiff. Although the Defendants published the works with authorization, they did not hold a license or transfer of copyright. The Plaintiff alleged that the Defendants' book was an unlawful copy. Despite no formal employment agreement, the Plaintiff's copyright was considered initial proof of authorship. The court differentiated between commercial and educational use, finding the Defendants engaged in commercial activity. Due to the Plaintiff's employment circumstances and lack of accessible agreements, the court ruled in favor of the Plaintiff, determining rightful copyright ownership.

- *“The Chancellor, Masters & Scholars of University of Oxford & Ors. Vs. Rameshwari Photocopy Service & Ors.”*²⁵

The Appellant publishers stopped Rameshwari Photocopy Service from copying copyrighted works with a court order. The publishers claimed the photocopying service violated their copyright because students preferred photocopying to buying textbooks, causing financial harm. The Court noted that copyright protection is not absolute but potentially recognised fair use in the context of making copies of chosen passages for personal use. The Higher Bench of the Delhi High Court denied the Appellants' appeal, however they were given a temporary injunction. The Court found no copyright violations due to the Defendants' educational objective. Remanded to the Court's single bench for review on copyrighted content in educational course packs. The Court considered the cost burden economically disadvantaged students confront in buying whole textbook sets. Students hailed the removal of the injunction since course packs made instruction easier.

- *“M/S Lahari Recording Company vs. Union of India”*²⁶

The plaintiff Lahari Recording Company argues paragraphs 31 (1) (b) and 31 D are unconstitutional. The company claims these sections contradict its constitution. Section 31 (1) (b) requires licencing if the copyright owner refuses to provide public distribution conditions. Broadcasters' Section 31 D licencing periods are established by the IPAB. The Plaintiff claims that Section 31 (1) (b) allows the IPAB to grant a forced licence to an eligible party without the copyright owner present. A hearing is not required to issue the copyright owner a Section 31 D statutory licence. Plaintiff's petition alleges contested qualities substantially affect copyright system by deterring copyright holders from generating original work. The complaint claimed Sections 31 (1) (b) and 31 D would force broadcasters to abandon voluntary licence agreements for IPAB-negotiated conditions. The Plaintiff says this renders the rules arbitrary and violates Indian Constitution Article 14. Copyright holders' contractual independence and freedoms are violated by IPAB's compelled licencing. Plaintiff disputes section 31 D because it permits broadcasters to exploit copyrighted information at lower prices and shuts off music businesses' commercial discussions, which unjustly prioritises broadcasters' bottom lines above copyright holders' rights. The lawsuit says these limitations hinder copyright holders from generating original content. For profit, broadcasters may choose statutory licencing over contractual arrangements with copyright holders.

VII. CONCLUSION

The digital age has reshaped the landscape of copyright enforcement and fair use, bringing both opportunities and challenges. Digital platforms have made it effortless to share and reproduce copyrighted content, posing significant hurdles for copyright holders striving to safeguard their intellectual property rights. Despite employing technological and legal measures, such as DRM systems and DMCA takedown notices, enforcement remains a daunting task due to the internet's decentralized nature and the sheer volume of online content.

²⁴ CS(COMM) 935/2016

²⁵ RFA(OS) 81/2016

²⁶ Writ Petition(s) (Civil) No(s).: 667/2018

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Fair use has gained prominence in the digital realm, allowing for limited use of copyrighted material without permission for purposes like criticism, commentary, and parody. However, the application of fair use in the digital environment is subjective and context-dependent, leading to ambiguity and disputes over its legality. While platforms like YouTube enable transformative works and creative expression, automated content identification systems sometimes lead to overzealous enforcement, stifling legitimate uses of copyrighted material.

The impact of digital platforms on copyright enforcement and fair use is dynamic and multifaceted. While they facilitate unprecedented sharing and creativity, they also present challenges for rights holders and creators. Achieving a balance between protecting intellectual property rights and preserving fair use and free expression requires innovative solutions and community-driven approaches. Moving forward, technological innovation, legal reforms, and collaborative efforts are essential to foster a more equitable and sustainable digital ecosystem for all stakeholders involved.

VIII. REFERENCES

1. Indian Copyright Act, 1957, as amended in 2012.
2. YRF vs. Sri Sai Ganesh Productions, Judgement on copyright infringement in the case of “Band Baaja Baaraat” and “Jabardasht”.
3. Ratna Sagar (P) Ltd. V. Trisea Publications & Ors., Judgement on copyright infringement concerning the publication “Living Science”.
4. University of London Press Ltd. V. University Tutorial Press Ltd., Judgement on the definition of "originality" in copyright law.
5. Campbell v. Acuff-Rose Music, 510 U.S. 569 (1994), U.S. Supreme Court case on parody and transformative use in fair use determinations.
6. The Chancellor, Masters & Scholars of the University of Oxford v. Rameshwari Photocopy Services, 2016, Delhi High Court judgement on fair dealing in the educational context.
7. Tips Industries Ltd. v. Wynk Music Ltd., 2018, Bombay High Court case on streaming and fair dealing for private use.
8. Neetu Singh vs. Rajiv Saumitra & Ors., Judgement on copyright ownership and unauthorized reproduction.
9. M/S Lahari Recording Company vs. Union of India, Case challenging the constitutionality of Section 31(1)(b) and Section 31 D of the Indian Copyright Act.
10. Folsom v. Marsh, 9 F.Cas. 342 (C.C.D. Mass. 1841), Early U.S. case on the principles of fair use.
11. Ticketmaster Corporation v. Microsoft Corporation, Case addressing deep linking and copyright infringement.
12. Berne Convention for the Protection of Literary and Artistic Works, International treaty on copyright law.
13. Digital Millennium Copyright Act (DMCA), U.S. legislation addressing online copyright enforcement and takedown notices.