
THE ROLE OF COPYRIGHT IN THE INDIAN FILM INDUSTRY: COPYRIGHT INFRINGEMENT & PIRACY IN INDIAN CINEMA

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ABSTRACT

The Indian film industry, a global leader in cinematic output, relies on copyright law to protect the creative and economic interests of filmmakers, producers, and other stakeholders. Governed primarily by the Indian Copyright Act of 1957, the legal framework safeguards cinematographic works, scripts, and music while addressing challenges posed by digital piracy, OTT platforms, and emerging technologies like artificial intelligence. This article examines the historical evolution of copyright law, its economic and moral significance, and contemporary issues such as streaming piracy and ownership disputes in collaborative projects. It proposes reforms to strengthen enforcement, ensure fair compensation, and adapt to digital advancements, ensuring a sustainable creative ecosystem.

Keywords: Indian film industry, copyright law, digital piracy, OTT platforms, intellectual property, AI-generated content, revenue sharing, enforcement mechanisms.

Introduction

The Indian film industry, one of the largest and most prolific in the world, produces hundreds of films annually across multiple languages, contributing significantly to the economy and shaping cultural narratives both domestically and globally. Known for its diversity and creativity, the industry, often referred to as Bollywood alongside vibrant regional cinemas like Tamil, Telugu, and Bengali, relies heavily on intellectual property rights (IPRs), particularly copyright, to protect the creative and financial interests of its stakeholders—producers, directors, writers, musicians, and actors. Copyright law in India, primarily governed by the Indian Copyright Act of 1957, provides a robust framework for safeguarding cinematographic works, scripts, music, and performances. However, the advent of digital platforms, rampant piracy, and emerging technologies like artificial intelligence (AI) present both opportunities and challenges for copyright enforcement. This article explores the role of copyright in the Indian film industry, its historical evolution, legal framework, challenges posed by piracy and digital advancements, and recommendations for future reforms.

Historical Evolution of Copyright in Indian Cinema

The development of copyright law in India mirrors the growth of its film industry. In the early 20th century, Indian cinema began with silent films like *Raja Harishchandra* (1913), directed by Dadasaheb Phalke. During this period, the industry lacked comprehensive legal protections, and copyright issues were minimal due to localized production and distribution. The Indian Copyright Act of 1914, modeled on the British Copyright Act of 1911, offered limited safeguards for creative works. Post-independence, the golden era of Indian cinema (1950s–1970s) saw the rise of iconic filmmakers like Satyajit Ray and Raj Kapoor, alongside the growth of Bollywood and regional cinemas. However, copyright enforcement remained weak, and piracy began to emerge as a concern.

The Indian Copyright Act of 1957 marked a significant milestone, recognizing films as distinct artistic works and granting exclusive rights to creators for reproduction, distribution, and performance. Subsequent amendments, notably in 1983, 1994, and 2012, addressed evolving challenges. The 1983 amendment extended the copyright term for cinematographic films to 60 years, while the 1994 amendment aligned with the TRIPS Agreement, enhancing protections for digital content. The 2012 amendment introduced royalties for composers and lyricists,

strengthened moral rights, and tackled digital piracy, reflecting the industry's shift toward globalized and digitized distribution.

Legal Framework Governing Copyright

The Indian Copyright Act of 1957 forms the cornerstone of copyright protection in the film industry, supplemented by international treaties and case law. Key provisions include:

- **Section 13:** Defines eligible works, including cinematographic films, sound recordings, and literary, musical, and artistic works.
- **Section 14:** Grants creators exclusive rights to reproduce, distribute, and perform their works.
- **Section 17:** Establishes the producer as the first owner of a film's copyright, with subsidiary rights for directors, scriptwriters, and composers.
- **Section 19:** Provides producers exclusive rights over film reproduction and distribution.
- **Section 30:** Allows compulsory licensing for public performances and broadcasting.

The Copyright (Amendment) Acts of 1983, 1994, and 2012 further refined protections. The 1983 amendment extended the copyright term for films and sound recordings to 60 years, while the 1994 amendment addressed digital piracy and software protection. The 2012 amendment emphasized royalties for creators and moral rights to prevent unauthorized alterations. India's adherence to international treaties like the Berne Convention (1886), WIPO Performances and Phonograms Treaty (WPPT), and TRIPS Agreement ensures global protection for Indian films, facilitating cross-border enforcement. Organizations like the Indian Performing Right Society (IPRS) and the National Film Development Corporation (NFDC) support licensing and royalty collection, while landmark cases like *S.K. Vashishth v. Filmistan Distributors* (1974) and *Super Cassettes Industries Ltd. v. Entertainment Network* (2008) clarify ownership and music rights in films.

Economic and Moral Significance of Copyright

Copyright plays a pivotal role in the Indian film industry by ensuring economic and moral

protections for creators. Economically, it secures financial returns on substantial investments in filmmaking by granting exclusive control over reproduction, distribution, and public performance. This control enables licensing for theaters, television, DVDs, and streaming platforms like Netflix and Amazon Prime, generating long-term revenue. Copyright also protects against piracy, which undermines box office earnings and digital revenue streams. Additionally, it ensures royalties for contributors like writers and composers, fostering a sustainable creative ecosystem.

Morally, copyright safeguards creators' rights to attribution and integrity. The right of attribution ensures directors, screenwriters, and cinematographers receive credit for their contributions, enhancing their professional reputation. The right of integrity prevents unauthorized alterations that could harm a creator's vision or legacy. These protections incentivize high-quality productions and encourage independent filmmakers to secure financing and distribution deals, knowing their works are safeguarded.

Challenges of Piracy and Copyright Infringement

Piracy remains a significant threat to the Indian film industry, causing substantial financial losses. Common forms include:

- **Camcording:** Illegally recording films in theaters for online distribution.
- **Streaming Piracy:** Uploading films to unauthorized websites or apps like ThopTV.
- **Unauthorized Distribution:** Selling bootleg DVDs or sharing films via torrents.
- **Script Theft:** Copying unpublished scripts or story ideas without permission.

The rise of digital platforms has exacerbated piracy, with pirated copies often available shortly after a film's release. The 2021 ThopTV case, where the Maharashtra Cyber Police arrested the app's operator, highlighted the scale of organized piracy. The Cinematograph Act of 2019 introduced anti-camcording provisions, imposing penalties for illegal recordings in theaters. A 2024 case involving the piracy of *Ajayante Randam Moshanam* in Kerala underscored ongoing enforcement efforts. Despite legal remedies under the Copyright Act, including fines up to ₹2,00,000 and imprisonment, enforcement remains inconsistent due to the rapid proliferation of digital platforms.

Digital Age Challenges and OTT Platforms

The rise of over-the-top (OTT) platforms like Netflix, Amazon Prime, and Disney+ Hotstar has transformed film distribution, offering new revenue streams but also posing copyright challenges. Digital piracy, facilitated by file-sharing and illegal streaming, has surged, necessitating advanced protections like Digital Rights Management (DRM), encryption, and watermarking. These technologies restrict unauthorized access and trace pirated content, but their effectiveness is limited by evolving piracy methods. Streaming platforms also raise issues of fair compensation, as revenue-sharing models often favor platforms over creators. Cross-border jurisdiction complicates enforcement, as varying copyright laws across countries hinder global protection. Additionally, user-generated content and AI-generated works create ambiguity around ownership and fair use, challenging existing legal frameworks.

Contemporary Issues and Legal Developments

Recent legal developments reflect efforts to address digital-age challenges. The Delhi High Court's "dynamic injunction" ruling allows copyright holders to swiftly block piracy websites, even as they change domains. This has benefited major players like Universal Studios and Netflix, compelling Internet Service Providers (ISPs) to act within 48 hours. The emergence of generative AI raises questions about ownership of AI-created content and the use of copyrighted works in training datasets. The Copyright (Amendment) Act of 2012 addressed some digital concerns, but further reforms are needed to tackle streaming piracy and ensure equitable revenue distribution.

Recommendations for Reform

To strengthen copyright protection in the Indian film industry, the following reforms are proposed:

1. **Enhanced Anti-Piracy Measures:** Expand dynamic injunctions and John Doe orders to proactively block pirated content. Strengthen cross-border cooperation through treaties like TRIPS to combat international piracy.
2. **Fair Compensation Models:** Legislate equitable revenue-sharing for creators on OTT platforms, ensuring artists receive a fair share of digital profits.

3. **Clarified Ownership Rules:** Establish clear guidelines for joint authorship and copyright ownership in collaborative projects, addressing disputes in multi-contributor works like web series.
4. **AI and Copyright Frameworks:** Develop legal definitions for AI-generated content, balancing innovation with creator rights, and clarify fair use in AI training data.
5. **Modernized Copyright Act:** Update the Copyright Act of 1957 to address new distribution models, user-generated content, and streaming-specific challenges, incorporating flexible licensing mechanisms.

Conclusion

Copyright law is vital to the Indian film industry's sustainability, protecting the economic and moral rights of creators while fostering innovation. The Indian Copyright Act of 1957, supported by amendments and international treaties, provides a robust framework, but digital piracy, OTT platforms, and AI-driven content creation pose significant challenges. Recent legal advancements, like dynamic injunctions, show progress, but ongoing reforms are essential to address evolving issues. By strengthening enforcement, ensuring fair compensation, clarifying ownership, and adapting to technological advancements, India can safeguard its vibrant film industry, balancing the interests of creators, distributors, and consumers in a rapidly changing digital landscape.

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