

# Indian Film Industry and Copyright Piracy issues in India: A Growing Concern

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**Abstract-**This article addresses the evolution and modifications that are needed in Copyright Law with rapidly growing digital age. Copyright law has been drafted in accordance with the progress within the technological world. The exceptional growth in Digital Piracy may be a serious concern for a country nowadays because it is responsible for inflicting immense economic loss to the economy. One of the foremost vital aspects of digital piracy is 'the behavior of the consumer' that is responsible for its exponential growth within the 21<sup>st</sup> Century. Therefore, it is essential to check the consumer's behavior towards digital piracy. This article provides the issues of film piracy in India along with the laws governing piracy and the factors responsible for the digital piracy. The author has examined some methods that are projected to be utilized by the Indian industry to fight and win the battle against the piracy of films, and additionally observes that pirated Indian picture content is available within the Internet and this shows the existence of sturdy demand for that content. This article argues that the Indian film industry may attain solutions for online piracy only by making the legitimate products reach those consumers.

**Keywords:** India, Film Industry, Piracy, Copyright, Laws.

## INTRODUCTION

Movies are an integral part of the social existence of individuals in India and for a large number of Indians they are likewise the only accessible and affordable form of entertainment. This essential role of movies in the social existence of individuals in India has likewise

generally empowered the Indian film industry to play a crucial role in the development of Intellectual Property Laws, especially the Copyright Laws in India. In the current situation, the Indian Film Industry has developed to turn into the world's largest film industry in terms of number of movies made and tickets sold yearly.<sup>1</sup> Copyright Law has since its foundation answered skillfully to innovative technologies. Technologies that Copyright Laws need to fight are digital storage and transfer. With simple access to technologies like internet and computers, which, like some other innovation, can be both possibly encouraging and unsafe, the unauthorized utilization of works like, books, music, movies, etc.

The word piracy has an uncertain and unambiguous definition. However, in the present situation, the term piracy has advanced its significance in various fields, particularly in Intellectual Property. In Intellectual Property, piracy means copying, stealing, reproducing, transmitting, and selling of the Intellectual Property of a person without their consent and approval, and without paying that person, the royalty of that work. Piracy is the unauthorized use, reproduction of books, movies, music, and different works which fall under the extent of Copyright Law. Piracy ordinarily happens in two ways: (i) when an individual gets the copyrighted content in an illegitimate manner, for example, downloading; and (ii) when an individual acquires the protected work in a genuine and legal manner, however at that point utilizes it without any authorization.<sup>2</sup>

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<sup>1</sup> UNESCO, *Institute for Statistics, Analysis of the 2010 US International Survey on Feature Film Statistics* (2012) 8-10, 17-18, <http://www.uis.unesco.org/FactSheets/Documents/ib8-analysis-cinema-production-2012-en2.pdf>

<sup>2</sup> Haber S., Home B., Pato J., Sander T., Tarjan R.E., *If Piracy Is the Problem, Is DRM the Answer? in Digital.*

Rights Management Lecture Notes in Computer Science 225 (Becker E., Buhse W., Gfinnewig D., Rump N. 2003).

The Virtual World has, from one viewpoint, gave new open doors to businesses and consumers and then again opened flood gates for digital piracy and copyright infringement which in the event that not directed in time, may affect creativity. The behavior of human beings in the Virtual World isn't determined and in this manner, we have seen an increase in the quantity of cases related with digital piracy and copyright infringement. Digital piracy can be defined as unlawful copying, downloading of programming, films, computer games and other protected content, for example, E-books.

### DIGITAL PIRACY IN INDIA

India is the world's biggest maker of movies with its Bollywood and regional movies. The film industry is one of the nation's quickest developing industries. In any case, this industry is appeared with the plague of piracy. In 2000s the pirated films were to a great extent consumed through the sale of CDs and DVDs, and with the growth in accessibility to the World Wide Web, there has been a rise in the utilization of pirated movies through the Internet. Due to the Covid-19 circumstances, the online film piracy ascended as high as 62% recently in last week of March 2020.<sup>3</sup> According to the research led by US-India Business Council (USIBC), the film industry of India experiences 11% loss because of media piracy.<sup>4</sup> Over a time of years, digital piracy has overflowed the business sectors. One reason why the buyers are keener on turning to digital piracy is the money saving advantage.

In the digital market, the providers of digital content are distributing protected copyright content digitally at no benefit or at zero expense. Where the copyright owner needs to compete with the pirates just who were providing the copyrighted content at the financial or less expensive cost, for example, the market of the movies, which made accessible their protected product in original encrypted CDs or DVDs, whose pirated

versions are likewise accessible in market at the economic cost, in digital markets, the merchant is essentially selling the copyrighted product at zero expense.

Digital piracy is an extremely extensive term, which incorporates Film Piracy too which is likewise very much seen in this Article. Subsequently it, firstly, is likewise very fundamental for having some familiarity with the meaning of Film Piracy. It refers to the unlawful distribution of films, without the consent or license of the content creators. Online piracy is quite possibly the most challenging issue confronting creative works today. "Free" is not a feasible plan of action. Copyright can be complicated however it comes down to an extremely straightforward idea i.e., the freedom to choose. The people who own the copyright in a film or a TV show reserve the right to choose when, how, and if they wish to distribute their creative work - whether it's for hire, sale or free. Pirates remove that choice from movie producers.

The essential question that could emerge that why individuals pirate? So, Film pirates use many reasons for their behavior; however, the main reason is that it is free. Pirates may not take anything physical when they stream or download content from pirate websites, however in doing as such; they diminish the worth of the copyrighted work to zero by not paying anything for it.

One more component of film piracy in India is that it is firmly connected to music piracy also, as most well-known Industrial movies are musicals. The Ministry of Information and Broadcasting proposes to introduce the Cinematograph (Amendment) Bill, 2021 which will make the process of sanctioning of films for exhibition more effective, in tune with the changed times and curb the menace of piracy.<sup>5</sup>

Pirated versions of Toofan, Ray, Sardar Ka Grandson, and Roohi were promptly accessible on the relevant

<sup>3</sup> India sees big spike in film piracy post Covid-19, MINT (June 01, 2022, 2:50 PM), <https://www.livemint.com/news/india/india-sees-big-spike-in-film-piracy-post-covid-19-11589183182123.html>

<sup>4</sup> Earns & Young, *The Effects of Counterfeiting and Piracy on India's Entertainment Industry*, (March 2008),

[http://producersguildindia.com/Pdf/Ernst&Young\\_USIBC%20Piracy%20Study\\_March%2027.pdf](http://producersguildindia.com/Pdf/Ernst&Young_USIBC%20Piracy%20Study_March%2027.pdf)

<sup>5</sup> *Public comments sought on the Cinematograph (Amendment) Bill, 2021*, Ministry of Information and Broadcasting, Government of India, 1, (2021), <https://mib.gov.in/sites/default/files/Public%20comments%20sought%20on%20Cinematograph%20%28Amendment%29%20Bill%202021.pdf>

websites post their digital release in India.<sup>6</sup> Pirated forms of most movies released on digital platforms are made accessible before or on the day of its release, through links on WhatsApp and Telegram groups. In some cases, like Salman Khan starrer *Radhe*, which was released in the year 2021, pirates have been considering conquering to try and declare the sale of the film on Facebook after its release and three people were arrested under relevant provisions of the Information Technology Act, 2000 and the Copyright Act, 1957 in this specific case.<sup>7</sup>

Various people find piracy as to OTT platforms particularly stressing on downloading the movies and web series from the OTT platforms in good quality and sharing them on various social media platforms. Few arrests have been made connected with OTT piracy, as per Anyesh Roy, DCP, Cyber Cell, Delhi Police; they haven't received any complaints yet.<sup>8</sup> So, what is preventing the producers from taking a collective action at mass level? Legal counselors express that while streaming the content the pirates have continued toward far superior technologies, the law has not caught up to speed at this point and that is the reason implementation of the Copyright Act, 1957 is troublesome.<sup>9</sup>

However, there are several steps that can be taken to stop piracy. Vivek Narayan Sharma, a Supreme Court lawyer, says, "Producers should contact the police if their film is pirated and ensure that an FIR is registered, so investigations can follow. The reason why producers stay away from any legal action is because of the long procedure, but film piracy is a mass violation of copyright. Platforms where these films are circulated should also be made a party to it

and it is the liability of these platforms to remove the content."<sup>10</sup>

#### FILM PIRACY POST COVID-19 IN INDIA

Online film piracy rose 62% in India somewhat last week of March 2020 contrasted with the last seven days stretch of February 2020. "A lot of pirated content in India is circulated through platforms that individuals, in fact, use for other features," said Rajkumar Akella, privileged member from the Telugu film industry anti-piracy chamber.<sup>11</sup> Not simply movies, piracy likewise reaches out to web series as well. In August 2019, the second season of Netflix's crime thriller *Sacred Games* had found pirated copies circulating on Telegram and different sites on the Internet.<sup>12</sup> *Harmed*, a Hungama Digital Media original, had more than 169,000 downloads across various torrent sites since its premier in June 2018.<sup>13</sup> As per a report by Irdeto, a worldwide solutions supplier in digital platform security and media and entertainment, the Indian media and entertainment industry loses \$2.8 billion of its yearly income due to piracy.<sup>14</sup>

As indicated by a study by Envisional Ltd, a firm giving customized brand and trademark monitoring administrations, Indians are the biggest group of visitors to Indian content-centered torrent sites and furthermore comprise the largest or second-largest group of people who visit significant international bit-torrent sites like Minin ova, Torrentz and The Pirate Bay.<sup>15</sup>

With the COVID-19 pandemic constraining the closure of Cinema Halls and Multiplexes across the

<sup>6</sup> Niharika Lal, *Piracy is at an all-time high in the age of OTT releases*, TIMES OF INDIA, (June 01, 2022, 3:00 PM), <https://timesofindia.indiatimes.com/entertainment/hindi/bollywood/news/piracy-is-at-an-all-time-high-in-the-age-of-ott-releases/articleshow/85700331.cms>

<sup>7</sup> FB user booked for downloading Salman Khan's *Radhe*, selling its paid version, HINDUSTAN TIMES, (June 02, 2022, 11:25 AM)

<sup>8</sup> Niharika Lal, *supra* note 7 at 9.

<sup>9</sup> Niharika Lal, *supra* note 7 at 10.

<sup>10</sup> Niharika Lal, *supra* note 7 at 11.

<sup>11</sup> MINT, *supra* note 4 at 12.

<sup>12</sup> Megha Mandavia, *Pirated Copies steal thunder of 'Sacred Games 2'*, THE ECONOMIC TIMES, (June 02, 2022, 4:05 PM),

<https://economictimes.indiatimes.com/magazines/panache/pirated-copies-steal-thunder-of-sacred-games-2/articleshow/70709874.cms?from=mdr>

<sup>13</sup> Aman Maini, *Digital Piracy and Security*, SONY VISION, (June 02, 2022, 4:25 PM), <https://www.sonisvision.in/blogs/post/digital-piracy-and-security>

<sup>14</sup> Sonal Khetarpal, *what entertainment industry should do to fight piracy*, BUSINESS TODAY.IN, (June 02, 2022, 4:15 PM)

<sup>15</sup> Lata Jha, *How the govt is cracking down on film piracy*, MINT, (June 02, 2022, 8:55 PM), <https://www.livemint.com/industry/media/how-the-govt-is-cracking-down-on-film-piracy-1550130158629.html>

nation, the OTT players have become substitute platforms for new film releases; thus far, it has been a shared benefit for the digital industry, production houses and viewers as well. While watching the first day, first show of a new movie at one's home, might not have similar thrill of watching it on a big screen along-with many other persons. However, it is the only alternative available until the COVID-19 situation improves and cinema halls are permitted to open.

Notwithstanding, the straightly-to-OTT release of movies has likewise led to an increment in digital piracy, particularly with the approach of new technologies. As per a report by Digital TV Research, the loss of revenue for OTT players because of piracy in India is supposed to hit \$3.08 billion by 2022.<sup>16</sup>

Salman Khan-starrer 'Radhe' has been the greatest Bollywood release on OTT platform during the year 2021. Indeed, even as the film saw huge traction with its streaming on ZEE5 and Zee Studios, 'Radhe' was additionally the victim of piracy as it was leaked on platforms like Telegram and WhatsApp promptly after its release on relevant platforms. Choosing to take piracy head-on, the production house company filed an FIR with the Mumbai Cyber Cell. Salman Khan, as well, took to Twitter and cautioned those engaged in pirating his film, even as he encouraged his fans not to watch the pirated variant of 'Radhe'.<sup>17</sup>

The second wave of Covid-19 has speed up the digital piracy in India. As indicated by a senior authority of consultancy firm EY India, original content makers lose money by up to 5 times of what they make through genuine displays.<sup>18</sup> The shifting of content from theaters to OTT platforms with the appearance of new technologies has additionally expanded digital

piracy as these stages don't come for free and their subscriptions are also there.

### CONSUMER BEHAVIOR AND DIGITAL PIRACY

There is an exceptionally close connection between the enforcement of the Copyright laws and piracy and between the pricing evaluating strategy and the objective of social welfare. Furthermore, this has brought about essentially reducing the 'right to transformative use of creative work'. *Adrian Johns* has traced the historical backdrop of the usage of the term 'Piracy' with regards to copyright infringement, and he observed that the term was the first time in use from 1660 to 1680.<sup>19</sup> From that time onwards, until now the term has been extended and utilized in different ways making sense of the way of behaving of illegal copying and applied to online piracy as digital piracy. Digital Piracy is different in relation to traditional piracy, which was costly and required fixed place and explicit mechanical equipment's, though digital piracy is not difficult to do and requires no decent spot.

The effect of digital piracy isn't just restricted to its effect on copyright owners yet has a more noteworthy effect factor. It impacts the market forces and affects the economy at large. It is assessed that in the US alone, 2.6 million workers are utilized in innovative, creative, and technological industries and are answerable for contributing up to \$229 billion yearly to the economy. Also, digital piracy alone causes loss of somewhere around \$29.2 billion yearly, which prompted the decrease of income somewhere in the range of 11% and 24%.<sup>20</sup>

<sup>16</sup> Karuna Sharma, *Indian OTTs might lose \$3bn to piracy this year as leaked content sites see 62mn footfall*, BUSINESS INSIDER, (June 02, 2022, 9:10 PM),

<https://www.businessinsider.in/tech/enterprise/news/disney-star-is-the-latest-victim-of-online-piracy-which-is-expected-to-touch-3-billion-this-year-in-india/articleshow/91912088.cms>

<sup>17</sup> ZEE files FIR over 'Radhe' piracy after film gets circulated on WhatsApp, Telegram, ZEE BUSINESS, (June 02, 2022, 9:15 PM), <https://www.zeebiz.com/zeal/entertainment/news-piracy-of-salman-khan-starrer-radhe-movie-zee-files-complaint-at-cyber-cell-on-pirated-version-circulated-on-whatsapp-telegram-check-statement-156759>

<sup>18</sup> PTI, *Original content creators losing money as digital piracy rises amid COVID-19 pandemic: EY*, BUSINESS TODAY.IN, (June 02, 2022, 9:20 PM), <https://www.businesstoday.in/latest/economy-politics/story/original-content-creators-losing-money-as-digital-piracy-rises-amid-covid-19-pandemic-ey-297936-2021-06-06>

<sup>19</sup> Adrian Johns, *Piracy the Intellectual Property Wars from Gutenberg to Gates*, (First edition, The University of Chicago Press), Chicago, (2009)

<sup>20</sup> Theme Report 2021, *A comprehensive analysis and survey of the theatrical and home/mobile entertainment market environment for 2021*, MOTION PICTURES ASSOCIATION (March 2022), <https://www.motionpictures.org/wp->

There are different factors which impact the causes answerable for digital piracy, however consumer behavior is one the most critical elements among all causes as it teaches the ethical and moral standards among consumers.

Furthermore, it persuades the customers to enjoy digital piracy notwithstanding the way that they are particularly much aware of the fact that it is a crime, and they are causing losses to the businesses connected with the copyright and film industry. As a matter of fact, individuals carrying out digital piracy don't imagine that they are doing any crime or wrong and consequently this advantage drove them to not contemplate the results by any means.

#### FACTORS BEHIND FILM PIRACY IN INDIA

There is an assortment of factors which influence the expansion in sale of pirated versions of movies. The market need is one of those elements. Now and again, the consumers don't have ideal access to several film contents due to geographical or economic hindrances which drive them to consume the pirated versions more. Pirated movies are low priced, and are at times accessible free of cost, which makes them attractive to consumers. The unreasonable low pricing of the products by the pirates is conceivable by keeping away from the genuine cost of production, securing and other regulatory obligations. As the cost of production is restricted, the pirate industry is concerned more about volume production, procuring them profitable returns.

Innovation of new technologies, for example, file compression and storage forms like DVD and Blue Ray made it more straightforward for the pirate industry to oversee enormous volumes of data. Alongside it, the accessibility to high-speed internet for a minimal price has made it simpler for the consumers to access such pirated contents more.

One of the central factors responsible for digital piracy is the low cost of copying, reproduction, and delivery of copyrighted content. It has been seen that elite consumers in the developing nations purchase original

products, while middle-class shoppers regularly choose a pirated variant of the product. Furthermore, this exponential development in the digital market is possibility, simply because of technological advancements and in such manner; therefore, technology works like an extraordinary facilitator. Be that as it may, this technology itself is liable for causing easy reproduction and distribution of copyrighted content. The exemplary model is texting applications, WhatsApp, and Telegram which in a flash exchanges different kinds of digital content comprehensive of copyrighted content across the geographical borders. Another, quite possibly the main, factor is insight into causing digital piracy. Exchange of pirated digital copyright content is commonly not saw as deceptive, regardless of the fact, most of the people know about the way that it is against the law to share copyrighted contents without consent.

#### COPYRIGHT PROTECTION OF CINEMATOGRAPH FILMS

Copyright in Cinematograph films is mind boggling in nature as there exists a variety of copyright in a single work. A ton of times, these rights likewise cross-over one another. The first right in a film is 'theatrical right', i.e., the right to show a film in the theaters. The producer of the film is the copyright owner. The theatrical rights are purchased by the distributors from the producers. The distributor then, makes plans with the theater owner for the display of film for general society. These rights are time and territory barred in nature. As per Film Federation of India's President Firdausul Hasan, piracy has crossed the boundaries. In Bangladesh, people are watching Indian movies regardless of film not being released there.<sup>21</sup>

These days the producers sell the theatrical rights to channels for future shows on TV or on streaming platforms, for example, Amazon Prime, Hot star, and Netflix before the release of the movie in the theaters. Piracy in cinematograph films comes in two principal structures - 'video piracy' and 'cable piracy'.

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content/uploads/2022/03/MPA-2021-THEME-Report-FINAL.pdf

<sup>21</sup> IANS, *Film Federation of India on film piracy: No mobile phones in cinema halls, special court needed*, INDIA TODAY, (June 03, 2022, 7:10 AM),

<https://www.indiatoday.in/movies/bollywood/story/film-federation-of-india-on-film-piracy-no-mobile-phones-in-cinema-halls-special-court-needed-1454716-2019-02-13>

In *Balaji Motion Pictures v. Bharat Sanchar Nigam Ltd.*,<sup>22</sup> the film named 'Udta Punjab' was released online before its release in theaters. The duplicate which was made to show the film to CBFC for certification was leaked on the Internet. The producers moved to the court to request that BSNL bring down completely concerned links from the web. The Bombay High Court conceded the request to do as such.

In the time of YouTube, Facebook, and Instagram, the Internet is overwhelmed with videos which are based on pre-existing material. These are derivative videos that either investigate the original video or are utilized as a political parody. The creation of 'parody' and 'spoof' is permitted under fair use as enshrined under the Copyright Act, 1957.<sup>23</sup>

In, *Taj Television Limited v. Rajan Mandal* <sup>24</sup> [2003] F.S.R 24, wherein the Delhi High Court issued a "John Doe" order against cable operators, restraining the unauthorized broadcasting of the World Cup football tournament. After this order, seeking a John Doe injunction became practice before the launch of any major film or sporting event. Recently in 2019, the Delhi High Court issued an ex-parte interim injunction against the unauthorized audio broadcast of the ICC Cricket World Cup 2019 in *Channel 2 Group Corporation vs. Http://Live.Mycricketlive.Net/ and Others*<sup>25</sup>.

#### LAWS GOVERNING PIRACY IN INDIA

In India, the Copyright Act, 1957 safeguards all kinds of literary, artistic, musical, and dramatic work, including the work by producers and cinematographers. Increase in online piracy has pushed the Indian Government to go to rigid measures to safeguard the interest of producers and distributors. The relevant amendments to the Copyright Act, 1957

are one of such measures by the government against the wild danger of online piracy in India.

The Copyright (Amendment) Act, 2012 has reformed the Copyright regulations in India by amending piracy laws in India. Section 65A safeguards Technological Protection Measures (TPM) utilized by copyright owners against any breach.<sup>26</sup> TPM is used by copyright owners to safeguard their right in the copyrighted work. If somebody evades TPM to infringe the owner's IPR, then, at that point, the infringer can be punished with imprisonment upto 2 years along with fine.<sup>27</sup>

The Information Technology Act, 2000 likewise manages online distribution of unlawful copies of Copyrighted content. As per Section 66 of the said Act, an offender can be punished with imprisonment for up to 3 years with fine for up to Rs. 2 lakhs. To curb the issue of online piracy in India, the Indian courts have taken on another type of order named '*John Doe Order*', as talked about earlier. In the abovementioned *John Doe Order*, the identity of the accused person is unknown at the time of filing the suit and just a little description is given to identify the accused person. The Indian producers are using *John Doe Order* to manage online piracy of new films on 100s of torrent sites before they even release. Torrent or other free film downloading sites that are suspected to give illegal access to unreleased movies are blocked ahead of time.

India ratified TRIPS<sup>28</sup> in the year 1994 and the said agreement came into force on 1<sup>st</sup> January 1995 and the said decision to sign TRIPS met with furious political oppositions in the country. In practically all the Intellectual Property infringement suits filed by big companies, the preferred forum has been one of the significant High Courts i.e., Delhi High Court.

As far as civil remedies are concerned, the Copyright Act, 1957 allows "*all such remedies by way of*

<sup>22</sup> Balaji Motion Pictures v. Bharat Sanchar Nigam Ltd, 2016 SCC On-line Bom 4636

<sup>23</sup> Vatsala Singh, *Parody: Fair Use or Infringement?* (India), MONDAQ, (June 03, 2022, 7:35 AM), <https://www.mondaq.com/india/trademark/756930/parody-fair-use-or-infringement>

<sup>24</sup> Taj Television Limited v. Rajan Mandal, [2003] F.S.R 24

<sup>25</sup> Channel 2 Group Corporation v. Http://Live.Mycricketlive.Net/and Others, [CS (COMM) 326/2019, I.A. 8510/2019 and 8508/2019]

<sup>26</sup> Abhai Pandey, *Development in Indian IP Law: The Copyright (Amendment) Act, 2012*, INTELLECTUAL PROPERTY WATCH, (June 03, 2022, 7:50 AM), <http://www.ip-watch.org/2013/01/22/development-in-indian-ip-law-the-copyright-amendment-act-2012/>

<sup>27</sup> *Ibid.*

<sup>28</sup> Agreement on TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (1994)

*injunction, damages, accounts, and otherwise as are or may be conferred by law for the infringement of a right.*"<sup>29</sup> Indian courts have generously conceded "John Doe Order" in copyright cases positively. As far as criminal penalties are concerned, the Copyright Act, 1957 provides the imprisonment for between six months to three years along with a heavy fine ranging from Rs. 50,000 to Rs. 2, 00,000 in cases of intentional infringement or intentional abatement of infringement<sup>30</sup> and enhanced penalties<sup>31</sup> are also provided under the Copyright Act, 1957. The Act also empowers the police officials to conduct raids and seize infringing material without a warrant, and without permission from any judicial or administrative authority.<sup>32</sup>

In recent years, governments of certain states have arrested various suspected pirates under preventive detention laws, called Goonda Acts, where the film industry wields considerable political clout. One of the significant arrests under these laws occurred in February 2013, when police in Madras detained an influential pirate and reportedly seized pirated discs worth Rs. 140 million.<sup>33</sup>

#### SUGGESTIONS FOR PREVENTION OF PIRACY

Aside from strict laws against copyright infringement upheld by judicial infrastructure, the State and the Cinema Industry should likewise take different measures to limit the damage caused by the pirates. The two of them need to act as facilitators and organizers, for making initiatives and forming policies against piracy.

The State can instruct the Internet Service Providers to block the access of the consumers into the sites hosting pirated content. This will assist with diminishing the quantity of pirate users, as most of the individuals don't have the foggiest idea about the technical methods to bypass such blocked sites. The industry can likewise offer its digital products at a reasonable cost and make it more accessible to most of the

population. It probably won't stop piracy completely; however, it will assist with controlling down the malpractice to some extent.

The absence of public awareness about the evils of piracy is likewise a significant obstacle in curbing the pirate industry. The technoid consumers are presently the consumers as well as have turned into the actual pirates. They are in many cases tracked down in replicating the discs and uploading the content on the internet. Subsequently, people in general should be made aware of the legitimacy of such exercises.

The industries genuinely must perceive that by reaching the consumers abroad with authentic product access choices, they could considerably expand their incomes and accordingly additionally increment the investments in quality and diversity of films. The important measure to be taken in this regard is diminishing the waiting period for providing legitimate access of films to consumers abroad. As the data stream on the new film releases was slow in the pre-digital era, the film industry might have prior expected the consumers abroad to stand by without complaining about a very long time to watch another film.

The Indian film industry should likewise show readiness and willingness to follow the changing consumer preferences and try to adapt their plans of action to those changes. At present, the industry is just pressurizing the consumers to follow their well-established plans of action through technical and legal protection measures. For instance, numerous consumers today wish to watch new movies in privacy and convenience of their digital devices or home. By not giving them the necessary resources to get access of movies in their favored types of utilization and by forcing them to watch films just through conventional channels like films and DVDs, the Indian film industry is attempting to oppose innovations in strategic approaches.

#### CONCLUSION

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<sup>29</sup> Copyright Act, 1957, Section 55(1), Acts of Parliament, 1957 (India)

<sup>30</sup> Copyright Act, 1957, Section 63, Acts of Parliament, 1957 (India)

<sup>31</sup> Copyright Act, 1957, Section 63A, Acts of Parliament, 1957 (India)

<sup>32</sup> Copyright Act, 1957, Section 64, Acts of Parliament, 1957 (India)

<sup>33</sup> Arpan Banerjee, *The Indian Film Industry's Battle Against Piracy: Some Reflections*, WIPO-WTO COLLOQUIUM PAPERS, 39, (2013), [https://www.wto.org/english/tratop\\_e/trips\\_e/colloquium\\_papers\\_e/2013/chapter\\_5\\_2013\\_e.pdf](https://www.wto.org/english/tratop_e/trips_e/colloquium_papers_e/2013/chapter_5_2013_e.pdf)

The Indian film industry has consistently played a crucial role in impacting the development of Copyright laws in India. Movie isn't just a wellspring of entertainment but, it is the most up to date type of art. Such innovative arts are financially useful for both the producer and the State, pooling a lot of income and profits. Nonetheless, the act of piracy is a developing worry in India. Along these lines, the film industry not just loses a lot of yearly income; however, it likewise cuts down employment generation. Aside from this, it additionally ethically deters the producers from making more movies. We can't conclude that consumer behavior towards digital piracy and copyright infringement is because of pervasive cultural practices. Indeed, even after the commencement of anti-piracy rules and regulations, the pirate industry exists. The Government needs to make stricter regulations to curb this plague. The industry needs to administer the distribution and channeling procedures more minutely to prevent the malpractice of leaking and unlawful importation of their contents. The consumers should be made aware regarding the evils of piracy. It isn't just the obligation of a person to curb down the act of piracy, but also the public at large needs to fight against it.