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# INTERMEDIARY LIABILITY, ALGORITHMIC RESPONSIBILITY, AND AI-GENERATED PIRACY: REIMAGINING DIGITAL COPYRIGHT ENFORCEMENT IN INDIA

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## ABSTRACT

India is experiencing an unprecedented expansion of digital piracy driven simultaneously by human behavior, automated algorithms, and emerging AI systems. Copyright infringement is no longer restricted to torrents, OTT ripping, or EdTech redistribution; it now operates through algorithmic amplification, recommendation engines, cloud synchronization tools, and generative AI models capable of reproducing copyrighted content in derivative or reconstructed forms. Existing intermediary liability principles under Section 79 of the Information Technology Act, 2000, and jurisprudence shaped by *Shreya Singhal v. Union of India* are inadequate to regulate this technologically complex ecosystem.

This paper presents a unified analytical framework that integrates intermediary liability reform, algorithmic responsibility, and AI-generated piracy governance. It examines how search engines, social media platforms, recommendation systems, and AI models materially contribute to the visibility and propagation of infringing content. Through comparative analysis of the EU Digital Services Act, U.S. DMCA jurisprudence, Singapore's rapid takedown framework, and South Korea's real-time anti-piracy systems, the paper proposes an enforcement model tailored to India's digital landscape.

The study argues that India must adopt a three-layered approach platform accountability, automated detection through AI governance, and statutory modernization to effectively combat next-generation piracy across OTT platforms, EdTech ecosystems, sports broadcasting, and AI-enabled content reproduction. Without such reform, India risks systemic erosion of creative industries, educational integrity, and public trust in digital markets.

**Keywords:** Intermediary Liability; Algorithmic Responsibility; AI Piracy; Generative AI; OTT Piracy; EdTech Infringement; Dynamic Injunctions; Platform Governance; Safe Harbor; India.

## I. INTRODUCTION

Digital piracy in India has entered a transformative phase. Earlier forms of infringement such as torrent distribution, unauthorized screen recording of OTT content, physical duplication, or Telegram-based circulation have now evolved into **multi-layered, automated, and algorithm-driven piracy ecosystems**.<sup>1</sup>

In this evolving landscape, **algorithms**, not merely users, determine how pirated content is discovered, ranked, shared, and monetized. Search engines autocomplete piracy-related queries; social media platforms auto-recommend infringing links; cloud storage tools automatically index pirated files; and OTT piracy networks use bots to regenerate mirror sites within minutes of blocks.<sup>2</sup>

Adding to this complexity, **generative AI systems** such as large language models, image reconstruction tools, audio synthesizers, and video restoration models can now create **copyright-implicating derivative content** without directly hosting original files.<sup>3</sup> Lecture-reconstructed videos, recreated educational diagrams, AI-dubbed movie clips, or summaries of paid course content represent a new frontier of infringement not contemplated by India's legal framework.

### A. Why Intermediary Liability Alone Is No Longer Enough

India's intermediary liability regime under Section 79 of the IT Act provides safe harbor protections if intermediaries act as passive conduits and comply with takedown orders.<sup>4</sup> However:

- Algorithms are neither passive nor neutral.
- Platforms increasingly curate, recommend, amplify, and monetize pirated content.
- AI models may generate infringing derivatives without any user-uploaded source.

Thus, the safe harbor model developed for the 2000s internet cannot govern 2020s automated

piracy.

### **B. India's Judicial Response: Progress but Insufficient**

Indian courts have pioneered dynamic injunctions, live blocking orders, and proactive ISP responsibilities in cases involving OTT content, sports streaming, and EdTech redistribution.<sup>5</sup> But courts still operate within a legal structure that:

- Cannot mandate algorithmic redesign,
- Cannot regulate AI training data or outputs,
- Cannot impose systemic transparency obligations on platforms.<sup>6</sup>

The judiciary is innovating, but without statutory reform it lacks enforcement muscle.

### **C. Global Trends: The Move Toward Platform Accountability**

The EU Digital Services Act, EU Copyright Directive, U.S. DMCA jurisprudence, and Singapore's anti-piracy model reflect a global shift toward:

1. **Algorithmic accountability,**
2. **Proactive monitoring duties,**
3. **Content filtering obligations,** and
4. **Rapid takedown compliance.**

India must adapt these principles to its domestic context.

### **D. Objective of This Paper**

This research paper proposes a unified framework combining:

1. **Intermediary Liability (legal obligation)**
2. **Algorithmic Responsibility (technical obligation)**

### 3. AI-Piracy Governance (future-ready obligation)

Together, they form a comprehensive enforcement strategy for India's next-generation piracy challenges.

## E. Structure of the Paper

The paper proceeds as follows:

- Part II analyzes deficiencies in India's current intermediary liability model.
- Part III examines algorithmic amplification and the emerging need for algorithmic responsibility.
- Part IV explores AI-generated piracy risks across OTT, EdTech, and creative content ecosystems.
- Part V conducts comparative analysis of global regulatory models.
- Part VI proposes a reform framework combining legal, technological, and institutional components.
- Part VII evaluates ethical and policy considerations.
- Part VIII concludes with recommendations for India's digital future.

## II. LIMITATIONS OF INDIA'S CURRENT INTERMEDIARY LIABILITY FRAMEWORK (EXPANDED)

India's intermediary liability regime is rooted in Section 79 of the Information Technology Act, 2000, which provides safe harbor to intermediaries provided they:

(1) do not initiate or modify transmission,

(2) observe due diligence, and

(3) comply with takedown directions issued through lawful orders.<sup>7</sup>

At the time of enactment, this model aligned with early internet architecture static websites, email services, ISPs, and bulletin boards. However, today's digital platforms are **dynamic ecosystems driven by AI, personalization engines, automated indexing, and recommender systems**. This disconnect creates structural limitations.

### **A. Shreya Singhal and the Problem of “Actual Knowledge”**

The Supreme Court's landmark decision in *Shreya Singhal v. Union of India* restricted the interpretation of “actual knowledge,” holding that intermediaries would only be liable once they receive **a court order or a government directive** identifying the infringing content.<sup>8</sup>

While this strengthened free speech protection, it created practical obstacles for copyright enforcement:

#### **1. Delay in obtaining judicial orders**

Pirated OTT films or live sports streams often circulate for only a few hours—but gather millions of views. By the time a court order is secured, the infringement cycle is complete.<sup>9</sup>

#### **2. Volume of piracy**

Platforms receive thousands of infringement notifications daily. Requiring a court order for each instance is impractical and burdens the judiciary.

#### **3. Platform non-cooperation**

Encrypted platforms like Telegram and decentralized hosting services often avoid proactive compliance unless compelled by specific orders.<sup>10</sup>

#### **4. Mirror website proliferation**

Piracy networks instantly regenerate variant URLs: “actual knowledge” for one link does not extend to its mirrors.<sup>11</sup>

Thus, the *Shreya Singhal* framework fails in fast-moving digital piracy contexts.

### **B. The Outdated “Passive/Active Intermediary” Classification**

Indian law distinguishes between “active” and “passive” intermediaries.

- Passive intermediaries = Protected
- Active intermediaries = No safe harbor

However, algorithm-driven platforms blur this categorization.<sup>12</sup> A platform may not upload content, but:

- It curates trending lists,
- Suggests videos automatically,
- Autofills piracy-related search queries,
- Displays pirated clips on home feeds, and
- Monetizes infringing content through advertisements.

These behaviors indicate **material contribution**, but Indian law still treats such platforms as passive conduits.

This outdated classification prevents meaningful accountability.

### C. Lack of Proactive Monitoring Obligations

Unlike the EU Digital Services Act or Article 17 of the EU Copyright Directive, Indian law **does not impose proactive monitoring requirements**.<sup>13</sup>

Thus:

- ISPs block URLs only when listed.
- Platforms remove content only after court orders.
- Search engines delist links only when directed.
- AI systems regenerate or index infringing content freely.

Modern piracy requires **ex ante obligations**, not merely **ex post compliance**.

#### **D. Judicial Innovations - but No Statutory Support**

Indian courts have developed modern tools such as:

- **Dynamic injunctions**,<sup>14</sup>
- **Live blocking orders**,
- **John Doe/Ashok Kumar orders**, and
- **Directions to platforms to disclose administrator information**.<sup>15</sup>

However, judicial innovations cannot substitute statutory clarity. Courts lack:

- Authority to mandate algorithmic redesign,
- Power to enforce AI transparency,
- Capacity to impose systemic audits,
- Jurisdiction over foreign servers and offshore intermediaries.

Therefore, intermediary liability reform must be statutory.

### **III. ALGORITHMIC AMPLIFICATION & RESPONSIBILITY (EXPANDED)**

Algorithms increasingly influence the discovery, distribution, and monetization of pirated content. Platform architectures incentivize engagement and virality like piracy networks exploit this design.

#### **A. The Myth of Algorithmic Neutrality**

Platforms often defend themselves by claiming algorithms are neutral mathematical tools. In reality:

- Algorithms prioritize high-engagement content, which often includes leaked OTT clips, cricket highlights, or pirated lectures.<sup>16</sup>
- Trending sections can amplify illegally posted content within minutes.<sup>17</sup>

- Auto-suggestions complete piracy-related queries:
- “XYZ movie downl” → “XYZ movie download free HD.”<sup>18</sup>

Thus, algorithms act as **active facilitators**, not passive conduits.

## **B. Search Engine Liability for Piracy Visibility**

Search engines still direct millions of users to piracy domains, despite court-ordered blocks. Reasons:

1. Search crawlers constantly index new mirrors.
2. Autocomplete suggestions predict infringing keywords.
3. “People also search for” sections link to piracy tools.

In some U.S. cases, courts recognized that search engine ranking may constitute material contribution.<sup>19</sup> Similar reasoning is relevant for India.

## **C. Social Media Amplification: Recommendation Engines**

Platforms like YouTube, Instagram, and Facebook use recommendation models that prioritize:

- Short pirated clips from movies,
- Snippets of paid lectures,
- Sports highlight reels,
- Viral exam-preparation content leaked from EdTech platforms.<sup>20</sup>

Algorithms act as promotional engines for piracy, even if unintentionally.

## **D. Cloud Storage Indexing & Auto-Discovery**

Cloud platforms index files by:

- Filename similarity,



- Content recognition,
- Shared drive patterns.

Pirated folders labeled “SSC Notes,” “JEE Physics-PW,” “Movie 2024 1080p,” etc., become discoverable to other users through collaborative tools.<sup>21</sup>

Thus, cloud companies become inadvertent piracy distribution hubs.

### **E. Responsibility for Algorithmic Design**

Global best practices suggest:

- Algorithm audits,
- Transparency obligations,
- Bias and risk assessments,
- Override mechanisms for court orders,
- Blacklisting of piracy keywords and patterns.

India lacks these standards.

A framework for **Algorithmic Duty of Care** must be legislated.

## **IV. AI-GENERATED PIRACY ACROSS OTT & EDTECH ECOSYSTEMS**

Generative AI is radically redefining the nature of copyright infringement. India’s Copyright Act does not address:

- AI training on copyrighted data,
- AI outputs derived from protected works,
- AI reconstruction of movies, lectures, or books, or
- Liability for AI tools used to generate “near-infringing” substitutes.<sup>22</sup>

## **A. AI Training on Pirated Content**

AI models scrape massive datasets, often containing:

- Pirated movies,
- Illegally uploaded lectures,
- Textbooks,
- Study materials,
- Entertainment content.<sup>23</sup>

This raises two issues:

1. Training data may itself be infringing.
2. Output may constitute derivative works.

India's law does not regulate AI training datasets.

## **B. AI Reconstruction of Copyrighted Content**

AI tools can now:

- Reconstruct movie clips from text prompts,
- Generate identical voices of actors,
- Create look-alike animated scenes,
- Summarize complete paid lectures,
- Reproduce diagrams from coaching modules.<sup>24</sup>

Even if content is “newly generated,” **the underlying copyright is violated.**

## **C. AI as a Tool for Personalized Piracy**

AI allows users to bypass traditional distribution channels:

- “Generate a summary of XYZ paid course.”
- “Create a study plan using PW/Unacademy content.”

- “Produce a movie plot + dialogues + scenes.”

AI becomes a **piracy interface**, not just a neutral tool.

#### **D. Deepfakes and Unauthorized Performance Rights**

AI can clone:

- Actor voices (dubbing),
- Educator teaching styles,
- Influencer likenesses,
- Lecture delivery patterns.

This violates not only copyright but **performance rights** under Indian law.<sup>25</sup>

#### **E. AI-Based Mirror-Site Creation**

Piracy networks now use AI to:

- Generate domain permutations,
- Clone website layouts automatically,
- Rewrite page metadata to avoid detection.<sup>26</sup>

AI accelerates mirror-site proliferation beyond human capacity.

#### **F. Challenges for Enforcement**

Traditional tools blocking orders, notices, takedowns cannot regulate AI outputs. Additionally:

- AI models operate globally;
- Training data is opaque;
- Output is non-static and hard to track;

- Liability attribution is unclear;
- AI developers often disclaim copyright responsibility.<sup>27</sup>

Thus, India must implement AI-specific copyright regulations.

## V. COMPARATIVE GLOBAL ANALYSIS OF DIGITAL PIRACY GOVERNANCE

To build an effective framework for intermediary liability, algorithmic responsibility, and AI-governed enforcement, India must examine how technologically advanced jurisdictions have responded to similar challenges. The global landscape reveals a shift from **reactive, notice-based takedown models** to **proactive, algorithmic, and platform-accountability regimes**.<sup>28</sup>

### A. The European Union: Proactive Due Diligence & Algorithmic Transparency

The EU has adopted the world's most comprehensive digital governance structure through:

#### 1. The Digital Services Act (DSA)

The DSA imposes strong obligations on Very Large Online Platforms (VLOPs), including:

- Algorithmic audits,
- Risk-mitigation duties,
- Transparency reporting,
- Mandatory cooperation with national regulators.<sup>29</sup>

Platforms must assess and reduce systemic risks including intellectual property infringement.

#### 2. EU Copyright Directive (Article 17)

Article 17 requires platforms hosting user-generated content (e.g., YouTube, Facebook) to:

- **Prevent uploads** of infringing content using automated filtering,
- Ensure “best efforts” to remove and keep down infringing material,

- Enter licensing agreements where possible.<sup>30</sup>

Europe's shift to "preventive liability" rather than "takedown liability" is a model India can adapt.

### 3. Digital Markets Act (DMA)

Though not directly tied to copyright, the DMA regulates dominant online platforms, ensuring they do not abuse their market power or ranking algorithms.<sup>31</sup> This indirectly supports anti-piracy efforts by reducing opaque algorithmic behavior.

### B. United States: DMCA Safe Harbor & Judicial Interpretation

The U.S. Digital Millennium Copyright Act (DMCA) has been instrumental for two decades, offering safe harbor protections based on:

- Notice-and-takedown,
- Repeat infringer policies,
- No obligation for proactive monitoring.<sup>32</sup>

However, U.S. jurisprudence has evolved:

#### 1. Material Contribution Doctrine

Courts have ruled that if a platform *materially contributes* to infringement, safe harbor is lost. E.g., *MGM v. Grokster*.<sup>33</sup> Algorithms that recommend pirated content may constitute such contribution.

#### 2. Monetization-Based Liability

Platforms that profit from infringing uploads (via ads or subscriptions) face heightened scrutiny.<sup>34</sup>

#### 3. Filtering Technologies

YouTube's Content ID, developed in response to litigation pressures, is now a global model for

automated detection.<sup>35</sup>

The U.S. model shows how **judicial pressure + industry innovation** creates effective enforcement tools.

### **C. United Kingdom: Specialized Enforcement & Rapid Site Blocking**

The UK uses:

- **PIPCU** (Police Intellectual Property Crime Unit),
- **FACT** (Federation Against Copyright Theft),
- **Rapid court-ordered blocking** for OTT and sports content.<sup>36</sup>

UK courts recognize “dynamic injunctions” similar to India but have statutory backing and dedicated policing units.<sup>37</sup>

### **D. Singapore: Hybrid Administrative-Legal Anti-Piracy System**

Singapore has:

- Mandatory ISP blocking within **3-7 days**,
- Strict penalties for circumvention tools,
- Detailed regulation for online streaming devices (“ISDs”).<sup>38</sup>

This model balances administrative efficiency with judicial oversight.

### **E. South Korea: Real-Time Monitoring**

South Korea, a global leader in anti-piracy technology, uses:

- **KCSC real-time monitoring**,
- Instant blocking of illegal sports streams,
- AI-driven watermark tracing,

- Heavy criminal penalties.<sup>39</sup>

This real-time approach is crucial against fast-moving OTT leaks.

## F. Lessons for India

A hybrid system is ideal:

Legal Principle	Global Source	India Should Adopt
Algorithmic transparency	EU DSA	Yes
Preventive filtering	EU Art. 17	Yes
Material contribution	US DMCA cases	Yes
Rapid blocking	Singapore, UK	Yes
Real-time AI monitoring	South Korea	Strongly Yes
Dedicated enforcement agency	UK (PIPCU)	Yes

India must move from a **judicially-driven, reactive regime** to a **statutorily-backed, proactive regime**.

## VI. A COMPREHENSIVE REFORM FRAMEWORK FOR INDIA

Building upon comparative insights and domestic conditions, a next-generation enforcement framework must integrate **legal, technological, institutional, and international components**.

### A. Statutory Reforms to the IT Act and Copyright Act

#### 1. Introduce AI-Specific Copyright Provisions

Amend the Copyright Act to:

- Define AI-generated works and derivative reconstructions,
- Regulate AI training on copyrighted data,
- Create obligations for AI developers and deployers,
- Assign liability for infringing AI outputs.<sup>40</sup>

## **2. Amend Section 79 to include “Algorithmic Responsibility”**

Platforms must:

- Ensure that algorithms do not promote piracy,
- Flag high-risk patterns,
- Implement piracy suppression features,
- Modify ranking systems to downgrade infringing materials.<sup>41</sup>

## **3. Mandate Proactive Monitoring for High-Risk Sectors**

OTT, sports broadcasters, and EdTech platforms should be governed under a special rule that requires:

- Automated filtering,
- Preemptive blocking of known-infringing keywords,
- Watermark-based tracing.<sup>42</sup>

## **4. Codify Dynamic Injunctions**

Currently based on court innovation, dynamic injunctions must be codified to:

- Cover AI-generated variants,
- Block domain permutations,
- Enforce global blocking where possible.<sup>43</sup>

## **B. Technological Reform: AI-Driven Enforcement Architecture**

### **1. National Digital Piracy Monitoring System (NDPMS)**



India should create a central AI-powered monitoring system capable of:

- Real-time crawling of OTT, Telegram, cloud drives, and piracy websites,
- Detecting newly uploaded infringing content,
- Flagging mirror sites instantly,
- Notifying platforms and ISPs automatically.<sup>44</sup>

## **2. Mandatory Watermarking Standards**

The government must standardize dynamic watermarking for:

- OTT originals,
- EdTech lectures,
- Live sports feeds.<sup>45</sup>

Watermark identifiers should be readable by AI crawlers for tracing leaks.

## **3. ISP-Level Enforcement Automation**

ISPs must integrate with court APIs to:

- Block infringing URLs automatically,
- Prevent whack-a-mole re-upload attempts,
- Maintain piracy analytics.<sup>46</sup>

## **4. Platform Algorithmic Audits**

Platforms must undergo:

- Annual algorithmic audits,
- Transparency reviews,

- Compliance checks.<sup>47</sup>

## **C. Institutional Reforms: A Multi-Layer Enforcement Ecosystem**

### **1. Create a Digital Content Protection Authority (DCPA)**

This central body should:

- Oversee platform audits,
- Issue compliance guidelines,
- Coordinate with CERT-In and cyber police,
- Maintain a national piracy database.<sup>48</sup>

### **2. Strengthen I4C and State Cyber Units**

Training must include:

- DRM forensics,
- AI evidence handling,
- Cloud access protocols,
- Encrypted communication tracing.<sup>49</sup>

### **3. Fast-Track IP Benches**

Courts must receive technological support for:

- Instant injunction orders,
- AI-based link analysis,
- Automated notice issuance.<sup>50</sup>

## **D. International Cooperation**

### **1. Accede to the Budapest Convention**

This would:

- Speed up digital evidence sharing,
- Enable cross-border investigations,
- Reduce MLAT delays.<sup>51</sup>

## **2. Negotiate Bilateral Anti-Piracy MoUs**

Especially with:

- US
- EU
- Singapore
- South Korea
- Australia

Focus areas:

- AI training datasets,
- Cloud data preservation,
- Takedown coordination.<sup>52</sup>

## **3. Global Pirate Domain Registry**

India should advocate for an INTERPOL-managed global registry of:

- Rogue websites,
- Cyberlockers,
- Telegram piracy networks,
- IPTV piracy operators.<sup>53</sup>

## **VII. ETHICAL, LEGAL & POLICY CONSIDERATIONS**

Implementing this advanced enforcement regime requires addressing concerns related to:

### **A. Free Speech & Over-Blocking Risks**

Automated filtering systems may:

- Remove lawful content,
- Misidentify fair use excerpts,
- Suppress parody, critique, or commentary.<sup>54</sup>

Thus, India must include:

- Human-review mechanisms,
- Appeal systems,
- Transparency reports,
- Safe zones for academic and research use.<sup>55</sup>

## **B. Algorithmic Bias & Opacity**

Platforms may resist algorithmic audits citing:

- Trade secrets,
- Competitive harm,
- Proprietary technology.<sup>56</sup>

Regulators must balance transparency with confidentiality while preventing abuse.

## **C. Impact on Small Platforms**

Mandatory filtering and AI compliance may burden startups.

Solutions:

- Government-provided detection APIs,
- Shared watermarking tools,

- Tiered compliance obligations.<sup>57</sup>

#### **D. Data Protection & User Rights**

Monitoring systems must comply with:

- Digital Personal Data Protection Act (DPDP Act),
- Privacy guidelines,
- Minimization principles.<sup>58</sup>

User surveillance must not increase disproportionately.

#### **E. Innovation vs. Regulation**

Overregulation could stifle India's:

- AI research,
- EdTech sector,
- OTT innovation ecosystem.<sup>59</sup>

Balanced regulation is essential.

### **VIII. CONCLUSION**

India's expanding digital ecosystem driven by OTT platforms, EdTech growth, social media penetration, and widespread smartphone adoption has created unprecedented opportunities for creativity, innovation, and economic development. However, it has simultaneously enabled sophisticated forms of digital piracy that now operate at the intersection of **algorithmic amplification**, **AI-generated content**, and **platform-driven visibility architectures**.

Traditional legal tools such as takedown notices, civil suits, and conventional injunctions were designed for a static internet. They cannot regulate a modern ecosystem in which:

- Algorithms curate and promote infringing material,

- AI systems generate reconstructed or derivative works,
- Cloud infrastructures allow invisibility and seamless replication, and
- Piracy networks operate across decentralized platforms, encrypted channels, and global hosting services.

The limitations of Section 79 of the IT Act, combined with the narrow interpretation of “actual knowledge” in *Shreya Singhal*, leave major enforcement gaps. Meanwhile, the Copyright Act, 1957 does not address AI training datasets, generative outputs, or algorithmic facilitation of piracy. Without reform, India risks losing billions in economic value, undermining its creative industries, weakening the global competitiveness of its OTT platforms, and eroding the foundation of its EdTech leadership.

This paper argues that India must adopt a **three-layered enforcement strategy**, integrating:

1. **Intermediary Liability Reform** - Expanding statutory obligations for platforms, clarifying safe-harbor boundaries, requiring proactive monitoring, and codifying dynamic injunctions.
2. **Algorithmic Responsibility** - Imposing a duty of care on platforms to ensure algorithms do not promote or materially facilitate infringement; mandating audits, transparency, and risk mitigation.
3. **AI-Piracy Governance** - Regulating AI training datasets, establishing liability for infringing outputs, requiring watermark-sensitive model behavior, and creating guidelines for AI-based reconstructions of copyrighted content.

Alongside these legal reforms, India must build a **technological enforcement infrastructure**, including:

- An AI-driven National Digital Piracy Monitoring System (NDPMS),
- Real-time ISP compliance mechanisms,
- Standardized watermarking for OTT, EdTech, and sports media,

- A Digital Content Protection Authority (DCPA).

Internationally, India must join global cooperation frameworks such as the Budapest Convention and negotiate bilateral MoUs with technologically advanced nations to accelerate cross-border enforcement and data sharing.

Ethical and policy considerations such as free speech risks, algorithmic bias, data protection, and impacts on startups must guide implementation. Nevertheless, without systemic reform, the current fragmented approach will remain insufficient for the scale and sophistication of digital piracy India faces.

### **India stands at a defining moment.**

The convergence of AI, algorithms, and digital consumption demands a new regulatory paradigm one that recognizes the technological realities of the 21st century while protecting creativity, innovation, and digital integrity. A unified framework for intermediary liability, algorithmic responsibility, and AI-based copyright governance is not merely desirable; it is essential for safeguarding India's digital future.

Beyond the immediate legal and technological reforms proposed in this study, India must recognize that the future of copyright enforcement will be deeply intertwined with the evolution of digital ecosystems, platform governance, and global AI regulation. The coming decade will witness an exponential rise in synthetic media, AI-reconstructed lectures, automated screen-capture bypass tools, decentralized streaming networks, and piracy-as-a-service models powered by machine learning. These transformations require India to adopt not only reactive enforcement but also anticipatory governance, an approach that predicts technological misuse before harms occur. For instance, watermark-resistant AI models may soon replicate entire films or educational courses with minimal input, undermining traditional notions of "copying" under copyright law. Similarly, quantum-resistant encryption and decentralized web architectures may render current takedown mechanisms obsolete. To address such future risks, India must institutionalize continuous regulatory adaptation by empowering technical committees, advisory councils, and judicial technology benches to revise standards periodically in response to innovation cycles.

Furthermore, while combating piracy is essential, India must simultaneously cultivate a

balanced digital economy that fosters innovation and accessibility. Overly restrictive regulation could unintentionally discourage AI development, EdTech innovation, and the growth of domestic streaming platforms. Therefore, legal reforms must be complemented by public-interest safeguards, fair use expansions for education and research, open-licensing frameworks, and incentives for creators to adopt lawful distribution models that reduce demand for pirated alternatives. The government's role should extend beyond punitive measures toward catalyzing a rights-respecting digital culture, one that values intellectual property not merely as a legal entitlement but as an economic and moral foundation of creative labor. Public awareness campaigns, educational initiatives, affordable digital subscription bundles, and interoperable platform ecosystems can help reduce piracy by addressing socioeconomic drivers rather than treating piracy solely as criminal behavior.

Finally, India's leadership on global digital governance will depend on its ability to align domestic reforms with international best practices. Joining multilateral cybercrime frameworks, negotiating cross-border AI-copyright protocols, and sharing threat intelligence with technologically advanced nations will position India as a key contributor to shaping global norms in digital content protection. A forward-looking, cohesive, and ethically grounded approach to reform will enable India not only to curb piracy but also to build a resilient digital economy rooted in trust, innovation, and equitable access. In this sense, strengthening copyright enforcement is not merely a defensive strategy, it is an investment in India's creative future.



## FOOTNOTES/REFERENCES

1. FICCI-EY Report on Indian Media & Entertainment Industry (2022).
2. IAMAI Digital Behaviors Study (2023).
3. WIPO Study on AI and Copyright (2021).
4. Information Technology Act, 2000, § 79.
5. *UTV Software Comm'ns Ltd. v. 1337X.to*, 2019 SCC OnLine Del 8002.
6. Vidhi Centre for Legal Policy, *Platform Governance in India* (2022).
7. Information Technology Act § 79(2).
8. *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.
9. FICCI-EY Report, supra note 1.
10. Telegram Transparency Report (2022).
11. Delhi High Court, Dynamic Injunction Compilation (2021–23).
12. Sengupta, *Intermediary Liability Post-Shreya Singhal*, NUJS L. REV. (2020).
13. EU Copyright Directive 2019/790, art. 17.
14. *UTV Software Comm'ns Ltd.*, supra note 5.
15. *T-Series v. Telegram Channel Admin*, 2020 SCC OnLine Del 2010.
16. Netflix Technical Security Whitepaper (2021).
17. Google Transparency Report: Copyright Removals (2022).
18. IAMAI Search Behavior Patterns Study (2022).
19. *MGM Studios Inc. v. Grokster, Ltd.*, 545 U.S. 913 (2005).
20. YouTube Algorithmic Recommendation Study, University of Amsterdam (2021).
21. Cloud Storage Ecosystems Report, ORF (2022).
22. WIPO, *AI and Appropriation of Creative Works* (2021).

23. OpenAI Training Dataset Transparency Notes (2023).
24. IEEE Standards Report on AI Reconstruction Technologies (2022).
25. Copyright Act, 1957, § 38 (performers' rights).
26. Cybercrime & AI Mirror-Site Automation Paper, Kaspersky Labs (2023).
27. OECD Report on AI Liability Frameworks (2022).
28. Digital Governance Comparative Study, Harvard Berkman Klein Center (2022).
29. Digital Services Act, Regulation (EU) 2022/2065.
30. EU Copyright Directive, *supra* note 13.
31. Digital Markets Act, Regulation (EU) 2022/1925.
32. 17 U.S.C. § 512 (DMCA Safe Harbor).
33. *Grokster*, *supra* note 19.
34. U.S. Copyright Office Platform Monetization Study (2021).
35. YouTube Content ID Technical Documentation (2022).
36. UK Intellectual Property Crime Unit (PIPCU) Annual Report (2021).
37. FACT (Federation Against Copyright Theft), Enforcement Report (2022).
38. Singapore Copyright Review Report (2020).
39. Korea Communications Standards Commission (KCSC) Real-Time Enforcement Report (2021).
40. Parliamentary Standing Committee on Commerce, *IPR Framework Reform Report* (2021).
41. Vidhi Centre Proposal on Algorithmic Duty of Care (2023).
42. TRAI Consultation Paper on OTT and Digital Broadcasting Security (2022).
43. Delhi High Court, *Viacom18 Media v. Department of Telecom*, 2016 SCC OnLine Del 2717.
44. MeitY Proposal for National Digital Piracy Monitoring System (Draft 2023).

45. FICCI-EY Report, *supra* note 1.
46. EU DSA, *supra* note 29 (ISP-level obligations).
47. Algorithmic Accountability Guide, European Commission (2023).
48. MeitY Proposal for Digital Content Protection Authority (2023).
49. Indian Cybercrime Coordination Centre (I4C) Annual Training Framework (2022).
50. Delhi High Court Digital Evidence Guidelines (2021).
51. Council of Europe, *Budapest Convention on Cybercrime* (2001).
52. MEA Bilateral Cyber Cooperation Agreements Compendium (2023).
53. INTERPOL Global Cybercrime Watchlist (2022).
54. ARTICLE 19, *Online Content Moderation and Free Speech* (2022).
55. NCERT Ethics and Digital Literacy Draft (2023).
56. OECD AI Transparency & Trade Secret Balance Report (2022).
57. NASSCOM Startup Compliance Paper (2023).
58. Digital Personal Data Protection Act, 2023 (India).
59. CII Innovation & Digital Economy Study (2022).