



THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN CYBERSPACE: A CRITICAL STUDY WITH SPECIAL REFERENCE TO INDIAN LEGAL FRAMEWORK

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Abstract -The virtual space where all electronic communications take place is referred as “Cyberspace”. It is not possible to determine its spatial location and composed of intangible entities, i.e., computer, internet, websites and information etc. It provides the platform where people can share information, conduct business, and create artistic media. The common legacy of human is often misused by certain individuals, making it a new frontier for many types of cyber-crimes. The technological inventions made human life comfortable but also brings challenges to legal field. In the absence of geographical barrier to commit cyber-crimes in cyberspace, it is a herculean task to cope with cyber-criminals. These crimes include attack on the personal information. In the present era, individuals worldwide have the ability to engage in real-time communication via a wide range of technological gadgets. Within a matter of seconds, a piece of information published by a solitary human has the potential to spread rapidly and widely throughout the internet. Despite the significant impact of Information Technology on our daily lives, just a few individuals possess comprehensive knowledge about computers and the internet. Hence, it is imperative to conduct a methodical examination and thoroughly analyse the fundamental attributes of cybercrime, as well as establish comprehensive legislation aimed at safeguarding intellectual property rights inside the digital realm.

The author has tried dealt with the techno-legal protection measures to protect the intellectual property rights, access control, examining situations after enactment of the intellectual property regulations specifically information Technology Act., and concludes with that the techno-legal measures used to access control mechanism may be appropriate answer in the light of piracy menace but whether it is on the cost of doctrine passing off, fair use, if so then precautions have to be taken to balance the both rights.

Keywords: Computer, Information Technology, Cyberspace, Cybercrimes, Intellectual Property Rights, Protection.

INTRODUCTION

The only other living thing with a creative mind is a man. His creativity, intellect, and imagination have empowered him to come forward with new ideas and improve his quality of life. All newly developed items that a person conjured up in the twenty-first century are regarded as his property, and those assets are known as "Intellectual Property Rights." Inventions, symbols, titles, photos, and creative art utilized in commerce are all examples of mind-made creations that require creativity, talent, labour, and investment. Copyright protection is additionally referred to as intellectual property. The Intellectual property rights comprise assets like copyright, patents, trademarks, designs, and geographical identification marks. The Intellectual property is intangible or incorporeal property, which implies it only exists in the mind and has no obvious physical manifestation. Intellectual property rights provide producers the freedom and ability to employ their creative talents for the betterment of society. It grants exclusive ownership of artistic and creative work to the creator. The bulk of the intellectual property is protected by granting exclusive rights for a specified period of time.

Exclusive rights are those that only the holders of a certain intellectual property right may use. After then, the public can access the innovations and works in an open space. There are several



types and durations of protection for various types of intellectual property. Intellectual property has increased in value significantly in today's knowledge-based economy. Indian public' perceptions on intellectual property have significantly improved . A crucial component of the functioning and planning of knowledge- and technology-based entities is intellectual property. In the modern period, intellectual property has become significant in a variety of industries, including cinema and information technology.

As the globe entered the twenty-first century, we relied more and more on technology in our everyday lives, particularly on the internet. The internet, like other revolutionary technological developments, enables individuals to function as a transnational society, advertise, and operate internationally. We now live in a world of global civilization and an international community that surpasses territorial limits and is independent of any national authority. In the global Economic Systems' geographic constraints are now gone. Any business nowadays has to be connected to the internet in order to succeed. Since a website needs to have an address that is a domain name, domain names are highly important in today's commercial operations. Nevertheless, information technology in particular and internet in general have become the biggest threats to intellectual property rights. The primary domains of the intellectual property that have been profoundly affected by change and the emergence of the digital era are copyright and trademarks. The WIPO's Global Bureau has branded the internet "the world's largest copy machine." The goal of research paper is to determine how well the Indian legal system can handle the problem of protecting intellectual property rights against contemporary threats posed by cutting-edge informational technological obstacles.

Statement of Problem

The focus of the current study is primarily on assessing how effectively the Indian legal system addresses the issues of the intellectual property rights in the cyberspace.

Objectives of the Study

The primary objective of the study is to examine the nature and the extent of violations of the intellectual property rights like trademarks and copyright in the digital realm.

To examine the reach and constraints of national legal frameworks in addressing Intellectual Property Right infringement.

Hypothesis

The hypothesis is that since digital technology is intertwined with intellectual property rights like copyright, patents, and trademarks, the prevailing Indian regulatory framework is struggling to efficiently tackle intellectual property rights violations in cyberspace.

Research Methodology

The current study is primarily doctrinal in nature. The method used for this study involves a thorough analysis of primary sources, including statutes, court rulings, international conventions, and the reports of statutory and non-statutory commissions of national and international scope that have been appointed by the government. The current study is primarily doctrinal in nature. The analysis of secondary sources includes articles written by writers in the area on copyright, trademarks, domain names, software, and laws at the international and national levels.

Importance and Scope of the Study

The study's significance lies in the fact that it pinpoints the causes of intellectual property rights violation in cyberspace. A significant communication revolution has resulted from computers' capacity to share content with other electronic devices over connectivity. The analysis of numerous intellectual property concerns connected to trademark and copyright violations in the cyberspace is the exclusive focus of the research.

1. The Digital World and Intellectual Property Rights

The adage "information is power" is even more true in today's digital era. There haven't been many events or discoveries in human history that have fundamentally altered all facets of human growth. The Information and Communication Technology revolution may be likened to previous significant times in human civilization, such as the invention of the wheel or the development of the steam engine. The future, in the eyes of many, will never be same as the digital technology revolution



reaches its pinnacle. The advent of information technology has empowered us to surmount virtually insurmountable challenges. Now, with just a simple click of the mouse, one can easily access virtual content directly from their personal computer. With the emergence of the scientific and technological era, the importance of intellectual capital has increased significantly.

In turn, this has made intellectual property and the assets connected to it valuable and highly protected. Cross-border business has grown significantly in recent years, particularly during the past ten years. Businesses have operations in the many countries and provide their services to clients all over the world. The amount of protection provided to intellectual property rights in each jurisdiction in an international marketplace must be determined and examined since intellectual property rights are country-specific. Safeguarding intellectual property rights is essential since internet is rife with intellectual exchanges.[1]

India's intellectual property systems and procedures are becoming more intricate and dynamic in order to promote technical innovation that leads to socio-economic benefits. Therefore, safeguarding intellectual property rights is essential.[2] Creativity in thought and language is at the heart of life and community and any kind of artistic expression improves and adds flavors to the life. Leonardo Da Vinci, Shakespeare, and Vishnu Sharma, together with other eminent intellects, created works that exerted a profound impact on human conduct and provided a vast reservoir of knowledge and culture. The significance of creativity is immeasurable for humanity, and artists have long held a unique position in society.[3]

1.1 The Internet

It is exceedingly challenging to define the Internet given its rising influence on our culture. In response to the impact of the Internet on society, the United States Supreme Court has characterised it as a distinctive medium, commonly referred to by its users as "cyberspace." It is not confined to any single physical area but is accessible to individuals worldwide. Indeed, the Internet might be conceptualised as the electronic equivalent of our society's nervous system, providing the world with its dynamic framework.[4] The District Court of Pennsylvania in a case,[5] the word Internet was defined as: "The Internet is not a physical or tangible entity, but rather a giant network which inter-connects numerable smaller group of linked computer networks. It is network of networks. Many networks are connected to other networks, which in turn are connected to other networks in a manner which permit each computer in any network to communicate with computers on any network in the system. This global web of linked networks and computers is referred to as the Internet."

1.2 The Meaning of Cyberspace

A huge number of computers connected together to share data, information, expertise, and documents create the digital world known as cyberspace. Instead of physically meeting, the individuals can engage immediately in a virtual environment called cyberspace. The word "cyberspace" was coined by science fiction author William Gibson in 1984 to express his vision of a large computer network linking all people, computers, and knowledge sources in the globe, where one might move or "navigate" as though in a virtual environment. Since "cyberspace" was first used to refer to the internet and defined as "a collection of electronic networks that span state and national borders." [6]

The term "Cyber," derived from the Greek verb "*kubernao*," meaning "to steer" and the basis of the English word "to rule," was aptly selected for its association with the discipline of cybernetics. It involves both the regulation of data and the ability to navigate within an electronic data environment. William Gibson illustrates in one of his novels the accessibility of cyberspace, where anyone may participate and give commands to computer-controlled helicopters to travel to a remote destination. Gibson's cyberspace is an active medium that goes beyond mere storage, unlike a library. It is interconnected with real-world networks, allowing users to actively interact and engage with it. Space is characterised by its vast expanse and comprises an immense number of objects that are impossible to fully comprehend simultaneously. The provided statement accurately characterises modern electronic data sources, such as the internet. Furthermore, have ample space to manoeuvre and explore various locations or states is indicative of spatial capacity. Lastly, it is



important to note that a space possesses a specific geometric structure that includes ideas such as distance, direction, and size. According to the Oxford Dictionary, augmented reality is defined as "a conceptual world where interactive communication is present." Cyberspace encompasses more than just advancements in multimedia communication or user interface design. Cyberspace, with its virtual worlds and artificial cosmos, serves as a philosophical experiment that allows us to examine our fundamental perception of reality.

William Gibson states, "all those who live by machines will one day commingle in a mutually generated augmented reality: mankind's unimaginably complex consensual hallucination, the matrix, cyberspace, where the great corporate hot cores exploded like *neon novas*, details so thick you experienced sensory deprivation if you wanted to apprehend more than the merest outline." [7]

1.3 The Conceptual background Information Technology

Information technology has evolved over millennia as a tool to enhance human intelligence and facilitate communication. It is the industry with the fastest rising rates in the unstable economy of today. "Any technology that allows us to obtain information" is how the term "information technology" is defined. [8] The term 'information' "Facts or intelligence provided or acquired is the definition of information. Data, message, text, picture, sound, speech, codes, computer programmes, applications, and databases, as well as microfilm or computer-generated micro fiche, are all examples of information. [9]

The 'Information Technology' is a technique used to produce, store, select, transform, and disseminate different kinds of information. The Information technology is defined as "the analysis or use of computers, telecommunication networks, and other devices for storing, retrieving, and transmitting information," according to the Oxford Dictionary [10] The computer technology is defined by Information Technology Association of America "the research, design, development, deployment, support, or management of computer-based information systems, especially software applications and computer hardware." Information conversion, storage, processing, transmission, and retrieval utilising electronic devices and computer programmes are all topics covered in this discipline.

2. The Intellectual Property Rights

The term "property" has been derived from Latin word *proprius* that means "one's own." Given this, it is important to recognise that the term "intellectual property" refers to legal rights which generally claimed in connection with the results of human intelligence. Any human endeavour that promotes the economic, social, technological, and cultural advancement of society should be encouraged, and its author should be appropriately compensated by providing his or her creative work with legal protection. In the 20th century, the phrase "intellectual property" gained popularity and is now extensively used. This broad term describes a group of legal arrangements that each confers varying degrees of ownership rights over a particular object. Therefore, intellectual property rights refer to the legal rights that regulate the utilisation of creative works generated by human intelligence. [11]

2.1 Intellectual Property Rights in the Cyberspace

It's vital to first understand the legal meaning of word "domain" before delving into the Indian IPR environment. The word "property" has several diverse meanings, all of which vary in how generic they are. In its widest meaning, "land" includes all types of legal rights that belong to a person. In general, a guy just owns his land distinct and limited context, the term "land" can also denote an individual's exclusive entitlements, in contrast to their personal rights. The latter pertains to his status or personal circumstances, whereas the former refers to his estate or property. [12]

2.2 Definition of the Copyright

The phrase "copier," first in 1586, is the etymological source of the term "copyright." Copyright, in its most basic definition, pertains to an individual's only entitlement to reproduce whatever intellectual creations they have produced. [13]

2.3 Evolutionary Background of the Copyright and Information Technology

The development of copyright legislation was spurred by the creation of Gutenberg's printing press. India's copyright law was established through the implementation of the 1942 copyright Act, which



was introduced by the English East India Company. In 1911, the Statute underwent revision, and in 1914, a new Copyright Act was put into effect. The following were the Act's basic provisions: (a) As soon as the work was produced, the authors' rights were set forth; (b) Protection was intended for the actual content, not for ideas; (c) After the death of the creator, term of the right persisted at least for 25 years. Article 372(1) of the Indian Constitution remained applicable and significant even after the country achieved independence in 1947. The Copyright Act was re-enacted in 1957 with the aim of combining and modernising the prior legislation. The inception of intellectual property legislation in India may be traced back to the Copyright Act of 1957. Before 2012, the Act underwent five updates in order to comply with national and international standards. These revisions took place in 1983, 1984, 1992, 1994, 1999, respectively.[14]Regulatory action becomes more necessary when new technologies emerge. The advancement of information technology in the late 20th century necessitated modifications to the existing copyright legislation. The legislature has made amendments to the Copyright Act of 1957 through the Copyright (Amendment) Bill, 2010. Addressing internet-related challenges and adapting to the modern world is a key aim of the Copyright (Amendment Bill, 2010). The Copyright (Amendment) Bill, 2010 aimed to strengthen anti-piracy laws and expand copyright protections to the digital domain. The Copyright Amendment Act of 2012 substantially broadens the scope of the legislation while addressing the challenges posed by the Internet.

2.4 Interface Between Intellectual Property Rights and Information Technology

The substantial revolution in communications has been brought by the computers' capacity to exchange data with other computers via networking. The outcome of networking is the concept of cyberspace. The term "interface" refers to the facts, difficulties, circumstances, hypotheses, methodologies and other elements that are shared by two or more disciplines, approaches, or fields of study. An interface is any setup for software or hardware to use to transmit information. The meanings of copyright, patent, and trademark have been altered in the age of information technology. These inquiries have arisen due to this background.

2.5 The Impacts of the Information Technology on the Intellectual Property Rights

The number of inquiries regarding the safeguarding of intellectual property rights on the internet has significantly grown since the advent of the Internet, or information technology. However, to safeguard your digital intellectual property rights. It is crucial to determine the impact of the Internet on intellectual property rights in order to safeguard them online. Moreover, it is necessary to provide a comprehensive legal examination of jurisdictional matters in the event of intellectual property rights infringement in the digital realm. Additionally, this is required to give a full legal analysis of jurisdictional issues in the event that intellectual property rights in cyberspace are violated. Science and technology have advanced at an inexorable rate in the twenty-first century. The two primary groups are computer networks and telecommunications systems. Information technology is the area of cyber law that regulates information technology used for data collection, storage, transmission, and communication. In order to access the traditional commodities markets, India will also leverage digital technology. The developed world is changing due to digital technology, which also gives us new opportunities in competing industries like research, copyright, and trademarks. The whole population, even those living in isolated places, received advantages from digital infrastructure since it makes knowledge accessible. Exponential expansion in all fields is anticipated as a result of the information technology revolution in developing countries, where software development has evolved quickly. India's participation in the information superhighway is not surprising. Millions of individuals are connected by the "Internet" to thousands of networks that are dispersed throughout 193 nations. Hardware and software are projected to get cheaper as technology develops since they can now function even in faraway areas. We must benefit from this wonderful instrument in all of its manifestations, including social, educational, and economic advancement. People all across the world may now access information quickly and affordably due to computer connectivity.[15]

Technology is the sole means to achieve a certain path for growth, as stated by Nobel winner Professor Amartya Sen. By integrating technology into health-care activities, countries can enhance



their ability to reduce poverty. It is important to recognise that information technology creates a significant gap between the affluent and the impoverished. In the 1990s, when new forms of technology emerged, intellectual property law started to run into new issues and geographical borders started to lose their significance. Although traditional ideas of power and governance are nuanced, they can be reduced to two points: first, when you use the internet, you can be both there and nowhere at once. The regularity of this extraordinary modern "borderless" media may be its most distinctive quality. Second, neither a single person nor a single nation owns or controls the Internet. As a result, some crucial intellectual property information, such digital books, music, and apps, may be instantly distributed across the internet without breaking down geographical barriers.[16]

2.6 Copyright in the Cyberspace

Digital documents may be quickly and readily retrieved from anywhere in the world, duplicated accurately for preservation, compressed for storage, and searched practically immediately. Copyright laws are facing significant threats from networks, digital databases, electronic publishing, technical advancements, satellite networking, cellular technology, and other developing technologies. The Copyright Act of 1957 states that expressions, as rather than ideas, are eligible for copyright as long as they are "original." Examples of the copyrighted works include "literary, dramatic, musical, sound recording, and cinematograph films". Owners of the copyrighted works are given exclusive rights to reproduce, distribute, publicly communicate, publicly exhibit, translate, adapt, and incorporate written works and other creative works into sound recordings and motion pictures. The Copyright Act of 1957 gives the owner the option of requesting remedies to uphold his rights. The Internet has increased the production and re-creation of literary and artistic works. Because it is so simple to spread content from author to audience and then from viewer to viewer, the Internet is a fantastic medium for artists and authors to share their work. Likely without the author's consent, technology enables all of these audiences to swiftly and simply change, manipulate, distort, or disseminate an original work. The "digital challenge" of the copyright regulations have been described as being brought about by the internet and developing media. With digital media, anybody can produce an endless number of perfect digital renditions of their favourite music, novels, or movies, and the internet makes it possible for such works to be distributed instantly throughout the world.[17]

2.7 Copyright Violations in the Cyberspace

The advancement of Internet technology has enabled the growth of society in terms of both culture and business. Copyright infringement of works have been committed without facing any consequences due to their existence and usage. A straightforward modem infrastructure and an acceptable agreement with the access provider are required for internet connectivity. Copyright is a term used to describe a legal privilege given to the creator or licensee to stop the reproduction of specific types of literary, creative, artistic and entertainment works.[18] Different fundamental technological tools are utilized to distribute a copyright work, and these tools are also used to violate the copyright. For instance, creating digital or digitized copies of content like text, photos, music, and video is straightforward. Intellectual property rights are particularly prone to infringement online. The legal ramifications of copyright infringement of the work which is protected by copyrights have increased as piracy has grown easier to do. For copyright owners, notably publishers of books, movies, music, and software, the unauthorized distribution of protected works in the virtual world is a serious worry. Authorities thus continue to look for and pursue online copyright offenders.

3. Remedies Under Indian Laws for Copyright Violations in the Cyberspace 3

The business world has undergone a revolution owing to information technology, which has also affected other sectors including commerce, banking, and entertainment. Today, any business must rely on the Internet to survive. Information technology, which is solely to blame for trade



globalization, free trade, and commerce, is unaffected by nationality, ethnicity, ideology, or economics. Due to improvements in copying technology and price reductions for making copies of all types of copyright works, the effectiveness of copyright law as a means of regulating unlawful copying has been severely challenged. Copyright protection grants the creator of a work the sole authority to make copies of the work, create new works based on the original, and publicly perform or display the work. Both of these privileges apply in a connected world.

3.1 Remedies under Information Technology Act 2000

Caching, tagging and hyperlink on a website only acts as a reference to another domain and does not really let someone to steal any content. A surface connection to a home page would typically not require authorization. This point of view is predicated on the notion that everyone with a device who goes online automatically has permission to see the website. Like the library catalogue, installing a surface connection is not an intrusion.[19]

3.2 Remedies under the Copyright Act 1957

When copyright is breached, the owners have the legal right to file a lawsuit and seek damages, injunctions, account benefits, and the delivery of the infringing goods. Owners of copyrights whose interests have been violated have a number of remedies for seeking recourse from Indian courts. The requirement that all unauthorised copies, including master copies, be seized and burnt, is one of these actions. Courts also protect copyright holders by ordering monetary reparation, which may include fines, punitive damages, costs of litigation, and attorney fees. The copyright Act of 1957 offers the following three sorts of remedies for copyright infringement:[20]

- (a) Civil Remedies (section 54-62)
- (b) Criminal Remedies (section 63, 63B)
- (c) Administrative Remedies.

The remedies of civil nature are provided to the aggrieved person under this Act are: Injunction, Damages, Conversion of account, Restrain, and otherwise as conferred by law.

Mens Rea in the Copyright Violations in the Digital World

The normative concept of crime is based on the idea that "*Actus non facit reum nisi mens sit rea.*" This indicates that even if a crime was intended to be committed, the conduct itself was not criminal. In case of common copyright infringement, our legislation specifically stipulates that the offender must conduct the act "knowingly." It might be inferred indirectly from the adverb "knowingly" that "*mens rea*" is expected.[20] The Copyright Act of 1957, Section 63, specifies the criminal penalties for knowing use of a computer programme that has been copied infringingly. According to Section 63B of Copyright Act of 1957, anybody found using an illegally copied computer programme on internet will be subject to the following penalties:

- (i) Punishable with imprisonment for the term which shall not be less than seven days but which may extend to three years; and
- (ii) With fine which shall not be less than Rs.50, 000 but which may extend to Rs.2 lakh.

The Information Technology Act of 2000 effectively introduces the requirements for "*mens rea*" and "strict liability." The offence under Section 43 is characterised by a sort of strict liability because there is no indication that *mens rea* is a necessary element of the crime.

3.3 The Copyright (Amendment) Act 2012

In cases of copyright infringement on the Internet, either the perpetrator or the Internet Service Provider will be held responsible. Online copyright infringement garners significant attention. The individuals who infringe upon copyright on the internet encompass the following:

- (i) Internet service providers
- (ii) and the individual

Internet service providers are businesses that provide their customers or subscribers with access to the internet. There is a tendency to hold the service provider liable for infractions, even if it would appear that the person who uploads the document should be held responsible.

3.4 Intermediary Guidelines and Digital Media Ethics Code 2021



The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 mandate intermediaries to establish rules aimed at preventing the infringement of intellectual property rights. Intellectual property rights are legal protections that safeguard the work of inventors or creators for a designated duration. Intermediaries must guarantee adherence to rules and regulations, privacy policy, and user agreements. Notify users about the limitations on generating, uploading, or disseminating content that is forbidden.[21] Uphold the fundamental rights of citizens as outlined in the Constitution of India.

Exert meticulousness in overseeing content and swiftly eliminate any inappropriate material. Display rules, regulations, privacy policy, and user agreements on their website and mobile application Implement a system for addressing complaints and resolving grievances.

Regularly notify users that their access or usage rights may be revoked if they fail to adhere to the guidelines. Intermediaries are obligated by the IT Rules to publicly disclose their rules and regulations, privacy policy, and user agreements for the purpose of accessing or using their services. The Amendment stipulates that these particulars must be accessible in English or any language designated in the Eighth Schedule of the Constitution. According to the IT Rules, users are not allowed to generate, post, or share information that endangers the unity of India or public order, is pornographic, infringes copyright or patent, or contains a software virus. Intermediaries are required to provide users with information regarding these limitations. The Amendment mandates that intermediaries must: (i) guarantee adherence to rules, regulations, privacy policy, and user agreement, (ii) exert reasonable efforts to prevent users from creating, uploading, or sharing prohibited content, and (iii) uphold citizens' rights as outlined in the Constitution of India, including Articles 14, 19, and 21.

CONCLUSION

As a result of living in the "digital age," information technology has permeated every aspect of our everyday existence and turned the entire world into a "virtual community" of people who are linked via the internet. Nobody owns the Internet, and no one person or group has exclusive control over it. The development of information technology has increased the value of intellectual property. Information that is available online in the form of electronic programmes, trade secrets, literary works like novels, books, and periodicals, as well as creative creations like works of art, photographs, and sound recordings, is referred to as intellectual property. As a result, digital content is protected by intellectual property rights. Copyright and trademark concerns are crucial ones for intellectual property rights in cyberspace. Conflicts involving the Internet cannot be resolved using conventional interpretations of trademark and patent law. The 'Internet' has made such an impact that it appears that copyright enforcement is frequently outwitted by the faster interchange of 'information' across international borders. Often containing text, graphics, audio, and video, web pages are a collection of resources that are conveyed to the user as information content. Considering how expensive it is to create, develop, and maintain a sophisticated website, copyright protection is essential. As internet usage increases, the creation, maintenance, and management of these sites impose enormous demands on innovative marketing techniques that ought to be protected by law. The Information Technology Act of 2000 provides important new tools to the fight against online theft, but it doesn't address the problems brought on by the growth of domain names. The difficulties surrounding infringements of certain intellectual property rights, such as copyrights, trademarks, and patents, are not covered by the IT Act, 2000. On the Internet, there isn't a single authority or control point. Due to the fact that information technology is global, no one agency has been able to impose complete regulatory supremacy over the Internet. The development of the internet and related technologies has significantly altered the copyright landscape. The digital age has almost eliminated the cost of copying while also making it incredibly simple to disseminate content. The ease with which content may be copied and distributed saves copyright owners a lot of money, but it also leaves them vulnerable to unpredictable pirate attacks. The legal community has developed sophisticated legal solutions to address the issues raised by the Internet due to the vulnerability of copyright law that Internet media has been



operating under. In contrast to the physical world, where piracy is common, the digital world lacks the capability and legal authority to regulate copyright rights online. Because technology is global in nature, it is more difficult to track copyright infractions online. Copyright protection shouldn't be hindered by a lack of political commitment, inadequate regulatory frameworks, poor legal execution, or a lack of resources. To guarantee that the copyright law maintains its correct balance given the quick speed of technological advancement, it is essential to address these issues and include suitable protections. The majority of copyright-related issues in cyberspace may be resolved by following the provisions of the Copyright Act of 1957, as updated by the Copyright (Amendment) Act of 2012. However, judges would need to adopt a reasonable viewpoint in order to seek feasible possibilities in cyberspace. Intense legal efforts have been made all over the world to develop regulatory solutions for the last remaining copyright issues in cyberspace that are not covered by conventional regulations. Since the Information Technology Act of 2000 has not yet become a law, a fresh viewpoint and strategy are required to properly handle the issues that information technology is now facing. The Digital Millennium Copyright Act, 1998 specifies online copyright infringement and provides financial compensation to the work's creator. By abiding by this Act, copyright infringement in India must be appropriately regulated, enabling the enforcement agency to prevent copyright infringement online. Current copy right laws should be improved using the criteria stated in the WIPO Internet Treaties and the WIPO Copyright Treaty of 1996. Although there are copyright laws and international copyright regimes in existence, their application in cyberspace is the main concern. Because many copyright issues in cyberspace are distinctive and challenging to solve, new legislative frameworks must be created to handle them.

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