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Copyright issues in digital era

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ABSTRACT

This study provides a comprehensive exploration of copyright issues in the digital era, analyzing the historical evolution, legislative and regulatory frameworks, and challenges and opportunities presented by emerging technologies. Beginning with the origins of copyright law in ancient civilizations, the study traces its development through landmark legislation such as the Statute of Anne and the Copyright Act of 1976. It examines key provisions of the Digital Millennium Copyright Act (DMCA) and explores international agreements and treaties governing copyright protection. The study also delves into the impact of emerging technologies on copyright enforcement and protection, including peer-to-peer file sharing networks and online streaming platforms. Through a nuanced examination of the societal implications of copyright law, including its impact on freedom of expression and access to knowledge, the study offers insights into shaping a balanced and sustainable framework for intellectual property rights in the digital age.

Keywords: Copyright law, digital era, legislative frameworks, regulatory frameworks, Digital Millennium Copyright Act (DMCA),

CHAPTER-1

INTRODUCTION

Copyright disputes have grown in frequency and complexity in today's dynamic digital environment. The ownership, protection, and violation of intellectual property have become hotly debated topics in legal and ethical circles due to the ongoing revolution of the internet in our content creation, sharing, and consumption processes. It is more important than ever to understand the complexities of copyright law in this digital age, when information travels freely across countries and boundaries. The legal notion of copyright, which is codified in several international and national statutes, gives authors the power to manage the distribution and use of their original works. Traditional forms of artistic expression including books, music, & visual art have

traditionally been the primary targets of copyright legislation. Software, digital photos, movies, and multimedia products are all now under the purview of copyright thanks to the proliferation of digital technology.

Originating in the United States from the Copyright Clause of the Constitution, which authorizes Congress to "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries" (U.S. Const. art. I, § 8, cl. 8), modern copyright law in the country stands. Congress has used its constitutional power to pass important copyright laws like the Digital Millennium Copyright Act (DMCA) of 1998 and the Copyright Act of 1976, which define and govern copyright law.

In the United States, authors have a framework for safeguarding their original works thanks to the Copyright Act of 1976, which is the cornerstone of copyright law. This statute grants authors the only authority to copy, distribute, perform, and exhibit their works, along with the authority to derive other works from their original works (17 U.S.C. § 106). When a qualified work is created, these rights are immediately enforced and may be used to punish infringement.

But old copyright enforcement methods are facing new problems with the proliferation of digital technology. People may now more easily access and share copyrighted information without legal authority due to the expansion of peer-to-peer file sharing networks, online streaming platforms, and social networking sites. In 1998, Congress attempted to bring copyright laws up to date for the digital era by passing the Digital Millennium Copyright Act (DMCA), in response to these problems.

Under certain situations, the safe harbor clause of the DMCA protects internet service providers from legal action for copyright infringement by their users (17 U.S.C. § 512). Providers of online services might avoid legal trouble by adhering to certain guidelines; these guidelines include, among other things, a mechanism to handle reports of copyright infringement and a policy to deactivate the accounts of persistent infringers.

Online service providers now have some legal clarity thanks to the DMCA, although the law's efficacy and effect on innovation and free expression are hotly debated. Some people think that copyright holders may exploit the DMCA's notice-and-takedown procedure to limit free speech and authorized uses of copyrighted material. They also argue that internet service providers are less likely to aggressively monitor their platforms for illegal material because of the DMCA's safe harbor protections.

The advent of international accords and conventions to standardize copyright protection across borders is a feature of the digital age that complements state copyright laws. The Berne Convention for the Protection of Literary and Artistic Works is one such agreement. It mandates that member nations acknowledge the copyright of works produced by citizens of other member nations and sets minimum requirements for the copyright protection of member countries.

Plus, with treaties like the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, the World Intellectual Property Organization (WIPO) has been instrumental in molding copyright law on a global

scale. The goal of these accords is to modernize copyright protection and enforcement standards for the digital environment in order to meet the difficulties brought about by digital technology.

There have been attempts to update and standardize copyright laws, but copyright problems in the digital age are still complicated and multidimensional. Much unanswered legal debate has resulted from politicians' and courts' inability to keep up with the lightning-fast rate of technological advancement. lawful and policy experts are still debating how to strike a balance between copyright protection and user rights, whether or not streaming services are lawful, and whether or not internet platforms should be held liable for user-generated material.

Ultimately, producers, customers, and lawmakers all face formidable obstacles when it comes to copyright concerns in the digital age. It is critical that copyright laws provide efficient systems for safeguarding intellectual property rights and encouraging innovation and creativity in light of the fact that technology is constantly changing and transforming the ways in which we produce and consume material. To preserve the digital world as a thriving and welcoming space for creation and expression, copyright legislation must be balanced and sophisticated.

1.2 BACKGROUND OF THE STUDY

In order to grasp the intricacies of copyright concerns in the digital age, one must explore the historical backdrop that has influenced the development of copyright legislation. The idea of copyright has its roots in bygone eras, when kings and queens would give some people special rights to reproduce and disseminate their works. Copyright as we know it today, however, did not emerge until the printing machine was widely used in the 1500s. Midway through the fifteenth century, Johannes Gutenberg invented the printing press, which allowed for the mass production of books and radically altered the dissemination of knowledge. As a result of this technical development, printed works proliferated across Europe, which in turn increased the need for legal safeguards to prevent their unlawful duplication and dissemination. The earliest copyright laws, called "privileges," were passed by European monarchs in reaction to these worries; they gave printers exclusive rights over the publishing of certain works.

In 1474, the Venetian Statute gave printers a five-year monopoly on publishing books inside the Venetian Republic, which is one of the first instances of copyright protection. Other European nations followed suit, creating the framework for what is now known as copyright law. While early copyright laws sought to regulate the printing business, they failed to acknowledge writers' rights as producers of unique works.

During the Enlightenment era of the 18th century, when there was a rising focus on individual creativity and intellectual property rights, the idea of copyright as a property right belonging to writers started to gain popularity. The Statute of Anne, passed in 1710 in England, is commonly considered the first copyright statute to acknowledge writers' rights. It granted authors fourteen years of exclusive publishing control over their works, with the possibility to renew for an additional fourteen years if the author was alive at the time.

The United States and other nations' copyright laws were modeled after the Statute of Anne's fundamental ideas. U.S. Const. art. I, § 8, cl. 8, which gives Congress the authority to pass copyright laws "to promote the Progress of Science and useful Arts," demonstrates that the Founding Fathers understood the significance of intellectual property rights in encouraging innovation and creativity.

The Copyright Act of 1976 was the last piece of legislation in the United States to address copyright issues; it superseded the antiquated Copyright Act of 1909 and laid out a thorough plan to safeguard writers' rights in the digital era. Dramatic and choreographic works, architectural designs, sound recordings, and literary, musical, and artistic works were all included in the 1976 Act's expansion of copyright protection.

Due to the ease of copying and distributing digital information, the economic interests of authors and rights holders were challenged with the development of digital technology in the late twentieth century, which presented new challenges to conventional copyright law. In 1998, Congress responded to these concerns by passing the Digital Millennium Copyright Act (DMCA), which sought to modernize copyright laws for the Internet era and tackle problems like online piracy and the abuse of technical safeguards.

A notice-and-takedown mechanism for dealing with illegal material uploaded online and a restriction on bypassing technical protections used by copyright owners to safeguard their works were both established by the DMCA as new ways to fight online copyright infringement. Providers of online services are protected from legal action for copyright infringement by their customers under the DMCA's safe harbor protections, so long as they adhere to certain protocols for handling infringement notifications.

The fast-paced evolution of technology has persisted in creating obstacles for the enforcement and interpretation of copyright laws, even if these legislative initiatives sought to tackle copyright concerns in the digital age. Existing copyright enforcement systems are being called into question due to the proliferation of P2P file sharing networks, online streaming platforms, & social networking sites, which have made it simpler than ever for users to access and distribute copyrighted information without permission.

Finally, the copyright law's evolution through time sheds light on the possibilities and threats posed by the digital age. The advent of digital technologies presents new obstacles that need continuous adaptation and invention, in contrast to copyright law's substantial evolution over the ages in response to shifting technology and social standards. The complexity of copyright challenges in the digital era may be better navigated by lawmakers and stakeholders who have a firm grasp of the historical background of copyright law. This will allow them to safeguard intellectual property rights while encouraging innovation and creativity.

1.3 STATEMENT OF THE STUDY

Focusing on the many ways in which legal, technical, and social aspects influence the current state of intellectual property rights, this research intends to delve into the complex nature of copyright challenges in the digital age. The complexity of copyright law and its implementation in the digital world has grown in importance due to the fast evolution of digital technology & the proliferation of online content sharing platforms. In this research, we want to piece together how copyright law has developed over time, identify the most important statutes and regulations that regulate copyright throughout the digital era, and investigate

the possibilities and threats posed by new internet platforms and technology. This work aims to provide a thorough history of copyright law, from its inception in ancient civilizations to its current state in the digital age. This research seeks to explore the origins and development of copyright law in order to better understand the goals and principles of copyright protection as they have changed due to technology developments and social shifts. Stakeholders, including lawmakers and legal experts, may benefit greatly from a better grasp of copyright law's historical roots if they want to know where current copyright problems came from and why copyright protection is necessary.

In addition, this research aims to dissect the main legal and regulatory structures that control copyright law in the modern digital age, paying special attention to the US. The purpose of this research is to clarify the roles and duties of artists, rights holders, and online service providers within the digital ecosystem by analyzing seminal laws including the Copyright Act of 1976 as the Digital Millennium Copyright Act (DMCA) of 1998. This research will also look at how treaties and agreements from organizations like WIPO and the Berne Convention have affected the enforcement and harmonization of copyright laws worldwide.

In addition, this research will look at the pros and cons of using new technology and internet platforms to safeguard and enforce copyrights. The proliferation of P2P file sharing networks, streaming services, and social networking sites has made protected information easier to copy and distribute, which has led to worries about infringement, piracy, and the sustainability of creative industries. In order to combat online copyright infringement and defend the rights of artists and rights holders, this research seeks to analyze the efficacy of current copyright enforcement tools, such as the DMCA's notice-and-takedown system and safe harbor provisions.

Furthermore, this research will delve into the larger social effects of copyright legislation in the information era, including how it affects cultural diversity, access to information, and freedom of speech. In order to promote innovation and creativity while protecting the public interest in accessing and sharing information, this research aims to provide a more nuanced understanding of the contradictions between copyright protection and user rights. In addition, the study's overarching goal is to promote a sustainable and equitable framework for intellectual property rights in the digital age by identifying best practices and legislative suggestions for handling copyright concerns in the digital era.

By offering a thorough examination of the historical, legal, technical, and sociological aspects of copyright law, this research aims to add to the continuing conversation on copyright challenges in the digital age. This study aims to educate policymakers, legal practitioners, academics, or stakeholders about the intricacies of copyright issues in the digital age. It does this by tracing the development of copyright law, reviewing important legislative frameworks, and analyzing the possibilities and threats presented by new technology. The goal is to help in making informed decisions and developing policies in this important field.

1.4 RESEARCH QUESTIONS

- How has the historical evolution of copyright law influenced its application and enforcement in the digital era, and what insights can be gained from understanding its origins and principles?

- What are the key legislative and regulatory frameworks governing copyright in the digital age, and how do these frameworks address the rights and responsibilities of creators, rights holders, and online service providers in the digital ecosystem?

- What are the main challenges and opportunities presented by emerging technologies and online platforms for copyright enforcement and protection, and how effective are existing mechanisms, such as the DMCA's notice-and-takedown system and safe harbor provisions, in addressing online copyright infringement?

- What are the broader societal implications of copyright law in the digital age, including its impact on freedom of expression, access to knowledge, and cultural diversity, and how can copyright policy be shaped to promote a balanced and sustainable framework for intellectual property rights in the digital era?

1.5 SCOPE OF THE STUDY

Focusing on the social, technical, and legal factors that influence IP rights, this research delves deeply into copyright concerns in the digital age. The report covers a lot of ground, including things like how copyright law has changed over the years, important regulatory and legislative frameworks, the possibilities and threats posed by new technology, and the larger social effects of copyright law during the internet era.

This study will primarily focus on the historical development of copyright law, following its roots from prehistoric times all the way up to the present day of digital technology. This research seeks to provide light on the origins and development of copyright law in order to reveal how the goals and principles of copyright protection have changed over time in response to technology developments and social shifts. The present situation of copyright law & the difficulties it encounters in the digital era may be better understood with the help of this historical study.

Not only that, but the research will zero in on the US copyright laws and regulations of the digital age to determine how they function. Notable laws including the Copyright Act of 1976 & the Digital Millennium Copyright Act (DMCA) of 1998, together with other international treaties and agreements, will be thoroughly examined in this review. This research aims to clarify the legal terrain around copyright protection and enforcement in the digital ecosystem by investigating the duties and rights of artists, rights holders, and internet service providers within these frameworks.

In addition, this research will look at the pros and cons of using new technology and internet platforms to safeguard and enforce copyrights. The proliferation of P2P file sharing networks, streaming services, and social networking sites has made protected information easier to copy and distribute, which has led to worries about infringement, piracy, and the sustainability of creative industries. This research seeks to evaluate the efficacy of current copyright enforcement measures in combating online copyright infringement and safeguarding artists' and rights holders' rights. These mechanisms include the DMCA's notice-and-takedown system as well as secure harbor clauses.

Furthermore, this research will delve into the larger social effects of copyright legislation in the information era, including how it affects cultural diversity, access to information, and freedom of speech. In order to promote innovation and creativity while protecting the public interest for accessing and sharing information, this research aims to provide a more nuanced understanding of the contradictions between copyright protection & user rights. The impact of copyright law on digital culture, creativity, and the preservation of cultural legacy in today's globally linked and digitally transformed society will be part of this examination.

Although this research strives to provide a thorough analysis of copyright challenges in the digital age, it is crucial to recognize the inherent intricacies and constraints of the subject. New technologies, new laws, and changing social mores all contribute to an ever-changing landscape in copyright law. Therefore, it's possible that this research missed certain details or didn't cover all the bases when it came to copyright legislation. The purpose of this study is to add to the current conversation about copyright in the digital era and to help shape policy and decisions in this important field by analyzing copyright law from a historical, legal, technological, or social perspective.

CHAPTER-2

REVIEW OF LITERATURE

Digital copyright: the end of an era. European Intellectual Property Review, Kretschmer, M. (2003).

The Directive "on the harmonisation of certain aspects of copyright and related rights in the Information Society" (2001/29/EC), which has been implemented considerably later than expected, will ultimately bring digital copyright to Europe in 2003. In ratifying the World Intellectual Property Organization's (WIPO) Internet treaties from 1996, Europe is set to follow the lead of the Digital Millennium Copyright Act of 1998. Some of the soon-to-be-enacted provisions state that it will be illegal to sell DVD players that can play all regions, that rights holders' contracts can prohibit the copying of lines from digital literature to research, parody, or criticism, that librarians will be required to monitor copying on their premises, and that joining P2P networks can result in prison time (UK draft implementation).

These severe copyright intrusions were planned as a legislative approach in the early 1990s, long before Netscape's Navigator, the browser that transformed the Internet become a mass communication & electronic commerce medium in 1994, was introduced. One million computers, or "Internet hosts," were directly linked to the Internet in 1994, according to the most often used statistic for measuring Internet adoption. An increasing number of Internet hosts—approximately 140 million as of the 2002 World Telecommunication Development Report—are being listed. A large portion of the traffic form these domains is attributed to unauthorized copying; trade organizations have reported apocalyptic proportions. Information and Federation of the Music Industry (IFPI) The software business loses almost $23 billion each year in Europe alone, according to the Business Software Alliance, and one out of every three songs on circulation is pirated (www.ifpi.org). Is it not obvious that copyright rules need a complete overhaul if digital content may be transformed into ever-new forms with an unknown origin and if each local copy has the power to reach all corners of the globe? A president from a global record business informed me that their lobbying efforts in the 90s revolved on "the industry's right to express a NO within the on-line environment," which is central to the digital copyright agenda's legislative demands.4 In an effort to accomplish this, three legal measures have been put in place since the 1996 WIPO Internet Treaties: first, the extension of exclusive rights, as compared with entitlements to compensation; second, the privileging of technological locks, which secure these rights; and third, the targeting of copyright users, as opposed for commercial competitors.

According to the article's arguments, this legislative approach is utterly flawed and can never succeed. The right owners should have prioritized the benefits of the inescapable yes instead of claiming the right to refuse. The most logical legislative modification would have been to provide ISPs and telecom companies a tiny royalty on the money they make from content traffic. Unauthorized commercial exploitation by rivals should have been the focus of current copyright law's resources. It is anticipated that the digital agenda will fail to achieve its goal of obtaining content owners' universally accepted and legally binding exclusivity.

A WHIFF OF DESPERATION

New copyright regulations in Europe are almost upon us, and they seem like a desperate attempt in some respects. Even in nations like the US, where digital agenda standards have been in place for a while, digital copying is still rampant. Almost no viable methods exist for the online dissemination of copyrighted works on a global scale. Academic publishers (who have a small but lucrative client base and frequently unsatisfactory access terms), Internet radio stations (which in some jurisdictions are able to take benefit of blanket non-exclusive licenses), pornography, and proprietary financial and legal information services (like Bloomberg or Lexis-Nexis) are exceptions. The 2000s Napster phenomenon and other mass market consumer offers were pushed underground. It seems that copying will continue until we transform the Internet to an intranet of servers hosting licensed information, a strategy that is not working in China.

"In the last three years, the information society has evolved in the direction of ever-more advanced solutions which could scarcely have been imagined in 1997, the year in which the Commission's proposal for a directive was drawn up...," wrote Enrico Boselli, rapporteur of the second reading of the Information Society Directive in the European Parliament, in a brief but terse statement (14 December 2000) that included his recommendations. Consequently, the directive should be implemented without delay to avoid becoming obsolete too soon.

Legislative prudence seems to be at the heart of Boselli's argument. Regulators may have to tread carefully and seek a new normative agreement if technological and consumer behavior change is still ongoing.5 Alternatively, the Information Society Directive was scheduled to be transposed into national law on 22 December 2002—18 months after the European Council adopted it—at the behest of the European Parliament, which advocated for its swift implementation. Major national drafters, including the UK Copyright Directorate and the German Justizministerium, conceded that there was "no prospect" of meeting the date due to the continued strong disagreement, despite their efforts to take the easiest legislative path by concentrating on minor changes to existing copyright laws. Actually, just two of the EU member states—Greece and Denmark—actually implemented the regulation by the transposition date.

THE DIGITAL AGENDA: WHERE DID IT COME FROM?

There can be no unambiguous success in an international policy process if the standards that emerge from it are likely to be "prematurely outdated" even before they are put into practice. How does the digital agenda come to be structured? The compact disc (CD) was introduced in 1983 and was the first digital carrier for the mainstream market. The United States Software Protection Act of 1980 established copyright protections for software, which had a significant impact on the European Commission Software Directive of 1991 (91/250/EC). Even Microsoft, which had previously experimented with copy protection systems, quickly withdrew them in the 1980s. The best way to get software adopted by businesses and generate income appeared to be to distribute it as widely as possible.

A European Commission Green Paper from 1988, titled "Copyright and the challenge of technology," provides a valuable reflection of the prevailing discourse at that period. At the time, the head of the copyright section at the Commission, Bernhard Posner, said: "Creative artists, industrialists and consumers alike share common needs and interests." This was the agency's guiding philosophy. You need both to survive. Copyright, rather than being a limiting or prohibitive tool, will benefit property holders in the future by creating new sources of revenue and increasing product interest and demand as technology advances at a faster rate.6

The Green Paper, however, was ahead of its time in recommending a technical lock as a blanket defense against digital copying, notwithstanding these premises. An example of a proposed legally binding instrument would be to "regime the possession of digital audio tape commercial duplicating equipment dependent on a licence to be delivered by a public authority along with the maintenance of a register in respect of licensed equipment," with criminal penalties as a backup.

The US Audio Home Recording Act of 1992 was a test bed for this strategy; it mandated a serial copy control mechanism in all DATs and permitted only first generation copies. Furthermore, technologies were also forbidden if their "primary purpose" was to avoid copy limits. The bill failed to achieve its goal of implementing the digital agenda early on. It was common practice for recording facilities to evade the copy management system. People just wouldn't give up their unfettered, inexpensive analog tape recorders or their growing interest in experimenting with audio compression methods on personal computers (PCs), leading to the development of standards like the MP3 standard.

The general purpose computer with Internet access was quickly seen by right holder circles as a piece of duplicating gear that could react to very specific copy control systems given by the business. This perspective extended the DAT approach of building a closed circuit of licensed material. People will be willing to pay for copyprotected information if it's the only genuine option available, which was the previous strategy for boosting demand. As criminals, transgressors will always regret their acts.

By proposing an exclusive right that covers Internet transmission, the Clinton/Gore task force regarding the National Information Infrastructure (1994-5)7 adopted this blueprint for a worldwide regime of digital copyright, thereby rejecting the compulsory licenses for cable re-transmissions models. We developed criminal penalties against the importation, production, distribution, supply of circumvention services, and removal of copyright management information, as well as against the devices themselves. Contracting governments were then obligated to provide "adequate legal protection as well as efficient legal remedies" against technology that bypass intellectual property protections, as stated in the WIPO Internet Treaties (1996).digital copyright, eliminating the need for cable re-transmission licensing schemes and replacing them with an exclusive right that encompasses broadcast via the Internet. We developed criminal penalties against the importation, production, distribution, supply of circumvention services, and removal of copyright management information, as well as against the devices themselves. Contracting governments were then obligated to provide "adequate legal protection and efficient legal remedies" against technology that bypass intellectual property protections, as stated in the WIPO Internet Treaties (1996).

SOME MEMORABLE DIGITAL COPYRIGHT PROVISIONS

The technology that safeguards the legislation meant to protect creative property is digitally protected by copyright. In the United States, violators of copy-protection measures can face up to ten years in prison and a fine of up to one million dollars for a first offense, as stated in section 1201 of the Digital Millennium Copyright Act of 1998 (DCMA, the US enactment of the WIPO Treaties). Some of the earliest DCMA anticircumvention cases have already gone to trial; for instance, Universal City Studios v. Corley (2001) dealt with the release of the DeCSS code decrypting DVD movies; United States v. Elcom Ltd. (2002) dealt with a criminal case involving a Russian program that circumvented copy protection on Adobe's electronic book software.

That "primarily designed" to allow or aid circumvention should not be applied to devices or activities "which have a commercially significant purpose or use" is explained under Recital (48) of the European Information Society Directive. Paragraph 6(2) only requires the second group of member states to take precautions. As a result, the PC for ordinary use should not leave the European market. The criminal penalties in Europe tend to be less severe. If the right owner's interests are "prejudicially" affected by a circumvention, the offender may face a fine and/or two years in jail, according to the UK draft8 (s.296ZB). If circumvention is done for commercial advantage, the new German legislation (§108b) allows for a fine or up to three years in jail.

The creation of "new copyright exceptions & limitations which are appropriate for the digital environment" is specifically authorized under the WIPO Internet Treaties in 1996 (Agreed Statement on Article 10). In most cases, users may engage in certain actions without the permission of the right owner because to "fair use" provisions. Existing exceptions, like the German Schranke of "illustration for teaching and scientific research" (§52a)10) or the UK's "fair dealing" defense of "criticism or review" (section 30) under the WIPO Treaties, can be extended to the digital realm as long as they meet a so-called three-step-test. These include being limited to (1) exceptional cases, (2) not conflicting with a normal exploitation of the work, and (3) not unreasonably prejudiceing the legitimate interest of the authors (Article 10, paragraph (1)). Nonetheless, digital right management technology often allows for the licensing of almost any exploitation, and copyright holders may have financial interests at stake when students use unlicensed copies for class, research, or reviews. Therefore, there is a relatively limited range of potential exceptions.

The user's ability to benefit from exceptions becomes much more murky when copyright content is already electronically protected.

The European Information Society Directive immediately passes up the chance to investigate further user rights in the online space, which is currently rather restricted. A total of twenty exceptions that EU member states are free to implement or uphold are laid forth in it. If unanticipated services are developed by the information society, new exceptions cannot be created on a national level! Temporary reproductions as a "integral and essential" component of a technical process are the only exemption that must be met (Article 5(1)). The so-called "cache" copies created by Internet hosts during transmission or by PCs when viewing websites fall under this category. So, ISPs don't have to worry about getting licenses for the content their customers see.

In cases where users are unable to exercise their statutory freedoms due to copy protection technologies, such as when no non-encrypted edition of a scientific journal article is commercially available, the Directive grants member states the authority to take appropriate measures in order to override copy protection (Recital 52), as long as the encryption is not contained within an ondemand service (Article 5(5)). The concept of "fair use" does not apply to copy protected on-demand services in any possible way. In the event that an individual who believes they are entitled to a copyright exception is unable to gain access to a work, they have the option to "submit a formal complaint to the Secretary of State," who in turn has the power to give such instructions "to the copyright owner as may seem necessary or expedient" (suggested new section XXX of the UK draft implementation). Social, charitable, and educational institutions are eligible for certain benefits under the new German legislation (§95b), which is comparable to other provisions. It is reasonable to assume that these tedious processes will be disregarded in actuality.

In essence, users might become pirates if they take use of pirated copies.

Digital private copies for personal non-commercial use will still be allowed under §53 in the German draft. Since there isn't a blanket exclusion under current UK legislation, it's more beneficial to the music business, a major exporter. Private copying—from a CD or DVD, for instance—is not defined in the German draft in cases where the material is copy protected. These broad user rights may be nullified by technical locks that safeguard exclusive rights. Copyright holders must, however, properly identify copy protected goods, which can help customers make more educated purchasing decisions.

The Directive does not necessitate the inclusion of a particularly harsh provision in the UK's proposed modifications. The proposed new section 107(3A) states that in the event that the copyright owner's interests are "prejudiciously" impacted, it is an offense to communicate a work to the public without the owner's authorization. Because many people will have access to unauthorized copies kept on home PC hard drives, this seems to include private persons who participate in P2P file-sharing networks, which might impact the capacity of the right owner to sell legal copies. A fine, "imprisonment for an amount of time not exceeding two years," or both are possible punishments. Be advised, Kazaa users.

A LEGITIMACY GAP HAS OPENED

For as long as there has been copyright law, the idea of exclusive rights has constrained the degree to which right owners may exert control.

To begin, owners of intellectual property have always had some kind of control over who may see their works. In an early diatribe against the digital agenda, US academic Jessica Litman coined the term "exclusive right to read" (1994).12 Similarly, right owners are often unable to dictate the use of a copy of a work after sale under conventional copyright laws (such the "first sale" doctrine or the "exhaustion of right" notion). The consumer has the option to donate a lousy book, give away a great CD, or resell an item. Retransmission of copyrighted works via cable and radio requires licenses in several nations.

Secondly, copyright rules specifically support users' rights to copy for certain purposes, such as critical analysis, personal study, scientific inquiry, or journalistic reporting. In the United States, for instance, the concept of "fair use" is multi-purpose and can cover activities that do not require the copyright owner's consent; in the United Kingdom, there are some narrowly defined "fair dealing" defenses; and in Germany, the peculiar idea of "Schranken" (meaning "barriers") to owner controls is used.13

And lastly, protected works do, in the end, enter the public domain according to all copyright regulations. For pieces composed by younger artists, such as 1913's Sacre du Printemps by Sergei Stravinsky, which will remain copyrighted until 2041—70 years after the composer's death—this process might take quite a while. Competition from knockoffs of famous works will drive down their costs to an absurdly low level since anybody with an internet connection may copy, modify, and distribute any work in the creative domain. This compromise is openly targeted by the digital agenda. Laws pertaining "particularly to property, including intellectual property, freedom of expression, and the public interest" are recognized in Recital (3) of the Information Society Directive. The right owner is essentially granted the freedom of speech and public interest principles—the bedrock of conventional copyright exceptions—in the language of the Directive. According to the digital agenda on exclusive rights, the right owner may contractually prohibit study of content made accessible via on-demand services (Article 6(4)). This opens the door to the prospect of an everlasting copyright. This result will not materialize if the article's reasoning is correct, for one of two reasons: either copyright holders will provide more palatable licenses or copyright users will choose to disregard the licensing conditions. But it raises the issue of whether it is possible for a rule to be acceptable if it transforms a fundamentally good behavior—engaging with cultural materials—into pirate conduct.

Halfway through this post, we'll lay down some ground rules for how future copyright laws should be structured.

CREATORS AND INVESTORS: AN UNHOLY ALLIANCE

The right to exclude is one negative definition of property claims. The owner's judgment becomes the deciding factor in who has access to the property. Possession includes the freedom to decline. To avoid a "tragedy of the commons," as is often believed in economic theory, property rights are warranted.14 Because no one owner has a vested interest in keeping shared fish supplies healthy, for instance, they are more likely to run dry. Property rights should not have broader scope than is necessary to accomplish this goal, according to the public interest. Particularly when it comes to intellectual property, they shouldn't infringe on people's "freedom of expression" more than what's absolutely required to encourage creative expression.15 John Locke's and Hegel's ideas on people's "natural" right to the fruits of their labor and rights as an expression of their personalities provide a second line of reasoning for private property.16 It is not quite clear what kinds of rights are appropriate under these conditions. Specifically, the extent to which "natural" property claims might legitimately restrict the speech of others remains unclear.

German Ministry of Justice employee Margret Möller, in a typical rebuttal to the 1988 groundbreaking Commission Green Paper "Copyright and the challenge of technology," criticizes copyright as a compromise between property and user interests.

As any competent policymaker would do, the Commission, among other things, assessed the impact of home-taping on the audiovisual sector. In the Green Paper, the authors propose a system of compensating levies, a technical copy lock on digital music equipment, and a new rental right that would replace the private copying exceptions that had been in place since the Rental Directive of 1992 (92/100/EC). This, however, was already far too lax, said the author lobby.

The Commission considers the harm done to rightowners and the obviously high percentage of home recording of protected works (97%) (Möller, 2015). So far as the Commission is concerned, rightowners actually gain from home recording off-air as it boosts their popularity and demand. The frequency of privately duplicated phonograms or videograms being seen or listened to is thereafter speculated upon by the Commission. As far as author's rights are concerned, it goes without saying that these considerations are very unimportant.17

Under the European notion of the author's inherent personal and economic ties to her work, a trade-off between the audiovisual industry, consumer electronics, and consumer interests would not be acceptable, in contrast to the Anglo-American copyright paradigm. The 1988 Green Paper demonstrates "un droit d'auteur sans auteur," or author's rights without authors, according to the infamous words of Prof. Schricker, who was the head of the powerful Max-Planck-Institute für Intellectual Property at Munich at the time. Since the digital agenda demands exclusive rights, the absolutist view of author rights is related to this.

Determining the correct extent of copyright is not helped by property rights rhetoric. It ignores the core disagreements over who should own the results of creative work. The contemporary copyright law's sinister alliance between the creative and investor notions will be unbundled immediately. Starting with premises that aim to represent current societies' generally held ideas, the argument is given. Afterwards, the concepts for a copyright law reform are derived.

STAR CREATORS

Exclusive rights, according to many artists, are the only way to guarantee control over their creative work. Nevertheless, in the real world of business, creative ownership is reserved for a few group of famous artists who have the financial wherewithal to reap the benefits of transferability & exclusivity of rights. Investors' interests are therefore comparable to those of star creators. They get disproportionate benefits from the existing copyright system:

The British Performing Right Society (PRS) was the subject of a report by the UK Monopolies and Mergers Commission in 1996. The report found that out of the total performance royalties granted in 1994, 80% of the author members earned less than £1000. Surprisingly, 10% of the writers got 90% of the overall distribution.

Likewise, as per German music copyright organization Five percent of GEMA members got sixty percent of the total in the 1996–1997 yearbook. Based on my calculations, songwriters in the UK and Germany may make a considerable living off of copyright royalties—anywhere from 500 to 1500. It seems like most cultural sectors are like these winner-take-all marketplaces. In a 1976 research, Tebbel asserted that the copyright system could support no more than 300 independent authors in the United States.20 The copyright system fails to adequately compensate 90% of writers. Alternative methods bolster a contemporary society's creative foundation.

Many artists, especially those just starting out, want to be famous for everything they can get their hands on, even if it means being copied without their knowledge or consent. As long as proper attribution is provided, piracy is acceptable. It is common practice for inventors to do a complete about-face after they achieve fame. As a result, they may find themselves in direct competition with investors for capital, but they will ultimately join together to protect their unique rights. Speak up for originality. “Take a stand for copyright.” 400 recording artists signed a 1999 petition that was sent to the European Parliament. "Music is how we support ourselves. Our music has an impact on millions of individuals throughout the globe. We need robust copyright protection for our innovation and prosperity. Please provide us a hand immediately.21 "Ultimately, if creators do not get paid, you will not get music" (John Kennedy, President and Chief Operating Officer, Universal Music International, Letter to the Financial Times, 23 January 2003)—this questionable harmonization of interests continues to be the official stance of the business in its fight against piracy.

FUTURE GAZING

The digital agenda is prompting a reevaluation of copyright's foundations by pushing the proprietary understanding of copyright to its boundaries. The big intellectual property conventions or the late 19th century, the author laws of the French revolution, and the Act of Anne all contributed to the growth that we are now seeing.

Following a brief by a group of economists, including five Nobel laureates, Supreme Court judge Breyer dissents in Eldred v. Ashcroft, arguing that a copyright term spanning life plus 70 years provides 99.99% in the value of protection in perpetuity, essentially a copyright that is virtually perpetual from an economic standpoint.24 "This statute will cause serious expression-related harm," Breyer said, summarizing his constitutional analysis of the US copyright extension by 20 years Sonny Bono Act of 1998. Traditional distribution of copyrighted materials will likely be limited by it. Because of this, it is probable that new technological modes of diffusion will be impeded. It poses a danger to the preservation and use of our nation's historical and cultural legacy, including its potential application in the education of our nation's youth. Anyone can see how the legislation may serve the self-serving financial goals of copyright holders, whether they businesses or individuals. On the other hand, I am unable to see any constitutionally sound public advantage associated with copyrights that the legislation may provide.

My prediction is that the laws for the digital agenda will be considered an anomaly within a generation, while Judge Breyer's ideas will have established the new standard. The current copyright regulations will become obsolete in a short amount of time. The inventor will be entitled to a lifetime payment after a brief period of exclusivity that promotes rapid exploitation. The criminal justice system will revert to its long-established focus on fraudulent or unlicensed business practices. In retrospect, digital copyright in the new century will have been a watershed moment.

Overcoming Copyright Hurdles in the Development of Learning Materials in the Digital Era

One of the numerous obstacles to overcoming while creating educational resources is copyright. Educators and anyone working on educational resources might benefit from this paper's synopsis of copyright issues and recommendations for resolving them. Familiarity with the copyright law provisions pertaining to fair use as well as fair dealing is crucial, since they allow the copying of copyrighted work for certain reasons and in specific contexts without having to seek authorization.

A shifting copyright environment and an increasing tradition of resource-sharing among educators are also highlighted in this study. There is now an alternative for educators and content creators: free digital learning resources that may be used, modified, and shared without paying copyright costs. The article concludes by discussing the use of some forms of freely available internet content, including works created using the Creative Commons license and resources that are in the public domain.

We often come across copyrighted resources that we would want to include into our course(s) while we are preparing and distributing instructional materials to students. This article draws on our experiences at the Open University of Hong Kong to explain how, in some cases, copyright limitations may be circumvented, allowing for the effective use of such resources in the production and delivery of educational content. As helpful as the advice is for navigating copyright issues, the digital age has brought forth even more shifts in the copyright environment. Another alternative that educators and content creators might think about is having access to free digital learning resources that they can use, modify, distribute, and reuse without paying copyright fees. Part two of the article delves into the topic of public domain materials and open educational resources, and how they might be included into the creation of instructional materials.

COPYRIGHT

How does copyright work? Overcoming Copyright Hurdles for the Development like Learning Materials 191 For a certain amount of time, the law grants the author or inventor of particular works of literature, art, and music the authority to govern who may use those works. To avoid legal trouble and possible copyright infringement, you should get the owner's permission before you may duplicate and distribute most protected content.

DEVELOPING LEARNING MATERIALS

Writing a set of educational materials from scratch is an option you may consider if you are assigned the assignment, regardless of whether they are for self-study or classroom usage. Although this method is prevalent, it takes the longest to complete.

You most likely already have a collection of lecture notes that you use as a topic expert. Now that you have the course outline in hand (or have created it yourself), you need to compose the lessons that will go along with it. When you begin to draft course materials, keep in mind the following copyright considerations.

WRITING YOUR OWN COURSE 'BASED ON' EXISTING LEARNING MATERIALS

In this digital age of course material development, you may find relevant and valuable resources created by others online that you can use (i.e., copy, paste, alter the source, and perhaps even upload to the Web). The legality of doing such things on the Internet is murky due to copyright laws that predate the invention of the Internet. Everyone from artists to scientists to librarians to policymakers to everyday users—by default, copyright rules demand upfront, express consent from the right owner before any of these things may be done (Creative Commons, n.d.).

You may always build your own contents off of the concepts presented in already copyrighted publications rather than just duplicating them word for word. Citing the source is expected and helps prevent plagiarism, especially when the ideas and thoughts presented in the materials were original. Ideas and concepts are not copyrightable, but particular manifestations of them are, thus you do not need permission to use someone else's ideas in your work. Therefore, it is not copyright infringement, for instance, to summarize an existing business proposition for the benefit of students.

COPYING A SMALL AMOUNT OF OTHER PEOPLE'S WORK

When you need to duplicate a tiny portion of a document—maybe 250 words, just one graphic, a table, and a diagram—to include in your of course. Within your online study unit, you may include a modest quantity of digital multimedia assets, such as an extract from a journal article or a business case, or you can just copy and paste the relevant parts.

Navigating The Digital Frontier: A Comprehensive Examination Of Copyright Protection In The Digital Era, Unraveling Complex Challenges, And Proposing Legal Solutions

This in-depth investigation dives into the complex world of copyright protection in the digital age. The research uncovers sophisticated issues faced by present copyright laws and provides subtle legal alternatives in an environment dominated by fast technology improvements. Traditional copyright paradigms face increasing complexity in the global sphere of online, which the investigation encompasses. Topics covered include how technology including legal frameworks interact, the worldwide reach of digital environments, and the ways in which economic factors influence IP landscapes. The research delves into cyber trademark concerns, examines the effects of demographic systems, and delves into legal tools such the European Directive for the protection for computer programs. The study draws on a systematic literature review approach to glean insights from many sources, providing a thorough knowledge of the changing dynamics. With a knowledge-based economy as a background, the investigation delves into copyright's crucial role as the "Viagra of Innovation Policy." As an example of an adaptable legal framework, it clarifies the types of governance used by organizations such as the Internet Engineering Task Force.

The results add to the continuing discussion about copyright protection and lay out a route for developing equitable, effective, and applicable legal frameworks for the complex digital frontier.

According to Anderson and Liang (2014) and Aguiar et al. (2018), the digital world is changing the way ideas, expression, and IP are valued and protected in this age of fast technological advancement. Digital technologies have changed the way information is created, consumed, and shared. This has ushered in a new age when the limits of creativity are no longer limited to physical domains (Arai and Kinukawa, 2014). In this dynamic environment, protecting intellectual property, primarily via copyright, faces new and complicated obstacles.

A sophisticated grasp of the legal systems controlling copyright protection is required due to the complex relationship between technological works and creative works. This literature study delves into the complex problems of copyright throughout the digital age, illuminating the new difficulties brought about by the rapid development of technology (Buccafusco & Heild, 2013; Danaher and colleagues, 2020). This research seeks to provide a comprehensive overview of the existing environment and feasible legal remedies to solve developing issues by thoroughly examining academic works, legal assessments, and case studies.

According to Aguiar and Waldfogel (2016), the internet has made it easier than ever for people all over the globe to share their creative works with others. Nevertheless, there are challenges associated with this democratization. Copyright infringement has increased exponentially in the digital sphere due to the ease of replication and distribution, which challenges conventional ideas of control and ownership (Danaher and others, 2010). The issue of how to safeguard artists' rights becomes crucial when creative works travel the length and breadth of the internet.

In addition, new technologies like VR, blockchain, and AI add new layers of complexity to the copyright environment (Rane et al., 2023) that were not there before. The rise of decentralized platforms and machine-generated content need new legal frameworks to protect authors' rights while keeping creativity financially viable. This research examines how these new technologies will change copyright law and how well existing legal frameworks can handle the problems that may arise as a result.

As Balganesh et al. (2014) point out, the fuzziness around fair use, transformational works, and illegal reproductions is a major factor in how copyright has been affected by the digital age. There is a need for a careful balancing act between safeguarding the rights to original creators while promoting a culture of innovation and creative expression in light of the 355 widespread practice of sampling, user-generated content, and remix culture (Belleflamme & Peitz, 2010). The goal of this literature study is to provide light on possible changes that may bring copyright law into line with the reality of modern creative activities by analyzing important publications that examine the development of fair use & transformative use doctrines.

CHAPTER-3

INTRODUCTION & HISTORICAL EVOLUTION COPYRIGHT LAW IN THE DIGITAL ERA

Inextricably linked with the printing press, the publishing business, and the advent of digital technology, the historical growth of copyright law spans decades. Gaining a grasp of copyright law's background and development sheds light on its goals and principles, in addition to the possibilities and threats it confronts in the modern digital age. The East India Company enacted copyright protections for Indian works in 1847. The copyright period was seven years after the author's death, as stated in the 1847 statute. A total of 42 years could not be the duration of the copyright, nevertheless. If, after the author's death, the copyright holder refused to permit the publishing of the work, the government might issue a forced license to publish the book. Anyone who prints a copyrighted work without permission and then sells, publishes, or exposes it to sale or hire is committing an act of infringement. The "highest local court exercising original civil jurisdiction" was to be the venue for any infringement suit or action.

Copyright in "any encyclopedia, review, magazine, periodical work or work published in a series of books or parts" shall reside in the "proprietor, projector, publisher or conductor" under a service contract, according to the Act. All copies that infringed on someone else's copyright were considered to be the owner's originals.

Importantly, copyright during a work wasn't automatically granted, as in modern times. The Home Office required copyright registration in order to enforce rights under the Act. The Act did, however, expressly reserve the author's copyright and his ability to suit for its violation under laws other than that of the 1847 Act to the degree that such laws were available.

The new Copyright Act that India's legislature passed in 1914 basically just rewrote the majority of the United Kingdom's Copyright Act of 1911 and made it applicable to India. Nonetheless, it did tweak things somewhat. Sections 7–12 of the act first established criminal penalties for copyright infringement. Section 4 clarified that the author's "sole right" to "produce, reproduce, perform and publish a translation of the work shall subsist solely for a period for ten years from the date of the first publication for the work." This modification expanded the duration of copyright and addressed a second issue. But if the author produced or approved the publishing of a translation of her work in any language during the ten-year term, she maintained her "sole rights" in regards to that language. Up until the 1957 Act went into effect on January 24, 1958, the 1914 Act was maintained with few tweaks and changes.

Ancient Origins:

When ancient kings and queens allowed some people the exclusive right to duplicate and distribute their works, that's when copyright began. The "City Dionysia" festival in classical Greece, for instance, offered writers a brief window of exclusivity to produce their works. As an analogy, the "Lex Rhodia" shielded Roman marine traders against contract forgeries in antiquity.

Medieval Manuscripts and Early Printing:

Throughout the Middle Ages, scribes and monks working in monastery scriptoria were the main actors in the creation and distribution of written literature. Producing manuscripts was a labor-and cost-intensive process since they were meticulously copied by hand. With the invention of the printing press of Johannes Gutenberg in the middle of the fifteenth century, the dissemination of knowledge was radically altered since books could be mass-produced. As a result of this technical development, printed works proliferated across Europe, which in turn increased the need for legal safeguards to prevent their unlawful duplication and dissemination.

Early Copyright Privileges:

European kings started giving exclusive rights to publishers and printers to publish certain works en response to concerns about the illegal copying and dissemination of books. Initial copyright protections, sometimes called "privileges," gave printers a temporary monopoly on publishing certain writings within a certain area. When the Venetian Republic was still a republic in 1474, the Venetian Statute allowed printers a five-year monopoly on publishing books.

Statute of Anne:

During the 18th-century Enlightenment, the idea of copyright being a property right belonging to writers started to gain popularity. The Statute of Anne, passed in 1710 in England, is one of the first instances of copyright laws that acknowledged writers' rights. For fourteen years, beginning while the author was alive and continuing until their death, the Statute of Anne allowed writers and their assigns the exclusive right to print and publish their works. By establishing contemporary copyright protection and acknowledging writers' rights as originators of unique works, the Statute of Anne represented a sea change in copyright law. a Ancient societies understood and valued intellectual property, which is where copyright laws originated. Copyright legislation as we know it today did not emerge, however, until the Statue of Anne was unveiled in 1710. Authors and publishers in England were granted temporary monopolies on printing and selling their works when the Statue of Anne was enacted. The previous system had relied on the Crown & the Church owning the printing press, thus this was a huge upheaval. By officially recognising the rights of writers and other creative, the Statue of Anne laid the groundwork for contemporary copyright legislation. Legislation influenced by the Statue of Anne eventually made its way to other countries, such as the United States' Copyright Act of 1790. On the other hand, copyright rules were standardized on a global scale throughout the 1800s. Artistic and Literary Work Protection Convention of Berne, 1886 The foundation of the Berne Convention for the Protection of Literary and Artistic Works in 1886 was a watershed moment in the evolution of copyright. When it came to copyright protection and enforcement, the Berne Convention was the pioneering international accord. The concept of "national treatment" was created as a result, which holds that foreign workers should be afforded the same degree of protection within another country because they would in their own country.

International Copyright Treaties:

The need of copyright protection on a worldwide scale became more obvious as the printing press made it easier for people all over the world to share and receive knowledge. A pioneer in the field of worldwide copyright protection, the 1886 Berne Convention on the Protection of Literary and Artistic Works was among the first treaties of its kind. Each signatory country was obligated to acknowledge the copyright of works produced by citizens of the other signatory nations and to adhere to the minimal copyright protection criteria set forth in the Berne Convention. The treaties of the World Intellectual Property Organization (WIPO) and the Universal Copyright Convention followed, which unified and enlarged copyright law throughout the globe.

Evolution Of Copyright In India

A copyright extension of the British Copyright Act of 1911, the Copyright Act of 1914 regulated copyright protection prior to the Act of 1957. The Act was revised in1957, with further revisions in1983,1984,1992,1994, and 1999. The Copyright Amendment Bill, 2012 was enacted by both houses of the Indian Parliament in May 2012 with a unanimous vote. This brought Indian copyright law into conformity to the World Intellectual Property Organization Treaties, namely the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT).

Among the significant 2012 revisions to the Copyright Act are the following: bringing the 1957 Act into line with WCT and WPPT; expanding copyright protection to the digital realm; establishing statutory licences over cover versions as well as broadcasting organizations; guaranteeing the right to royalties for writers and composers; granting performers exclusive economic and moral rights; granting authors as well as other right owners equal membership rights to copyright societies; and making an exception for physically disabled individuals to access any works.

Changes to the rights of creative works, cinematograph films, and sound recordings were the primary focus of the Copyright (Amendment) Act of 2012.

By expanding the definition of "reproduction," "making a copy" of a cinematograph film or "embodieying" a sound recording to include "storing" in any medium through electronic or other means, the amendments clarify the rights within artistic works, cinematograph films, and sound recordings, and thereby address some the modern digital era's challenges.

Amendments to rights pertaining to WCT and WPPT (2)

The creation of "commercial rental" rights for computer programs and cinematograph films is mandated under Article 11 in the TRIPS Agreement, Article 7 of the WCT, and Article 9 of the WPPT. The phrase "hire" was used to introduce this privilege in section 14.

The word "commercial rental" has substituted the word "hire" in sections 14(d) and (e), which relate to cinematograph film & sound recording, respectively. The main objective of the change is to prevent the phrase "hire" from being interpreted as include non-commercial hire. It also aligns with the 1999 amendment that changed the term "hire" to "commercial rental" when it came to computer programs in section 14(b).

(3) Changes to the Assignment and License modes that are more author-friendly

The owner of copyright for any work or future work can transfer their copyright under Section 18(1). The caveat to this sub-section makes it clear that an assignment for future work will only be effective when the work comes into existence. An additional provision added by the Amendment Act of 2012 to S. 18(1) states that the right to royalties cannot be assigned by the author of any literary and musical work that is included within a cinematograph film and sound recording unless the work is included in the film or recording itself.

Four, changes to make it easier to access works

Sections 31,A, B, Grant of Compulsory Licenses, Section 31C, D, and Sections 33,34, 35 deal with the administration of copyright societies, respectively.

Sections: • 52, Fair Use Provisions • 31B,52(1), Access for the Disabled to Copyrighted Works

• Copyright relinquishment (Section 21)

(5) Protecting against online piracy and bolstering enforcement

The Customs Department will now be able to control the import of infringing copies, dispose of them, and establish authorship under civil remedies; this is in addition to the new border measures provided in Section

53, which deals with the importation of infringing copies. The goal is to strengthen the enforcement of rights. The copyright holder's employment of technical protection measures (TPM) to safeguard his rights is now protected under the newly-introduced section 65A. Rights management information, as specified in clause (xa) of section 2, is now protected by the introduction of section 65B.

Modern Copyright Legislation:

Originating in the United States from the Copyright Clause of the Constitution, which authorizes Congress to "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries" (U.S. Const. art. I, § 8, cl. 8), modern copyright law in the country stands. The first federal copyright Act was passed by Congress in 1790, using this constitutional power. It allowed writers the exclusive right to sell and publish their literary works for a duration of 14 years, with the opportunity to renew for an additional 14 years.

For more than sixty years, the United States relied on the Copyright Act of 1909, the country's first thorough overhaul of copyright legislation. It established procedures for the registration as well as deposit for copyrighted works in the Library of Congress and extended the scope for copyright protection to encompass musical compositions. The problems presented by emerging media like radio and movies, however, were outside the purview of the Copyright Act of 1909.

In order to safeguard writers' rights in the digital era, the United States government enacted the Copyright Act of 1976, which was a major revision of copyright legislation. It broadened the purview like copyright protection to encompass not just works of literature, music, and the arts, but also works of theater, choreography, sound recordings, et architectural plans. To further streamline the process, writers are no longer need to register their creations with the Copyright Office; the idea of automatic copyright protection is also introduced in the Copyright Act of 1976.

The Software Copyright Act of the Millennium (DMCA):

Traditional copyright enforcement methods faced new difficulties with the advent of digital technology at the end of the twentieth century. To address these concerns and bring copyright laws up to date with the digital era, Congress approved the Digital Millennium Copyright Act (DMCA) in 1998. A notice-and-takedown mechanism for dealing with illegal material uploaded online and a restriction on bypassing technical protections used by copyright owners to safeguard their works were both established by the DMCA as new ways to fight online copyright infringement. Providers of online services are protected from legal action for copyright infringement by their customers under the DMCA's safe harbor protections, so long as they adhere to certain protocols for handling infringement notifications.

Over time, copyright laws have developed to address the conflicting goals of encouraging innovation and creativity while also safeguarding the interests of those who have created and own the rights to their work. Copyright law has changed over the years, from its inception in antiquity to the present day in reaction to technological advancements, social mores, and economic realities. Copyright laws will change to accommodate new possibilities and threats posed by digital technology as they impact content creation, sharing, and consumption.

The creators and owners of unique works of art, music, literature, & software are safeguarded under the legal notion of copyright. They have complete control over how their works are used, distributed, and any profits made from them. This means that artists are free to choose the ways and reasons in which their inventions are used. Section 14 of the Copyright Act of 1957 defines copyright in a legal sense. Only physical objects may be legally protected by copyright. With copyright, the only person or entity that may legally make copies of the protected work, as well as perform them, alter them, or translate them into other languages is the owner or the copyright. Copyright is a way to show gratitude and recognition for everyone's efforts that go into making something original and special. The security of creators' works and the possibility of financial gain from their works are two concerns that might be eased. By safeguarding the interests of those who produce and own creative works, copyright is an effective instrument that encourages innovation and creativity. It ensures a fair and open market for creative goods and is therefore an integral part of contemporary society.

The Rome Convention on the Protection of Artists, Record Labels, and Broadcasters For the benefit of performers, phonogram producers, and broadcasting organizations, a number of countries have accepted the Rome treaty, often known as the international treaty for protection of such groups. After being approved in 1961, the Rome Convention entered into effect in 1964. Protecting artists, phonogram producers, or broadcasting institutions in all member states should be a standardized effort, according to the Rome Convention. It specifies the bare minimum for safeguarding these rights and makes it clear that the signing states will accept each other's safeguards in their own territories. The TRIPS Agreement which addresses issues pertaining to intellectual property rights in trade Copyrights and associated rights are fundamentally protected and enforced within the framework of international commerce according to the World commerce Organization's (WTO) Agreement on Trade-associated Aspects and Intellectual Property Rights [1]. under the TRIPS Agreement, the idea of copyright is covered under Articles 9, 10, 11, 12, 13, and 14. In addition to promoting the free flow of ideas and information, TRIPS defines standards for the protection of digital works that are subject to copyright laws and their enforcement within the framework of international commerce.

History of India's Copyright Laws The history of copyright law in India started during the British Colonial Era with the introduction of the Indian Copyright Act of 1914, the first legislation. The British Copyright Act of 1911 served as an inspiration for this statute, which granted temporary protection to literary, musical, and artistic works. Nevertheless, the scope of protection was limited and had to include works of cinematography or sound. At the time, the major goal wasn't helping Indian artists and inventors, but rather British publishers and writers. The primary goal of the legislation was to curb the illegal duplication and dissemination of literary works from other countries. Yet, these limitations notwithstanding, the contemporary copyright system in

India was founded upon by the Indian Copyright Act of 1914. Over time, this statute was amended to provide authors more protection and to expand the scope of copyright law to include new expressions.

The printing press, invented in the 15th century, made it possible to reproduce literary works, and copyright was thereafter recognized. When copyright is in place, no one else may make copies of the protected work. The right to reproduce, distribute, and modify any work of literary, dramatic, musical, artistic, cinematic, or sound recording origin belongs exclusively to the work's author or creator and is known as copyright. The right of the author to prevent others from duplicating his or her work is also known as copyright. Once the copyright expires, the work is said to have entered the public domain. Although ideas are not protected by copyright, the act of expressing them is. Many writers, for instance, pen encyclopedias and dictionaries on specific topics for university students. A biology textbook, for instance, might have many writers covering essentially the same material (including the same diagrams and images), but each author would retain copyright for their own work (so long as it wasn't a carbon duplicate of anything else). Copyright in this instance will abide with the author throughout the duration of his or her life plus sixty more years. However, copyright cannot exist in a work whose only manifestation is an idea rather than a finished product.

As a result of developments in digital printing, communication, and entertainment, as well as in information technology generally, copyright has become a hot concern. Copyright content may be easily reproduced thanks to technological advancements, but original work piracy has also increased dramatically. Since copyright is essentially a global phenomenon, several nations have banded together to establish copyright protection treaties. It was because of that endeavor that the Berne Convention and the Universal Copyright Convention were born. India is one of the many nations that have joined these treaties. Hence, Indian copyright holders have the option to safeguard their rights on a global scale.

Intellectual property in India is governed by the Copyright Act, 1957, the Copyright Rules, 2013, and the International Copyright Order, 1999.

Developments in Indian Copyright Laws With the rapid evolution of both technology and the law, the Indian copyright Act has undergone many revisions since its creation. There were revisions to the copyright laws in1983,1984,1992,1994, 1999, and 2012. Computer programs are now considered works of literature and art thanks to an amendment that broadened the term in 1983. The amendment of 1994 expanded the rights of the internet by introducing the idea of moral rights for authors and the freedom to communicate with the public. The duration of the performer's right protection was increased from 25 to 50 years by an amendment in 1999. After going through certain revisions in 2012, the copyright laws is now in line with two internet treaties—the WIPO Performances with Phonograms convention and the WIPO Copyright convention (WCT). The only entities authorized to provide licenses are copyright societies, according to this legislation. Along with this, a plethora of additional changes were made.

Copyright Legislation in India as It Stands Right Now The proliferation of digital technology in the last few years has contributed significantly to the evolution of copyright regulations. Consequently, there have been endeavors to find a middle ground between the public's rights and the copyright holder's rights. Some recent developments in copyright law include the introduction of new technology for copyrighted work protection,

the expansion of fair use exclusions, and the adoption of international treaties aimed at harmonizing copyright rules across various countries. The importance of copyright laws in safeguarding creative works and guaranteeing fair compensation for their authors has increased in the digital era. It is now easy to distribute works without authorization due to the simplicity of copying and distributing digital information. Because of this, there is an increasing demand for effective enforcement methods to stop copyright infringement.

CHAPTER-4

LEGISLATIVE AND REGULATORY FRAMEWORKS GOVERNING COPYRIGHT

In order to ensure that creators and rights holders are legally protected for their original works, copyright legislation and regulations are vital in determining the nature of intellectual property rights. In order to enforce copyright law in the digital era, these frameworks lay out the roles and duties of authors, rights holders, and users. With an emphasis on American law, this chapter will examine the fundamental copyright legislative and regulatory systems.

Copyright Act of 1976

In the digital age, writers' rights are comprehensively protected under the Copyright Act of 1976, a landmark piece of American law. The 1976 Copyright Act, which superseded the antiquated Copyright Act of 1909, extended the purview of copyright protection to encompass a vast array of creative endeavors, including not just literary, musical, even artistic works, but also theater and dance productions, audio recordings, and blueprints for buildings.

Artists have the only right to make copies, distribute them, perform them, and show them off, and even make variations on their works according to the Copyright Act of 1976. When a qualified work is created, these rights are immediately enforced and may be used to punish infringement. As part of its copyright protections, the Act stipulates that writers will have perpetual, irrevocable rights in their works for at least 70 years after their death.

Digital Millennium Copyright Act (DMCA):

Traditional copyright enforcement methods faced new difficulties with the advent of digital technology at the end of the twentieth century. To address these concerns and bring copyright laws up to date with the digital era, Congress approved the Digital Millennium Copyright Act (DMCA) in 1998. To prevent copyright infringement online and ensure digital material integrity, the DMCA added additional restrictions.

The DMCA forbids, among other things, any attempt to bypass technical safeguards put in place by copyright holders to preserve their works. Section 1201 of the Act makes it unlawful to evade technical safeguards meant to prevent access to copyrighted information, such as digital rights management (DRM) systems. There are both civil and criminal consequences for violating Section 1201, such as fines and jail time.

The DMCA's notice-and-takedown mechanism is another crucial component for dealing with copyright infringement on the internet. With this mechanism in place, owners of copyrighted works may notify online service providers (OSPs) of alleged infringement by service users. The onus is on OSPs to swiftly delete or block access to the infringing material upon receiving a legitimate notification. If they follow the rules of the notice-and-takedown system, OSPs are protected from legal action for copyright infringement that occurs on their platform, according to this clause in Section 512 of the Act.

The DMCA has safe harbor safeguards to protect OSPs from legal action for copyright infringement that occurs on their platform, in addition to its notice-and-takedown mechanism. A policy for canceling the accounts of frequent infringers and processes for responding too infringement warnings in a timely manner are two conditions that OSPs must achieve in order to qualify under safe harbor protection.

International Agreements and Treaties:

The United States is not only bound by its own copyright laws but also by a number of treaties and accords that regulate copyright protection one a worldwide basis. This convention, which was formed in 1886, is one of the most important treaties for the protection for literary and artistic works. The Berne Convention mandates that signatory nations acknowledge the copyright for works produced by citizens of other signatory nations and sets minimum requirements for the copyright protection of member nations.

The World Intellectual Property Organization (WIPO) oversees a number of copyright protection treaties, notably the WIPO Copyright Treaty & the WIPO Performances and Phonograms Treaty, and the United States is a member of this organization. The goal of these accords is to modernize copyright safeguards and enforcement standards for the digital environment in order to meet the difficulties brought about by digital technology.

Fair Use Doctrine:

The fair use concept, which permits some restricted uses of copyrighted works even in the absence of the owner's consent, is a cornerstone of American copyright law. Section 107 use the Copyright Act of 1976 codifies the fair use doctrine, which authorises the use use copyrighted works for activities such as commentary, criticism, news reporting, instruction, scholarship, and research.

A court will look at four things—the use's intent and character, the copyrighted work's nature, the amount and substantiality of each portion used, and how the use affects the copyrighted work's potential market value or worth—to decide whether a certain use qualifies as fair use. The ever-changing concept of fair use strikes a balance between copyright holders' rights and the public desire for free speech and information access.

United States copyright laws and regulations safeguard authors' and publishers' rights to their works and provide the groundwork for modern copyright enforcement processes. Notable laws that deal with the possibilities and threats posed by digital technology and the internet include the Copyright Act of 1976 and the Digital Millennium Copyright Act (DMCA). Furthermore, worldwide copyright protection is standardized thanks to international accords and treaties like the Berne Convention and the WIPO treaties. Collectively, these models are vital in encouraging innovation, creativity, and cross-cultural understanding, and they alter the terrain of IP rights.

4.1 THE RATIONALE FOR THE INTERNATIONAL SYSTEM

Copyright regulations vary from one nation to another. Nevertheless, a collection of international treaties restricts the leeway that the majority of nations have in modifying and implementing their own laws. Just why is it necessary to have global oversight of this sector? Two conventional wisdoms address this matter.

As a first concern, countries may pass laws safeguarding their own residents while exposing outsiders to danger if there is no global uniformity. Before international legislation, such bias was prevalent. The importance of mutual recognition on equitable conditions for rights across borders is growing as copyright holders seek worldwide protection for their works.

The second point is that some copyright holders think developing countries won't implement sufficient copyright protections unless they are compelled to do so by treaty. There is a substantial disagreement on this point amongst representatives from emerging countries.

4.1.1 International Instruments

A single treaty ratified by all nations would be the easiest method to attain these aims. Regrettably, things are more complicated now. There is now a patchwork of six large multilateral accords rather than a single treaty, with various groups of nations involved in each.

A global body is responsible for overseeing the implementation of all six accords. The World Trade Organization (WTO), the United Nations Educational, Scientific & Cultural Organization (UNESCO), and the World Intellectual Property Organization (WIPO) each oversee one of the six.

There are certain similarities, but not exactitudes, in the creation and execution of the six accords. In most cases, it all starts when national delegates agree that a certain collection of concerns has to be regulated by international norms. The parties engage in discussions that may continue for a long time. Each country's

delegation reviews the draft provisions and discusses them, sometimes offering changes to their substance, in an effort to achieve a consensus throughout the discussions. One interpretation of this "consensus" is that all of the signatory nations really believe the pact will be beneficial; another is that it is the product of pressure from more powerful nations on less powerful ones. The nations finalize the treaty simply signing it when they have achieved an agreement. After then, the treaty will come into effect after the ratifying governments from the participating nations have done so. A treaty might be "adopted" at a later date by a country that was not a signatory when it was first negotiated.

Certain nations, particularly those with a civil-law heritage, consider treaties to be "self-executing." What this means is that private parties may depend on signed treaties and, if needed, sue other private parties any breaches of the treaties' terms. Nevertheless, treaties do not possess this self-executing power in nations that have been shaped by the constitutional traditions of the United Kingdom or Scandinavia. To make them work, private parties need to wait for their respective national legislatures to pass laws implementing them; after that, they can't depend on the treaties' wording alone.

There is no all-inclusive set of copyright regulations or standards included in any of the six treaties dealing with copyright law. Rather, each one gives member nations a set of rules to follow when dealing with certain challenges, but gives them a lot of leeway in how they put those rules into practice.

4.1.2 BERNE CONVENTION

To clarify international copyright law, 10 European governments signed the Berne Convention on the Protection of Written and Visual Works in 1886 (hence referred to as the "Berne Convention"). The number of member states of the Berne Convention has increased to 164 since then. Unfortunately, not every country has accepted the most current version of the Convention of Berne, and there were several amendments. The membership is open to any nation. Here you may find the list of countries that have ratified the Berne Convention. Nothing much has changed since 2010, therefore I've included a map below indicating which nations were members at the time.

Three guiding principles were laid down by the Berne Convention. The initial and most well-known is the "national treatment" concept, which states that all member states must provide foreign nationals the same protections under copyright laws as domestic citizens. Novels published by Bolivian citizens in Ghana receive the same protection as novels written by Ghanian citizens in Bolivia, for example.

The concept of "independence" of protection is the second. Even if the copyright laws in the countries from whence the works originate do not guarantee protection, the agreement states that all member nations shall provide overseas works the same rights as domestic works. A book published by a Bolivian citizen, for instance, may be eligible for protection in Ghana if it met the criteria set forth by Ghanaian law, even if it wouldn't be protected in Bolivia.

Principle number three is "automatic protection." By adhering to this principle, member states of the Berne Convention cannot make other member states' citizens go through the motions in order to get copyright protection. (Except in most cases, they won't impose such rules on their own populace.) This approach has the effect of protecting novels produced in Bolivia from the time they are written, without the need for registration or declaration in any member state under the Berne Convention, such as Ghana, India, or Indonesia.

Along with these general guidelines, the Berne Convention lays forth a slew of detailed specifications for signatory nations to follow. There is a minimal amount of time that they are required to enforce copyrights, for example. All works, with the exception of photos and films, are subject to a minimum copyright term of the author's lifetime plus fifty years in nations that have accepted the Berne Convention's most current edition. A small subset of "moral rights," which we will discuss later, are also recognized and enforced by members of the Berne Convention.

In order for member nations to establish exceptions to the required copyright protections, the Berne Convention lays forth a framework for doing so. The ability of member states to establish restrictions or exceptions to authors' rights to manage reproductions of their works is defined by the so-called "three-step test" in Article 9(2) (covered in further depth below). Additional articles of the Berne Convention provide member nations the authority to establish more precise exclusions.

Developing nations' unique needs were addressed in an appendix that the signatory nations included at the 1971 Paris revision of the Berne Convention. In instance, developing nations have some leeway to relax copyright protections for certain works and situations, allowing them to translate and reproduce copyrighted works without meeting the basic criteria. In particular, the Appendix allows developing nations to compel translations for educational, scholarly, or research purposes as well as reproductions for use in systematic instructional activities; these licenses are non-exclusive and non-transferable.

Although the Berne Convention provides general guidelines for copyright protection, it does not impose any particular regulations. Therefore, there is a lot of leeway for legislative discretion in how each member nation carries out its obligations. By way of illustration, the United States Congress took a "minimalist" approach in the 1988 Berne Convention Implementation Act, modifying copyright laws just to the extent necessary to ensure continued participation.

An efficient system for enforcing compliance is absent from the Berne Convention. This renders the ability to penalize a non-compliant state by another member state under the Berne Convention severely limited. For the Berne Convention members who also become WTO members, things altered, as we'll see later.

You may read the full text of the Convention or look at a synopsis of its history to find out more information about the Berne Convention.

4.1.3 UNIVERSAL COPYRIGHT CONVENTION

In 1952, UNESCO approved the Universal Copyright Convention, sometimes known as the UCC. To replace the Berne Convention, it was drafted. A number of nations, notably the US and the USSR, wanted global copyright protection but didn't want to join the Berne Convention. The UCC was an attempt to solve this problem.

In comparison to the Berne Convention, the provisions of the UCC are more accommodating. Countries with varying levels of development and economic and social systems were supposed to be accommodated by this heightened flexibility. The UCC forbids discrimination against foreign writers and embraces the concept of national treatment, similar to the Berne Convention; however, it has fewer provisions that member nations are required to adhere with.

Since the majority of nations are either WTO members or Berne Convention parties, the UCC is no longer as relevant. The trade-related components of the intellectual property rights (TRIPS) agreement governs the copyright responsibilities of WTO members, as explained below.

4.1.4 ROME CONVENTION (1961)

Significant technological advancements have occurred since the signing of the Berne Convention by 1961. The development of tools like tape recorders has simplified the process of duplicating audio recordings. Because it was limited to printed works, the Berne Convention was of little use to copyright holders in their fight against emerging technology. On October 26, 1961, delegates from the World Intellectual Property Organization (WIPO) reached a consensus on the Rome Convention on the Protection or Performers, Producers or Phonograms & Broadcasting Organizations in response to the widespread belief that recorded works need robust legal protection. It broadened the scope of copyright protection beyond the original inventor to include anyone involved in making specific tangible versions of a work. Videodiscs, audiocassettes, and compact discs are all examples of these "fixations" at work.

Countries who are parties to the Rome Convention are obligated to provide legal protection for the creations of artists, phonograph manufacturers, and media organizations. But it also lets member nations make exceptions to that rule, so it's possible to utilize recordings for legitimate educational or scientific purposes without permission.

The Rome Convention has been ratified by 91 nations. See the member nations plotted out below:

The only nations that may join the Rome Convention are those that have previously ratified either the Universal Copyright Convention or the Berne Convention. In the same way that the impact on domestic law of other international treaties is difficult to predict, the Rome Convention is no exception. As part of the agreement, participating nations have the option to "reserve" certain rights. The practical result has been that nations have been able to evade regulations that would need substantial domestic law reform.

4.1.5 WIPO COPYRIGHT TREATY (WCT)

In the digital era, copyright holders have to adjust how they distribute, sell, and reproduce their works. Electronic formats, distribution over the Internet, and database compilation are commonplace for a wide variety of media, including audio recordings, essays, images, and novels. Regrettably, copyrighted works have been widely copied thanks to the same technology that make storage and dissemination more efficient. World Intellectual Property Organization (WIPO) treaties, the Copyright Treaty and the Performance and Phonograms Treaty, were established as governments from wealthy nations voiced their concerns about the potential impact of new technology. An annex to the Berne Convention, the World Intellectual Property Organization Copyright Treaty (WIPO CT) went into effect on March 6, 2002. Databases and computer programs are now legally protected as a result of the first ever international treaty mandating such protection.

Additionally, members of the WCT are obligated to forbid the use of methods that bypass the protections afforded by rightsholders to their works in order to duplicate and distribute them. of control the rights of works and their authors, certain technologies are required, such as encryption or "rights management information" (data that identifies works and their creators).

4.1.6 WIPO PERFORMANCES AND PHONOGRAMS TREATY (WPPT)

The member nations of WIPO signed the WPPT (World Intellectual Property Organization Performances and Phonograms Treaty) on December 20, 1996. The WPPT strengthens the protections afforded to phonogram producers and performers' intellectual property. Media that storing sound recordings are known as phonograms, and they include vinyl records, cassettes, CDs, digital audiotapes, and MP3s.

Economic rights in fixed-in-phonogram performances are granted to artists by the WPPT. It also gives actors the right to use their morality in these performances. The only rights provided to phonogram makers are pecuniary in nature.

4.1.7 THE AGREEMENT ON TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS)

In 1994, negotiators reached an agreement known as the TRIPS, which is overseen by the World Trade Organization. Here you may see a map that displays the current membership in the WTO. The Trade Related Intellectual Property Rights (TRIPS) Agreement sets basic requirements for copyright and other types major intellectual property protection for WTO member nations. The TRIPS Agreement and the Berne Convention are quite similar in terms of their substantive contents. Copyright protection for computer software and information compilations is a requirement of TRIPS member nations, which is the main distinction. In contrast to the Berne Convention, TRIPS does not mandate the safeguarding of writers' moral rights.

The TRIPS remedies are the most groundbreaking aspects of the law. In contrast to the Berne Convention, TRIPS mandates that signatory nations implement robust penalties for copyright infringement. Furthermore, it establishes a process for resolving disputes, which allows WTO member nations to compel other members to fulfill their treaty duties. Contrary to the Berne treaty, TRIPS supposedly has "teeth."

There is considerable leeway in how it can be put into practice thanks to TRIPS. Developing countries are encouraged to find a balance between development considerations and the integration of TRIPS general principles via this flexibility. There is more information available on the TRIPS flexibilities for developing countries.

4.1.8 REGIONAL AGREEMENTS

The main clauses that restrict the ability of any nation to establish its own copyright laws are included in the multilateral accords that we have just discussed. However, copyright rules in certain member states are subject to the whims of regional organizations to which these nations participate. The European Union (EU) is the preeminent example of such a regional organization. (You can get a map of the present and prospective members of the European Union here.) The European Union has passed many copyright laws since 1991. (By a certain date, member nations are required by a directive to have their laws in line with its standards, but how they reach that point is left up to each country's discretion.) As an example, the Software Development Directive mandated that all member states provide copyright protection to software programmers, irrespective of the level of creativity in such programs. One of the requirements of the Rental Rights Directive was that all signatory nations acknowledge "a right to authorize or prohibit the rental and lending of originals and copies of copyright works...." In order to comply with the Copyright Duration Directive, member states were obligated to provide copyright protection for the whole author's lifetime plus seventy years, which is twenty years longer than the Berne Convention's mandate. In order to put the WCT (which we covered before) into action, the contentious Information Culture Directive (also called the Copyright Directive) was enacted in 2001. In conclusion, the Resale Rights Directive mandates that all member states provide artists with compensation upon resale of their original works.

Countries such as Benin, Burkina Faso, Cameroon, Central Africa, Congo, Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Chad, as well as Togo are all parties to the revised Bangui Agreement, which was executed in 1999 and became effective in 2002. The Agreement's roots in French copyright law are reflected in its very liberal list of moral rights in Annex VII, Articles 8 and 10, and in Article 9, a similarly generous listing of economic freedoms, including a leasing right, is spelled down. Articles 11–21 subsequently provide a laundry list of limits and exceptions to such rights.

In1994, the US, Canada, and Mexico signed the North American Free Trade Agreement (NAFTA), that restricts the ability of those three nations to define their own intellectual property rules. Having said that, NAFTA has little autonomous importance in the area of copyright laws as it closely resembles the TRIPS Agreement, which was mentioned before.

The Andean Community (consisting of Bolivia, Ecuador, Peru, Colombia, and Paraguay), Mercosur (which includes Argentina, Brazil, Paraguay, Uruguay, and (maybe) Venezuela), and the African Regional Intellectual Property Organization (ARIPO) (which includes "Botswana, the Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia, and Zimbabwe)" are some other regional organizations that could impact the copyright systems of their member countries, but have so far refrained from doing so.

MUTUAL INVESTMENT TREATIES AND FREE TRADE AGREEMENTS

Because they provide minimal requirements for copyright protection that are obligatory on several nations, multilateral accords like TRIPS may offer strong worldwide protection for copyright holders. On the other hand, copyright holders may sometimes seek out international treaties or intergovernmental bodies in an effort to get even more robust rights. The copyright laws of two countries' treaties often deal with matters that are unique to each country. Free trade agreements (FTAs) and bilateral investment treaties (BITs) are popular names for these kinds of accords.

Such bilateral agreements often impose stricter copyright protection requirements or reduce the flexibilities that poorer nations would have under TRIPS. In its bilateral free trade agreements (FTAs) at Jordan, Singapore, Chile, Morocco, Bahrain, and Oman, for instance, the United States government has stipulated anti-circumvention requirements. In a similar vein, developing nations have seen their copyright laws severely curbed by the free trade agreements (FTAs) that the EU has lately inked with them.

BITs and FTAs are quite divisive. They are seen by many researchers and developing nation representatives as misuses of power by rich nations. Some times, those who were against planned FTAs or BITs were successful in getting them changed or even stopped from being adopted.

THE TRIPLE-CHECK PROCEDURE

The "three-step test" is a common method for determining whether or whether member nations are free to establish "exceptions and limitations" to copyrights in most significant regional, bilateral, and multilateral agreements. The original version of the three-part test appeared in the 1967 Berne Convention amendment. Among its benefits are:"It shall be a matter for legislation in the countries of the Union to permit the reproduction of such works [a] in certain special cases, provided that [b] such reproduction does not conflict with a normal exploitation of the work and [c] does not unreasonably prejudice the legitimate interests of the author."

Since then, variations of this criteria have been included in the majority of international copyright agreements. For instance, the test is referenced in many EU copyright laws, the TRIPS Agreement (Article 13), the WCT (Article 10), and a number of bilateral agreements. Many nations' laws now include three-pronged tests; they

include Australia, France, Portugal, and China. Judges may sometimes use the test to interpret and implement copyright rules in their country, even when the test is not officially included in their copyright laws.

Versions of the exam varied somewhat in the material they cover. For instance, the three-step test outlined in Article 13 to the TRIPS Agreement extends to all "exclusive rights" connected with copyright, as opposed to only the right of reproduction, as the Berne Convention three-step test does not. Furthermore, the vocabulary used in each edition differs. For instance, according to the TRIPS test, the third step, instead of requiring that an exception or limitation "not unreasonably prejudice the legitimate interests from the right holder"—a change that puts more emphasis on the financial interests of the companies that buy copyrights from the original creators—rather than the interests of the authors, as stated in the Berne Convention test (quoted above).

The three-step test has been around for a long time and is widely used, so you would think its meaning would be obvious by now. This is incorrect. There has never been an official interpretation of the Berne Convention version of the test. There has been a single official reading of Article 13 in the TRIPS Agreement with a dispute resolution body, and it is unclear to what extent that view should govern future nations. Furthermore, in circumstances that are otherwise functionally similar, courts in various European nations have used the criteria inconsistently.

The degree to which the three-step test is restricted is a matter of heated debate among commentators and lobbyists. Some go to the other end of the spectrum and say that the US fair use concept doesn't pass the smell test, which means that the US should get rid of it and poor nations can't have comparable policies. According to William Patry, this interpretation is highly unlikely because no country that was involved in negotiating the TRIPS Agreement and the Berne Convention raised objections to the United States' application of the fair use doctrine.

On the other side, "A Balanced Interpretation of the Three-Step Test in Copyright Law" was recently put out by a collection of well-known and significant copyright researchers. They contend that the test should not be automatically interpreted as a violation if an exception or restriction does not meet all three requirements. Instead, a "comprehensive overall assessment" should be conducted taking into consideration all three parts of the test. This assessment should account for the dangers that overly stringent copyright protections create for things like "human rights and fundamental freedoms," "interests in competition," and "other public interests, notably in scientific progress and cultural, social, or economic development" -- not to mention the legitimate concerns of copyright holders regarding fair compensation. Two things work in favor of this plan. First, it aligns well with the copyright system's overarching goal, which is to maximize access to ideas and information for society at large while still protecting artists' interests (as we have seen). Secondly, it is backed by the fact that the test has always called attention to the "legitimate" interests of writers or patent holders. But there's a major flaw: almost every court or tribunal that has looked at the test so far has ruled that all three of its "steps" are necessary. Newly proposed by Professors Hugenholtz and Okediji is an alternative interpretation that avoids this flaw while maintaining the merits of the "Balanced Interpretation": "Limitations and exceptions that (1) are not overly broad, (2) do not rob right holders of a real or potential source of income

that is substantive, and (3) do not do disproportional harm to the right holders, will pass the test." This suggestion merits serious thought as it is based on an extensive and thorough analysis of the development of the three-step exam.

It is possible to draw a significant generalization from this situation: It is not always easy to decipher the intent behind copyright rules, especially when it comes to international copyright agreements. There has been no authorized interpretation of several rules yet. Librarians and other representatives from poor nations may benefit from this since it opens the door for them to advocate for and implement interpretations that provide them more autonomy in creating their own laws.

LEGAL FRAMEWORK FOR COPYRIGHT PROTECTION

Copyright protection is a legal framework that helps to preserve creativity and innovation by granting exclusive rights to creators and authors over their works. It plays a vital role in the world of proprietary technology by providing a legal means to protect the interests of creators and the public. In the United States, copyright protection is governed by the Copyright Act of 1976, which outlines the rights of authors, the duration of protection, and the limitations and exceptions to those rights.

1. The rights of authors: The Copyright Act of 1976 grants authors several exclusive rights, including the right to reproduce, distribute, and display their works publicly. These rights are designed to give authors control over their creations and to ensure that they receive fair compensation for their efforts. For example, a software developer who creates a new program has the right to prevent others from copying or distributing it without permission.

2. The duration of protection: In the United States, copyright protection lasts for the life of the author plus 70 years. This means that the author's heirs or estate continue to hold the rights to the work for 70 years after the author's death. This long duration of protection is intended to encourage creativity and ensure that authors and their families receive the financial benefits of their works.

3. Limitations and exceptions: The Copyright Act of 1976 also outlines several limitations and exceptions to the exclusive rights of authors. For example, the fair use doctrine allows for the use of copyrighted material for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. This doctrine ensures that the public can access and use copyrighted works for certain purposes without fear of infringing on the author's rights.

4. International copyright protection: While copyright protection is primarily governed by domestic laws, there are several international treaties and agreements that provide uniform protection for copyrighted works. For example, the Berne Convention for the Protection of Literary and Artistic Works is an international treaty that establishes minimum standards for copyright protection among its member countries. This ensures that authors and creators receive consistent protection for their works regardless of where they are published or distributed.

The legal framework for copyright protection is crucial for preserving creativity and innovation in proprietary technology. By granting exclusive rights to authors and creators, copyright protection ensures that they receive fair compensation for their works and encourages continued creativity. The Copyright Act of 1976, the fair use doctrine, and international treaties all work together to provide a comprehensive system of protection for copyrighted works.

CHAPTER-5

CONCLUSION

The ever-changing relationship between technology progress, social standards, and legal systems is mirrored in the development of copyright laws in the digital age. Copyright law has progressed from its infancy in pre-modern societies to the present day in response to the possibilities and threats posed by various forms of digital expression and technological innovation. Here we will summarise the study's main points, draw some conclusions, and think about what this research means for copyright law going forward.

Copyright law has changed throughout time to acknowledge writers' rights as makers of unique works, moving away from a system that exclusively protected publishers' and printers' privileges. Modern copyright law may trace its origins back to the early copyright privileges provided by European monarchs, which established the idea of exclusive rights for publishers and writers. Copyright law has come a long way from its inception in 1710 with the Statute of Anne and continued to grow with acts like the Copyright Act of 1976, which extended copyright protection to a far broader spectrum of creative works. Legal Protections for Original Works and Enforcement Mechanisms for Copyright Laws The legal protections for original works and enforcement of copyright laws in the digital age are provided by legislative and regulatory frameworks. Notable laws that deal with the possibilities and threats posed by digital technology and the internet include the Copyright Act of 1976 or the Digital Millennium Copyright Act (DMCA). The authors' exclusive rights to reproduce, distribute, perform, and exhibit their works are granted under these frameworks, which also handle online copyright infringement and offer safe harbor protections for online service providers. Treaties and international agreements: When it comes to solving the problems of copyright enforcement across borders and harmonizing copyright protection worldwide, treaties and international agreements are vital. Both the Berne Convention and the treaties of the World Intellectual Property Organization (WIPO) mandate that member states acknowledge the copyright of works produced by citizens of other member states and set minimum requirements for the protection of copyright for member countries. International cooperation and coordination in protecting and enforcing copyright laws are made easier by these agreements. Opportunities

and Threats: Successfully enforcing copyright protection in today's digital and linked world remains a problem, despite efforts to update copyright laws for the digital era. More people than ever before are able to access and distribute copyrighted information without legal authority because to the proliferation of peer-to-peer file sharing networks, online streaming platforms, and social networking sites. A key difficulty in copyright law is resolving the contradiction between encouraging innovation and creativity and safeguarding the rights of artists and holders of rights. The fair use doctrine is a flexible legal framework that supports the public interest in free speech and information access by permitting limited uses of copyrighted works without the owner's consent. Nevertheless, there are instances when doubt and lawsuit result from the complexity and subjectivity of defining fair usage. The goals and principles of copyright law must be carefully considered in order to strike a balance between copyright holders' interests and the public interest in free speech and information access. Looking Ahead: In the years to come, changes in technology, social mores, and the law will all influence copyright legislation. New possibilities and threats arise when it comes to copyright protection and enforcement from emerging technologies like virtual reality, blockchain, and artificial intelligence. Creators and rights holders now have more opportunities than ever to commercialize their works and reach audiences all over the world thanks to innovations in digital distribution platforms, tools for creating content, and licensing methods.

Finally, to meet the problems and seize the possibilities presented by the digital age, copyright law in the digital age is an ever-changing and innovative discipline. To better navigate the complexities of copyright issues in the digital era and shape a balanced and sustainable framework for intellectual property rights, it is helpful to understand the historical evolution of copyright law, analyze key legislative and regulatory frameworks, and explore the implications for creators, rights holders, and users.

RECOMMENDATIONS

- **Enhance Copyright Education:** There is a need to increase awareness and understanding of copyright law among creators, rights holders, and users. Educational initiatives, workshops, and resources can help individuals navigate the complexities of copyright law in the digital age, empowering them to make informed decisions about their rights and responsibilities.

- **Foster Collaboration and Dialogue:** Collaboration between stakeholders, including creators, rights holders, policymakers, and technology companies, is essential for addressing copyright issues in the digital era. By fostering open dialogue and cooperation, stakeholders can work together to develop innovative solutions that balance the interests of creators, rights holders, and users.

- **Update and Harmonize International Copyright Standards:** As digital technologies continue to facilitate global exchange and distribution of creative works, there is a need to update and harmonize international copyright standards. International agreements and treaties should be revised to address emerging challenges and promote consistency in copyright protection across borders.

- **Promote Fair Use and User Rights:** Fair use and other user rights are essential for promoting free expression, access to knowledge, and cultural diversity. Policymakers should safeguard and promote these principles in copyright law, ensuring that copyright enforcement mechanisms do not unduly restrict legitimate uses of copyrighted works.

- **Encourage Technological Innovation:** Technological innovation plays a critical role in shaping the future of copyright law. Policymakers should encourage the development of technologies and tools that facilitate copyright enforcement and protection, while also promoting creativity, innovation, and access to information.

Foster a Balanced and Sustainable Framework: Ultimately, copyright law should strive to strike a balance between promoting creativity and innovation and protecting the rights of creators and rights holders. Policymakers should aim to develop a balanced and sustainable framework for intellectual property rights in the digital age, one that fosters creativity, encourages innovation, and promotes the public interest.

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