RECONCILING CONSENT-BASED DATA PROCESSING WITH PERPETUAL COPYRIGHT OWNERSHIP: A LEGAL ANALYSIS OF CONFLICTING DIGITAL RIGHTS IN INDIA

Siddhantika Vatsa, Legal Researcher, High Court of Jharkhand, Ranchi and Kumar Mayank, Legal Associate, GVAS Legal, Patna, India[1]

ABSTRACT

The new age rapid advancement of digital technologies and escalation of online platforms have fundamentally transformed the ways in which information is created and shared, consumed and conversed. The augmented growth of cloud computing, social networking websites, e-commerce platforms and content sharing services have rapidly led to massive collection of both personal and non-personal data. In this dynamic digital environment, two critical legal domains have an intersecting significance- data privacy and copyright law- which have gained a recent significance. While the data privacy law aims to protect and secure the individual centric sensitive data from unauthorized access and unsanctioned use, copyright law safeguards the right of original creators over their creations and expression of ideas. The convergence of this idea has generated legal, ethical, and policy challenges, as a large amount of personal data and copyrighted content circulate across interconnected digital ecosystems.

At the point of this intersection, a significant question lay down whole heartedly: how can the legal framework be used to effectively balance the protection of data which is personal in nature with the enforcement of copyright in digital environment. For example, the enforcement of copyright against the infringing content available on online platform often involves access to and process of the user data, thereby raising concerns about individual privacy rights. In a different perspective, confidentiality enhancing measures such as encoding and encryption obstructs the identification of copyright infringers, complexing the right holder's efforts to protect their works.

These areas have become more complex with the advent of technologies like cloud storage, social media, content creation and sharing platforms, and generative artificial intelligence driven data processing.

[1] Siddhantika Vatsa, Legal Researcher, High Court of Jharkhand, Ranchi and Kumar Mayank, Legal Associate, GVAS Legal, Patna, India

This paper tries to explore the niche relationship between digital data privacy and copyrighted content, examining the existing legal framework adjudicating both the domains, the point of intersection and conflict between them, the implications of right holders, users and digital intermediaries. This paper aims to contribute to the ongoing discourse on harmonising digital rights in light of the recent enactments and protection of privacy in an increasingly data driven world.

Keywords: Data privacy, copyright, digital data, perpetual ownership.

INTRODUCTION

In today's digital world, datafication and digital content creation are two most commonly used words tossed everywhere around. Mediatisation, datafication, digitisation and digitalisation has integrated several diverse value forms. Although the words may sound similar and the terms are often used interchangeably, there is a notable difference in them. To further understand the impact of these in modern world, we have to dive a little into the contextual frame of these terms.

Digitisation is a fairly simple concept to grasp. It involves converting something — such as a photograph or a document — into a digital format made up of bits and bytes. For example, when you scan a document into a digital archive, you create a digitised copy that is encoded in ones and zeroes. This process preserves the original content without changing what's written or engaging it in any additional operation.[2] Digitization refers to converting information from an analog format into a digital one—essentially making analog processes digital without altering their fundamental nature.[3]

Digitalization, on the other hand, involves leveraging digital technologies to transform business models, enabling new sources of revenue and value creation. It is the broader shift toward operating as a digital business.[4] Digitalisation involves using advanced digital technologies to process data across an organisation and its assets, bringing about significant transformations in business operations. This often leads to the development of new business models and can drive broader social change.[5]

[2] Digitisation vs digitalisation https://www.sap.com/india/products/erp/digitization-vs-digitalization.html
[3] Gartner glossary https://www.gartner.com/en/information-technology/glossary/digitization
[4] supra
[5] supra-1

Datafication is the idea and method of transforming several aspects of our lives into data format that can be quantified and analysed. It captures every avenue of the us, from the songs we stream to the steps we complete, and convert them into useful information.[6] It is a kind of digital diary, involves recording specific details, which can be used to draw insights or make predictions.

With the advent of digital technologies, we have proceeded towards an era of unprecedented datafication and digital content creation. Every interaction that takes place on the digital platform- whether that involves the social media interaction or the online window shopping, from grocery shopping to electronics purchases- it helps to generate a vast range of personal data and behavioural pattern that can be deduced through the same. The ease of performing tasks through digital platform has increased the dependence as well as availability of personal data such as photos, videos, performances, etc.-having a transformative force where users have evolved from passive consumers to active creators.

Copyright, also referred to as author's rights, is a legal concept that defines the rights held by creators over their original literary and artistic creations. These protected works can include a variety of forms such as books, music, artwork, sculptures, films, software, databases, advertisements, maps, and technical designs.[7]. The types of works safeguarded by copyright include:

- Written content like novels, poems, plays, reference materials, and newspaper articles;
- Software and databases;
- Films, music compositions, and dance routines;
- Visual art such as paintings, sketches, photographs, and sculptures;
- Architectural designs; and
- Creative materials like advertisements, maps, and technical illustrations.

Copyright is established in the expression of an idea, not in the idea itself. The protection applies to the way ideas are expressed, not to ideas, procedures, methods, or mathematical concepts. It

[6] https://www.guvi.in/blog/concept-of-datafication/
[7] WIPO- What is Copyright? https://www.wipo.int/en/web/copyright

safeguards the author's original work as soon as it is fixed in a tangible form.[8] The protection to the original works is provided through the Copyright Act, 1957 in India that came into force on 21st January, 1958 and which provides the protection to[9]:

1. original literary, dramatic, musical and artistic works;
2. cinematograph films; and
3. sound recording

As the digital world continues to grow, the sheet screen between content creation, distribution and protection have become increasingly intricate. The transitional shift from traditional to digital formats has not only transformed how information and creative works are stored and shared but also introduced new challenges in safeguarding intellectual property rights. In this context, the growing reliance on digital technologies and processes — a phenomenon known as digitalisation — has reshaped organisational and social structures, making it essential to reconsider how copyright laws operate within these rapidly changing digital environments. Keeping this issue in the backdrop, we try to conceptually analyse the aspect of consent-based data processing, the protection and safeguard provided under the Indian regime. Through this

[8] U.S. Copyright Office- What is Copyright? https://www.copyright.gov/what-is-copyright/

[9] Sec 13 Copyright Act 1957: Works in which copyright subsists.
(1) Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say--
(a) original literary, dramatic, musical and artistic works;
(b) cinematograph films; and
(c) [1][sound recording].
(2) Copyright shall not subsist in any work specified in sub-section (1), other than a work to which the provisions of section 40 or section 41 apply, unless--
(i) in the case of a published work, the work is first published in India, or where the work is first published outside India, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of India;
(ii) in the case of an unpublished work other than a [2][work of architecture], the author is at the date of making of the work a citizen of India or domiciled in India; and
(iii) in the case of a [2][work of architecture], the work is located in India.
Explanation --In the case of a work of joint authorship, the conditions conferring copyright specified in this sub-section shall be satisfied by all the authors of the work.
(3) Copyright shall not subsist
(a) in any cinematograph film if a substantial part of the film is an infringement of the copyright in any other work;
(b) in any [3][sound recording] made in respect of a literary, dramatic or musical work, if in making the [3][sound recording], copyright in such work has been infringed.
(4) The copyright in a cinematograph film or a record shall not affect the separate copyright in any work in respect of which or a substantial part of which, the film, or, as the case may be, the [3][sound recording] is made-
(5) In the case of a [3][work of architecture], copyright shall subsist only in the artistic character and design and shall not extend to processes or methods of construction.

analysis we would try to establish the interconnected with the right of perpetual ownership under the copyright and how these two aspects are having their cast on one another.

CONSENT- BASED DATA PROCESSING

The rapid digitalization of world has created a need to safeguard personal data. With the rapid growth of smartphones, network availability at cheaper rates and a significant young population living in digital environment, Indian society has witnessed a proliferation in use of internet and digitalization of every aspect of their life. A considerably large digital trail of users has been created due to this growth of digital interactions and transactions taking place every day and this brings a crucial need to safeguard the available digitally generated personal identification data.

Data protection in India was traditionally governed by Section 43A of the Information Technology Act, 2000, along with its associated rules, due to the absence of a dedicated framework. However, with the introduction of the Digital Data Protection Legislation, the issue is now addressed comprehensively across all sectors. The legislation is built on the fundamental principle of safeguarding data through consent-based sharing, emphasizing both control and security. It establishes consent as the primary legal ground for accessing and processing personal data. Further, it requires that such consent be obtained in a manner that is free, specific, informed, unconditional, and unambiguous.[10]

The act deals with digital personal data[11] related to the Data Principal[12]. The consent manager is accountable to the data principal. The legislation defines consent managers as "a single point of contact to enable a Data Principal to give, manage, review and withdraw her consent through an accessible, transparent and interoperable platform."[13] They are designated entities or platforms that act as a centralised, user-friendly interface for Data Principals (individuals whose personal data is being processed). Their role is to facilitate the process of giving, managing,

[10] Rutvik Paikine, Empowering Digital India: Consent-based Sharing and Data Protection, Sahamati https://sahamati.org.in/empowering-digital-india-consent-based-sharing-and-data-protection/#:~:text=Consent%20requests%20and%20notices%20are,or%20guardian%20consent%20is%20essential.

[11] Sec 2(n) "digital personal data" means personal data in digital form;

[12] Sec 2(j) "Data Principal" means the individual to whom the personal data relates and where such individual is— (i) a child, includes the parents or lawful guardian of such a child; (ii) a person with disability, includes her lawful guardian, acting on her behalf;

[13] Sec 2 (g) "Consent Manager" means a person registered with the Board, who acts as a single point of contact to enable a Data Principal to give, manage, review and withdraw her consent through an accessible, transparent and interoperable platfo;

reviewing, and withdrawing consent in a manner that is accessible, transparent, and interoperable across different data fiduciaries and services. Essentially, they serve as an intermediary ensuring that individuals retain effective control over their personal data and how it is used. They also provide a grievance redressal mechanism for the data principals and store the consent history of the user.

A significant role yet similar in the context of the mechanism is played by the data fiduciary who determine as how the personal data will be processed.[14] They have the inherent obligation to provide users with explicit consent requests, accompanied by notices[15] that explain the consent withdrawal as well as grievance mechanism.

The Act lays down the guidelines for the consent as

> ***Section 6. Consent:*** *(1) The consent given by the Data Principal shall be free, specific, informed, unconditional and unambiguous with a clear affirmative action, and shall signify an agreement to the processing of her personal data for the specified purpose and be limited to such personal data as is necessary for such specified purpose.*
>
> *(2) Any part of consent referred in sub-section (1) which constitutes an infringement of the provisions of this Act or the rules made thereunder or any other law for the time being in force shall be invalid to the extent of such infringement.*
>
> *(3) Every request for consent under the provisions of this Act or the rules made thereunder shall be presented to the Data Principal in a clear and plain language, giving her the option to access such request in English or any language specified in the Eighth Schedule to the Constitution and providing the contact details of a Data Protection Officer, where applicable, or of any other person authorised by the Data Fiduciary to respond to any communication from the Data Principal for the purpose of exercise of her rights under the provisions of this Act.*

[14] Sec 2 (i) "Data Fiduciary" means any person who alone or in conjunction with other persons determines the purpose and means of processing of personal data;

[15] Section 5. (1) Every request made to a Data Principal under section 6 for consent shall be accompanied or preceded by a notice given by the Data Fiduciary to the Data Principal, informing her,— (i) the personal data and the purpose for which the same is proposed to be processed; (ii) the manner in which she may exercise her rights under sub-section (4) of section 6 and section 13; and (iii) the manner in which the Data Principal may make a complaint to the Board, in such manner and as may be prescribed.

(4) Where consent given by the Data Principal is the basis of processing of personal data, such Data Principal shall have the right to withdraw her consent at any time, with the ease of doing so being comparable to the ease with which such consent was given.

(5) The consequences of the withdrawal referred to in sub-section (4) shall be borne by the Data Principal, and such withdrawal shall not affect the legality of processing of the personal data based on consent before its withdrawal.

The framework provided under the Act is techno-legal in nature, allowing the users to share their data through consent managers as well as manage and revoke them whenever they find a need to do so. In case they have any grievance, they have the right to get the same redressed as provided under the Act.[16]

COPYRIGHT OWNERSHIP

There are a wide range of works that are being protected under the copyright law such as books, journals, photographs, art, music, cinematograph films, sound recordings, dance, architecture, websites, computer programmes, and many other such things. Simply put as, if you could see it, read it, hear it, or watch it, there are a considerable chance that the same can be protected.[17] Works are protectable under the copyright law if they are original works of authors that are fixed in any tangible form.

A key issue in copyright law is determining who owns a work. Generally, copyright ownership belongs to the author or the original creator. The first owner is the individual who produces the creative work. However, when two or more individuals contribute to its creation, ownership is shared among them. This principle can be examined under two main categories:

1. the ownership in case of joint authors

[16] Section 13. Right of grievance redressal. (1) A Data Principal shall have the right to have readily available means of grievance redressal provided by a Data Fiduciary or Consent Manager in respect of any act or omission of such Data Fiduciary or Consent Manager regarding the performance of its obligations in relation to the personal data of such Data Principal or the exercise of her rights under the provisions of this Act and the rules made thereunder. (2) The Data Fiduciary or Consent Manager shall respond to any grievances referred to in sub-section (1) within such period as may be prescribed from the date of its receipt for all or any class of Data Fiduciaries. (3) The Data Principal shall exhaust the opportunity of redressing her grievance under this section before approaching the Board.

[17] Kent Library Research Guides, Used under a Creative Commons BY license from the Copyright Advisory Office of Columbia University, Kenneth D. Crews, director. https://semo.libguides.com/copyright accessed on 10th July 2025

2. the ownership in works made for hire

In the case of **joint authorship,** where a single piece of work is created by two or more people together in a way that their contributions are inseparable or interdependent on each other's work, both the authors have the right under the copyright law. This intention of creating a joint work must exist at the time of making the creation and both the authors must have contributed equally in the creation of the work as a whole. **Section 2(z) of Copyright Act 1957** defines joint authorship as

> *"a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors."*

A comparable provision to Section 2(z) of the Indian Copyright Act can be found in the UK's Copyright, Designs and Patents Act[18].

In a leading authority on copyright matters, the fundamental elements of joint authorship are set out as follows [19]:

> *"A joint author must collaborate with the other author(s) in the production of the work. Subsequent authors will not result in a work of joint authorship. However, the existence of collaboration must be a question of fact and degree. The author must provide a significant creative output."*

A typical illustration of joint authorship is when, for example, a novelist drafts the script of a play while a composer simultaneously develops original music to accompany it. Since both the script and the music are created with the shared intention of being performed together as one dramatic work, their contributions become inseparable parts of a single whole. In such a situation, the novelist and the composer are regarded as joint authors."

In contrast, under the concept of "work made for hire," the creator is not considered the owner of the work. Instead, ownership vests in the person or entity that commissioned or employed the creator to produce it. This principle usually applies in the context of an employment

[18] Section 10(1) of Copyright, Design and Patents Act 1988.
[19] Krupa Thakkar, "What Do You Need To Know About Joint Authorship in India?", Academike Explainer published on 5th October 2021, https://www.lawctopus.com/academike/joint-authorship-in-india/#_ftn1 accessed on 10th July 2025

relationship or a specific contractual agreement. The Indian Copyright Act, 1957, defines and governs the notion of work for hire through particular sections:

1. **Section 17(b)** - If an author creates a work on the commission of an individual, that individual will originally possess the copyright, unless there is a contractual arrangement that states otherwise.

2. **Section 17(c)** - If an author creates a work while employed under a contract of service or apprenticeship, and there is no agreement specifying otherwise, the employer will be the initial copyright owner.

Within the Indian copyright regime, the concept of "work for hire" is not expressly defined in the Copyright Act, 1957. However, the Act contains provisions that regulate copyright ownership in works created during the course of employment. Under Section 17, the general rule is that the author is the first owner of the copyright. An exception arises where a work is produced by an employee in the course of employment under a contract of service or apprenticeship, in which case the employer is regarded as the first copyright owner, unless a contrary agreement exists.

This principle was reinforced by the Supreme Court in Eastern Book Company v. D.B. Modak (2008) 1 SCC 1, where it was held that works created by employees within the scope of their official duties vest initially in the employer. On the other hand, works commissioned from independent contractors or freelancers are typically governed by the specific terms of the contract between the parties. Earlier, in Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Association (1977) 2 SCC 820, the Court emphasized the central role of contractual intent in determining ownership, noting that unless otherwise agreed, the commissioning party would usually be treated as the copyright owner.

Accordingly, unlike jurisdictions such as the United States that explicitly codify "work for hire," Indian copyright law relies largely on the distinction between employment relationships and contractual arrangements to decide initial ownership of copyright in commissioned works.

AREAS OF CONFLICT IN DIGITAL ENVIRONMEENT

Works often embed personal data and the data protection legislation is an attempt to provide authority over one's own data- the individuals' data rights including the right to consent and

right to erasure. The use of personal data arises a new arena of legal conflict where the intersection between copyright and data protection frameworks collides in digital environment. As the digital content creation volumizes, so does the complexity of reconciliation between economic and moral rights of creators and the data autonomy and privacy of the individuals. This piece is an attempt to understand the conflicting scenario between the two genres.

1. Content featuring personal data

The most evident point of conflict arises in the digital creation that directly includes the personal data, such as photographs, audio-visual, recordings and biographical data. When any piece of work is created that comes in the physical world, there subsists major elements that constitute separate rights with themselves. While the creator of such work retains the copyright protection under Section 14 of the Copyright Act, 1957[20], Under the Digital Personal Data Protection Act,

[20] Section 14. Meaning of copyright-- For the purposes of this Act, copyright means the exclusive right subject to the provisions of this Act, to do or authorise the doing of any of the following acts in respect of a work or any substantial part thereof, namely--
(a) in the case of a literary, dramatic or musical work, not being a computer programme--
(i) to reproduce the work in any material form including the storing of it in any medium by electronic means;
(ii) to issue copies of the work to the public not being copies already in circulation;
(iii) to perform the work in public, or communicate it to the public;
(iv) to make any cinematograph film or sound recording in respect of the work;
(v) to make any translation of the work;
(vi) to make any adaptation of the work;
(vii) to do, in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work in sub-clauses (i) to (vi);
(b) in the case of a computer programme:
(i) to do any of the acts specified in clause (a);
[2][(ii) to sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programmer:
Provided that such commercial rental does not apply in respect of computer programmes where the programme itself is not the essential object of the rental.]
(c) in the case of an artistic work,--
[3][(i) to reproduce the work in any material form including--
(A) the storing of it in any medium by electronic or other means; or
(B) depiction in three-dimensions of a two-dimensional work; or
(C) depiction in two-dimensions of a three-dimensional work;]
(d) in the case of a cinematograph film,--
[4][(i) to make a copy of the film, including--
(A) a photograph of any image forming part thereof; or
(B) storing of it in any medium by electronic or other means;]
[5][(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the film.]
(iii) to communicate the film to the public;
(e) in the case of a sound recording,--
(i) to make any other sound recording embodying it [6][including storing of it in any medium by electronic or other means];
[7][(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording;]
(iii) to communicate the sound recording to the public
Explanation.--For the purposes of this section, a copy which has been sold once shall be deemed to be a copy already in circulation].

2023 (DPDP Act), the data subject holds rights governing the collection, processing, and sharing of their personal information. For example, if an author creates a biographical work about a real, identifiable person, the author can secure copyright in the expression of that work, which includes both economic and moral rights under Section 57 of the Indian Copyright Act, 1957. However, this ownership pertains solely to the *manner of presentation* and not to the underlying facts of the subject's life. While the author enjoys the exclusive rights to reproduce, distribute, and publicly communicate the work, these rights are circumscribed by the subject's personal rights, particularly the rights to privacy[21], dignity, and personal security. Consequently, the author cannot distort, misrepresent, or alter factual content in a manner that harms the individual's reputation or infringes upon their personal or informational autonomy. Any such act could amount to a violation of personality rights, thereby attracting civil liability despite the author's copyright ownership over the work's form and structure.

The Digital Personal Data Protection Act describes personal data as any information relating to an individual through which that person can be identified [22]. Thus this creates a scenario where the subject may wish to withdraw his consent for use of his story, invoking the data protection rights, while the copyright holder seeks to preserve and exploit their exclusive rights over the creative work.

2. Right to Erasure versus Copyright Control

The right to erasure, often referred to as the "right to be forgotten," represents an emergent dimension of data protection jurisprudence, aimed at empowering data subjects with greater control over their personal information. Under Section 12(1) of the Digital Personal Data Protection Act, 2023 (DPDP Act) [23], a data principal has the right to seek deletion of their personal data once it is no longer required for the purpose it was originally collected, or if they

[21] The Supreme Court of India, in *Justice K.S. Puttaswamy (Retd.) v. Union of India* [(2017) 10 SCC 1], recognised the right to privacy as a fundamental right under Article 21 of the Constitution. Accordingly, the unauthorised publication of intimate or sensitive personal information -even if factually accurate- can amount to a violation of this right.

[22] Section 2(t)

[23] Section 12. "Right to correction and erasure of personal data: (1) A Data Principal shall have the right to correction, completion, updating and erasure of her personal data for the processing of which she has previously given consent, including consent as referred to in clause (a) of section 7, in accordance with any requirement or procedure under any law for the time being in force. (2) A Data Fiduciary shall, upon receiving a request for correction, completion or updating from a Data Principal,— (a) correct the inaccurate or misleading personal data; (b) complete the incomplete personal data; and (c) update the personal data. (3) A Data Principal shall make a request in such manner as may be prescribed to the Data Fiduciary for erasure of her personal data, and upon receipt of such a request, the Data Fiduciary shall erase her personal data unless retention of the same is necessary for the specified purpose or for compliance with any law for the time being in force."

withdraw their consent for its further processing. This right marks a significant advancement in informational autonomy and is consistent with international trends in digital privacy regulation.

The exercise of this right, however, can come into tension with the economic and moral rights of copyright holders, especially when personal data forms part of a copyrighted work. Under Section 57 of the Copyright Act, 1957, authors are granted moral rights, including the ability to oppose any distortion, mutilation, or alteration of their work that could harm their honour or reputation. These rights are non-transferable and remain intact regardless of whether the author continues to hold the economic rights.

This juridical friction between the right to erasure and moral rights underscores the need for a nuanced balancing framework: one that respects the evolving claims of data privacy without disproportionately undermining the statutory protections afforded to original authors under copyright law. It raises critical questions about the hierarchy of rights in the digital era, particularly where informational self-determination collides with expressive autonomy protected under intellectual property regimes.

As such, tension arises when a data principal seeks erasure of personal content that forms an integral part of a copyrighted work. The author may argue that complying with such a request would amount to unauthorized alteration of the work, thereby infringing their moral rights. For example, in the case of video creations where the same will also act as a repository as the personal data. In such a case, granting a right to erasure can lead to partial deletion of the video or erasure of whole video or leaving the video behind without the actual essence that it is made with, which in turn will be infringing the moral rights of the copyright owner.

The challenge emerges from balancing authors' moral rights with individuals' personal autonomy. The Copyright Act grants authors moral rights, including the right to oppose any mutilation, distortion, or alteration that harms their honour or reputation. In contrast, the DPDP Act gives individuals control over their personal data, including the ability to have it deleted or to restrict its processing. In digital creations where personal data forms an essential part of the expression—such as documentaries, memoirs, or social media content—the exercise of data rights could change the character or substance of a copyrighted work. Such alterations may conflict with the author's moral rights, creating a legal dilemma in which personal autonomy comes into tension with the creative integrity safeguarded by copyright law.

CONCLUSION

The new digital ecosystem has blurred traditional boundaries between personal data and intellectual property to a greater extent in modern context, giving rise to complex legal and ethical conflicts. On one side, the exponential growth of data processing related to personal data calls for stringent privacy safeguards so that individual autonomy and dignity can be protected. On the other side, copyright law continues to play a pivotal role in securing the economic and moral interests of creators in a rapidly expanding digital content market.

The tension also becomes quite evident when copyright enforcement requires the collection and processing of user data, thereby risking intrusion into privacy rights, or when strong privacy measures hinder the identification of infringers.

In the Indian context, the recently enacted Digital Personal Data Protection Act, 2023 marks a significant step toward protecting individual data rights, yet its interactive crossover with the Copyright Act, 1957 remains underdeveloped. In a similar manner, at the international level, frameworks such as the General Data Protection Regulation (GDPR) coexist with instruments like the Berne Convention and the TRIPS Agreement, but lack harmonized mechanisms to reconcile conflicts between data protection and copyright enforcement. This regulatory fragmentation underscores the pressing need for dialogue and convergence.

A more balanced resolution can be achieved through multi-pronged reforms. First, legislatures should adopt context-sensitive laws that explicitly recognize and address overlaps between copyright enforcement and data privacy. Second, judicial interpretation must play an active role in balancing fundamental rights, drawing on principles of proportionality and necessity. Third, technological solutions such as privacy-preserving enforcement tools, blockchain-based copyright management, and anonymized monitoring systems can help strike a middle ground. Finally, international cooperation is essential for establishing uniform standards, ensuring that digital rights and privacy protections are not undermined by jurisdictional inconsistencies.

Thus, moving forward, the goal must not be to prioritize one domain over the other, but to harmonize data privacy and copyright law in ways that protect creators, respect user rights, and sustain the trust and fairness required in the digital era.