

Digital Piracy And IPR Theft Concerning India

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Abstract- Digital piracy is the act of duplicating, utilising, or disseminating information goods in digital formats and/or using digital technologies without the owner's consent. Although the focus is on the economic analysis, we also give a quick overview of the **legal environment** and its recent development. It is crucial to begin by comprehending the justification for these restrictions since digital piracy involves breaking intellectual property laws. This enables us to characterise digital piracy more precisely. The economic analysis of piracy may then be discussed. We begin with a **fundamental analysis** that shows why digital piracy is likely to reduce the revenues of the companies that make digital goods.

Digital piracy, sometimes referred to as the theft of digital intellectual property, is examined in this paper. The **ramifications of piracy** from a commercial standpoint are discussed after discussing the origins, ethics, and reactions to it. The **conversion funnel** model, a representation of the e-commerce customer process, is used to illuminate digital piracy. The situation of independent, individual publishers of digital material receives particular attention.

Keywords- Artistic Piracy, Digital Piracy, Internet Piracy, OTT (over-the-top), Softlifting, Technological Protection Measures (TPM), Threats.

INTRODUCTION

“The greatest evil of piracy has always been its debilitating onslaught on creative and intellectual output and pursuit” Nally (2000) ¹

The public now has easy access to the internet, which has had a significant impact on how people communicate internationally and how they receive information. India, a nation of 1,433 million people, has about 845.68 million active internet users in 2021. In 2025, there will likely be more than 1134.04 million active internet users in the nation. Although there was a difference in the proportion of active internet users between urban and rural areas, it has been decreasing with advancement². It would be inaccurate to assert that we are living in a cyber-era since the globe is moving toward widespread internet access. Everyone now has access to everything because to the widespread usage of the internet, where piracy is the most often perpetrated felony worldwide. Digital piracy increased significantly in the year 2020 in particular since the pandemic kept people at home and away from theatres. One of the most critical problems affecting the video-streaming or OTT (over-the-top) sector globally and in India, according to Paul Segre, CEO of UK-based Synamedia, is content piracy, which costs the industry almost one-third of its income³.

UTILISATION OF INTERNET

The Internet is typically referred to as the biggest computer network in the world, connecting every other computer network (including Intranet, Wide Area Network, Metropolitan Area Network, Personal Area Network, etc.) with every computer, connected device (including smartphones, tablets, switches, routers, hubs, and other connecting devices), and computer itself into a single container. Between 1996 and 2001, there was a significant increase in the amount of time spent using e-mail and surfing the web. Different Internet usage patterns have been linked to both positive and negative outcomes, and symptoms of dysphoria have been linked to activities like shopping, gaming, and research. The use of the Internet is one of the key variables that influences students' social lives and academic performance. The country's digital population reached **658 million active users** as of **February 2022**, following the launch of the government's **Digital India** initiative and the rising internet penetration over the past several years. At the time, mobile internet users accounted for the vast majority of traffic in the world's second-largest internet market. Social media platforms have proliferated, providing people with new avenues for interpersonal interaction and global communication. **Between 2004 and 2006**, social networking saw a surge in popularity because to the creation of **Facebook** and **MySpace**. In **India**, there were **467.0 million active users** of social media in January 2022. At the beginning of 2022, social media usage in India accounted for **33.4 percent** of the country's total population. For instance, according to data from Meta's advertising

¹ Piracy and its Effect on The Book Industry in Delta State: Mercy Ifeyinwa Anyaegbu

² <https://www.statista.com/forecasts/1144044/internet-users-in-india>

³ Press Conference: Synamedia

resources, Facebook has **329.7 million members** worldwide and in India as of the beginning of 2022, out of its **2.85 billion** monthly active users⁴:

- 98.5% / 2.8 billion access Facebook through mobile devices like phones and tablets
- 81.8% / 2.33 billion access Facebook only through a mobile phone
- 16.7% / 476 million access Facebook through phones and computers
- 1.5% / 43 million access Facebook only through a laptop or desktop computer

DIGITAL PIRACY

Digital Piracy is the unauthorised reproduction of copyrighted content, which is then sold at significantly lower prices in the 'grey' market. Piracy has become more common as technology has become more widely available. **Piracy** is defined as "the reproduction and distribution of copies of copyright protected content or the transmission to the public and making such available on online communication networks without the agreement of the right owner(s), where such authorisation is needed by law⁵" by UNESCO. Piracy was defined as the unlicensed production (such as printing) and commercial distribution of physical or digital copies of protected works.

The amount of people visiting pirated websites grew in 2021. Between January 2021 and September 2021⁶, the demand for stolen content surged considerably on a global scale. Digital penetration has made it more challenging to monitor and manage piracy, especially when websites are based outside of Indian law. Services like **WhatsApp** and **Telegram** have made it easier to share movies and songs, and when a website is reported or restricted, its **URL** frequently changes in a subtle but apparent way.

India does not have a law providing for the recovery of damages for content that has been pirated, in contrast to many other countries. Piracy has always been an issue in India, where movies, television, and music are the primary entertainment mediums. Illegal movie downloads are a typical type of piracy before they are released in theatres.

⁴ <https://datareportal.com/reports/digital-2022-india#:~:text=Social%20media%20statistics%20for%20India,in%20India%20in%20January%202022.>

⁵ The Persistence of Piracy: The Consequences for Creativity, For Culture, and for Sustainable Development (UNESCO DIGITAL LIBRARY)

- The Kerala Anti-piracy cell tracked down the IP addresses of over a thousand people who were engaged in the illegal upload and download of the movie in **2012** after a movie channel that had purchased the distribution rights to "**Bachelor Party**" filed a complaint.
- After receiving a plea from the film's creators, the Delhi High Court issued an injunction in **2015** prohibiting websites from streaming or broadcasting the movie "**Piku**" online.
- In **2016** the movie "**Udta Punjab**" was discovered online two days before its scheduled release.

Accessing quality content illegally has only become simpler and more easy as a result of the epidemic and rapid move to OTTs. Piracy has increased overall by **16%**, which is an increasing issue. Consumer demand for information that can be seen at home, as well as rising Internet usage and easy, affordable access, have all helped digital pirates.

In India, the practice of recording movies in theatres has become more common with the poor quality of pirated content, which frequently includes background noise. However, in the current era of internet streaming, piracy is now done either by selling legal streaming services for free or at a discounted rate through mirror **URLs** and **websites**, or by illegally re-streaming live events. Ads and the sale of user data collected when visitors visit the sites operated by pirates are their primary sources of cash. Users can obtain or convert other streaming media, most frequently **YouTube videos** into **mp3** files, from the most well-known music piracy websites.

India had the third-highest number of visits to piracy websites (**6.5 billion**), trailing only the United States (**13.5 billion**) and **Russia (7.2 billion)**. There was **132 billion** visits to piracy websites in **2021**⁷.

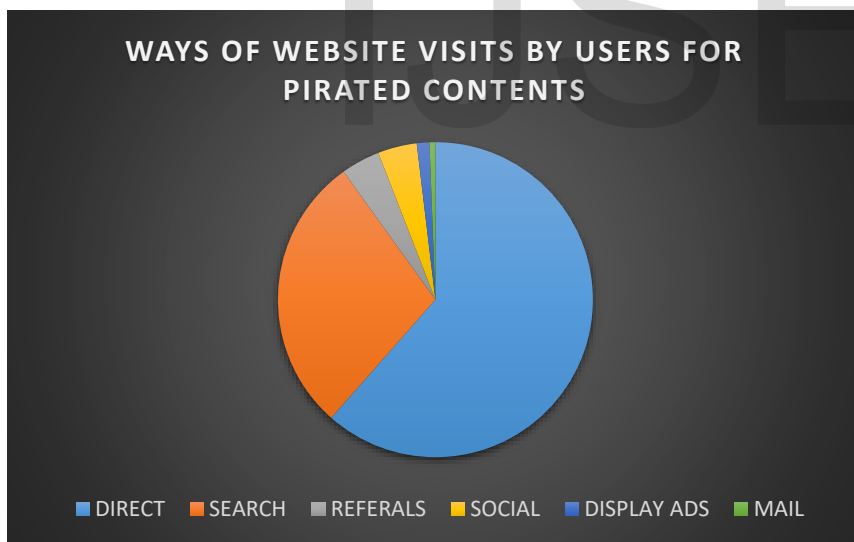
⁶ State Of The Internet Report: akamai.com

⁷ State Of The Internet Report: akamai.com

RANK	COUNTRIES	VISITS
1.	U.S.A	13,558,211,764
2.	RUSSIA	7,201,499,453
3.	INDIA	6,503,638,719
4.	CHINA	5,913,142,174
5.	BRAZIL	4,533,436,207
6.	FRANCE	3,889,291,887
7.	TURKEY	3,758,288,952
8.	VIETNAM	3,561,238,902
9.	INDONESIA	3,494,551,117
10.	UKRAINE	3,342,906,062
11.	UNITED KINGDOM	3,331,110,669
12.	CANADA	3,267,146,365
13.	MEXICO	3,126,434,106
14.	JAPAN	2,926,208,373
15.	GERMANY	2,808,971,369

Where **61.5 %** of users went directly to piracy websites, **28.6 %** went looking for them. Over **67 billion** TV piracy accesses were made, making up about half of all traffic to pirate

websites. With **30 billion visits (23%)** the second most popular category is **publishing**, followed by **movies (14.5 billion)** and **music (10.8 billion) (8 per cent)**⁸.



TYPES OF PIRACY

- Counterfeit
- Internet piracy
- End user piracy
- Client server overuse

- Hard disk loading

COUNTERFEIT

In order to imitate the original product, this sort of piracy entails the unlawful replication, distribution, and/or sale of copyrighted content. The packaging, manuals, licencing

⁸ State Of The Internet Report: akamai.com

agreements, labels, registration cards, and security features that go along with packaged software are frequently found to be fake, as well as the compact discs that contain the software packages themselves.

INTERNET PIRACY

When software is downloaded from the Internet, something happens. Online software purchases are subject to the same purchasing policies as CD-based software purchases. Typical methods of Internet piracy include: websites that provide software for download for free or in return for other products Online marketplaces that sell fake or off-channel software Peer-to-peer networks that allow for the illicit transmission of applications protected by copyright

END USER PIRACY

This happens whenever someone makes unauthorised copies of software. These include: the act of installing software on many computers using a single licenced copy Disc duplication for distribution or installation using upgrade deals without owning a legitimate copy of the version being upgraded obtaining academic, restricted, or non-retail software without the necessary authorization Changing CDs at work or elsewhere.

CLIENT SERVER OVERUSE

This kind of piracy happens when an excessive number of network users simultaneously use a single copy of a programme. It's important to confirm that your licence allows you to install programmes on a server for many users if you have a local area network. Overusing the licence means having more users than the number permitted.

HARD DISK LOADING

In order to make the purchase of the machines more alluring, a company selling new computers may load unauthorised versions of software onto the hard drives.

MORE PREVALENT FORM OF PIRACY

Softlifting, also known as softloading, is the most prevalent kind of piracy and refers to sharing a software with someone who is not permitted to use it according to the licencing agreement. A typical instance of softlifting is when a single licenced copy of software is purchased and then installed illegally on several computers. It is uncommon to come across software on college campuses that has not been softloaded. People frequently lend their friends' and roommates' computers, either unaware that it's illegal to do so or not considering it to be a big problem. In both homes and companies, softlifting is frequent.

DIGITAL MARKING FUNNEL

The Digital Marketing funnel is a strategic model that depicts the personas' entire purchasing process, from the time they first learn about your brand to the point when they become customers. Although salespeople use this idea frequently, it has also evolved into a crucial tool for the accomplishment of marketing initiatives.

PIRACY BY INDUSTRY

Between January and September 2021, there were **82 billion** visits to **piracy websites** from just the **television and movie industries**, which includes web downloads, stream ripping, direct streaming, and both public and private torrent files. The sum increases to almost 132 billion when you include music, software, and publishing.

TELEVISION PIRACY

The most-pirated industry is television, with little over **67 billion** visits overall. The top three countries for visitor traffic are China, Russia, and the United States, with **20.01 visits on average per internet user**. The areas where the visitors are coming from do not typically have access to the titles that are being pirated. Streaming services for mainstream television and anime dominate the traffic on the top piracy websites. Between January and September 2021, there were over 940 million visits to the top domain.

TOP 10 MOST PIRATED TELEVISION SHOWS (JANUARY – SEPTEMBER 2021)	
1.	LOKI (SEASON 1)
2.	WANDAVISION (SEASON 1)
3.	RICK AND MORTY (SEASON 5)
4.	THE FALCON AND THE WINTER SOLDIER (SEASON 1)
5.	THE WALKING DEAD (SEASON 10)
6.	GAME OF THRONES (SEASON 8)
7.	THE FLASH (SEASON 7)

8.	VIKINGS (SEASON 6)
9.	TRUE BEAUTY (SEASON 1)
10.	SUPERMAN AND LOIS (SEASON 1)

FILM PIRACY

The majority of people still associate online piracy with the movie industry. With an average of 4.31 visits per internet user throughout the nine-month reporting period, the film

business was responsible for 14.5 billion website visits. With 726 million visits, the top domain in this dataset produced 17% of the traffic sent to the top 100. In the film dataset, India had the most traffic, followed by Turkey, the US, China, and Brazil.

TOP 10 MOST PIRATED FILMS (JANUARY – SEPTEMBER 2021)	
1.	GODZILLA VS KONG
2.	ZACK SNYDER'S JUSTICE LEAGUE
3.	BLACK WIDOW
4.	F9
5.	MORTAL COMBAT (2021)
6.	THE SUICIDE SQUAD (2021)
7.	CRUELLA
8.	WONDER WOMAN 1984
9.	RAYA AND THE LAST DRAGON
10.	JUNGLE CRUISE

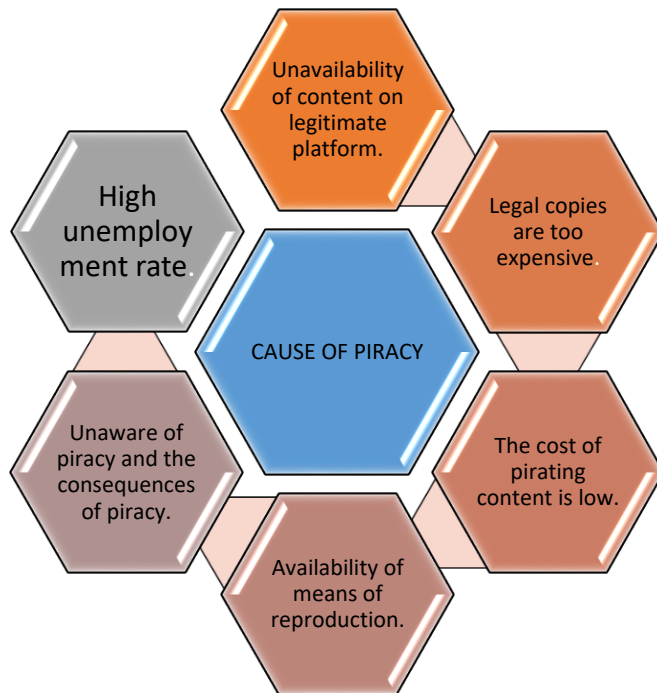
MUSIC PIRACY

Music is the fourth-largest industry for piracy, with 10.8 billion downloads and 3.21 visits per internet user. Numerous technological developments in content security have resulted from the music industry's piracy. Additionally, due to the long history of music piracy being in the public spotlight, music is typically the second topic discussed when talking about piracy after movies. The most frequently visited websites that deal with downloading or converting other streaming media, most notably YouTube videos, are those that deal with piracy. Although a large number of the websites identified in the dataset for the nine-month recording period have subsequently shut down, their replacements are still active and still provide direct downloads of albums or singles. India ranks first in terms of traffic sources, followed by Iran and the United States.

CAUSES OF PIRACY

There are several causes of piracy in entertainment field, the most common causes, which encourage piracy are:

- a) Unavailability of content on legitimate platform.
- b) Legal copies are too expensive.
- c) Time lags of content availability between regions.
- d) Convenience, ease, and low risk of pirating content.
- e) Movie piracy exists as a result of high cost of tickets.
- f) People indulge in piracy in greed of quick money.
- g) It exists as a result of the high unemployment rate.
- h) The cost of pirating content is low.
- i) Availability of means of reproduction.
- j) Legal protections of copyrighted works are non-existent or weakly enforced.
- k) Usually occurs with content that are popular and of high demand in the market.
- l) Sometimes results from lack of knowledge and education.
- m) Unaware of piracy and the consequences of piracy.



The Extent of Piracy

Piracy on artistic works can be extended up to many forms:

- Conversion or transmutation of original work in unauthorized way.
- Content reproduction, either by recording the content shown in theatres or by recording the content shown on local broadcasting.
- With the progressive evolution in the digital technologies, piracy is taking a new direction and dimension. Piracy in the field of artistic works is more pronounced than that of in websites, pen-drives etc.
- Movies are much more vulnerable to piracy in the field of artistic piracy due to their high demand and low cost availability.

The extent of artistic piracy can be estimated by overseeing the total download data. However, we can predict only the value of the production which comes out from the production houses. But to find the extent of pirated work we will have to focus on pirated sales, which is practically not easy.

THREATS OF DIGITAL PIRACY

There is a diverse opinion when it comes to the threats of digital piracy. The harm that piracy can do to society is

endless and perhaps one needs to comprehend the societal costs of digital piracy.

1. AGE RESTRICTIVE CONTENTS

Exploiting stuff that isn't appropriate for your age group is one of the most serious hazards posed by digital piracy. Pornography, adult films, violent content, etc. are a few instances of improper content. In addition to exposing teenagers to age-inappropriate content that can undermine their moral standards and divert their attention from their studies, digital pirates sell and exchange content unlawfully.

Other examples of age-inappropriate information include learning about drugs, crimes, and weapons that can influence children to engage in criminal activity and adopt socially unacceptable habits. While many other factors also contribute to the exposure of kids and teenagers to this type of content, digital piracy is still a significant factor overall.

2. VIRUS OR MALWARE INFECTION

Digital piracy brings malware or virus infections that can seriously destroy systems, which is one of its main drawbacks. Your system may be extremely susceptible to infection for any digital content downloaded through digital piracy networks, which could quickly obstruct your system's normal operation.

Additionally, it can disable your machine, which might still be harmed. Nevertheless, it is one of the main risks associated with digital piracy, so you shouldn't obtain pirated content via any links.

It is best to avoid downloading pirated materials or content that has been unlawfully distributed because so many transmitted files contain viruses and can harm your system's normal operation.

3. FRAUDULENT ACTS

Recent fraudulent cases have become so prevalent that digital piracy has also motivated hackers to do financial harm to individuals. Fraud cases have been pursued by sharing pirated content and instructing consumers to pay them properly.

Pirates may also make fraudulent clones of bank portals, which may result in enormous losses. In addition, cybercrimes have occurred as a result of digital piracy.

Digital pirates may encourage users of the internet to reveal their location or other personal information because they appear to be a reliable source of digital files but are actually doing maliciously.

Perhaps it is asserted that fraud and cybercrime are two of the main risks to digital piracy.

4. UNRELIABLE SOURCE

The distribution of digital content through fake sources is another danger posed by digital piracy. Cybercrimes may also result from this.

Unreliable sources can lead to cybersecurity risks as well as a cross-continental flow of false information. The internet has expanded quickly as a source of information and entertainment, but it has also had many unfavourable effects on people.

This includes those who pose as someone else and lure them into risky circumstances. However, naïve teenagers and young children who lack the necessary skills to deal with these kinds of situations are more likely to be targeted by digital pirates.

5. THEFT OF DATA

There are other things besides malware that you should be afraid about. Numerous viruses can be purposefully placed on your system with the sole purpose of stealing data and other sensitive information.

Digital piracy poses a serious risk to many innocent lives, and the theft of personal information has

pushed cybercriminals to reveal sensitive information about their victims.

Technology has improved to the point where it is now simple for a computer to log into another system and monitor activity. While it may seem nice, people impacted by data theft find it to be equally brutal and painful.

Data theft can involve practically anything and everything, from crucial documents to pictures, passwords, and other things.

LOSS OF REVENUE DUE TO PIRACY

- The Media and Entertainment sector contributes approximately **4% of GDP** in liberal democracies such as **Australia**, the **United Kingdom**, and the **United States**.
- Media and Entertainment contributes only about 1% in India.
- The music industry loses about **1,000 crore per year** due to piracy, which accounts for **67% of the market**, with the **global piracy average being 27%**.
- Piracy is estimated to cost the **film industry** around **22,000 crores** and **60,000 jobs** each year.
- There is no data available for the most important M&E sector, broadcast television signals.
- Book publishers lose **400 crore** every year.
- **20-25%** of books sold in India are pirated.
- Reducing piracy by half will add **\$700 million** to **India's \$1.3 billion** Media and Entertainment industry contribution to GDP.
- In 2019, counterfeit products in India were worth 1.05 lakh crore.

STEPS AGAINST PIRACY

- Avoiding purchase of illegal copies.
- Not helping others to disobey the law.
- Searching for books, journals from authenticated sources.
- Avoiding visit to sites, mainly which are advertising for free or less price versions of products.
- Keeping a good record of the site from where information is collected.
- Not pirating/copying any original work unless it is allowed by license agreement

CONSEQUENCES OF PIRACY

⁹ International Federation of the Phonographic Industry (IFPI)-
Indian Music Industry (IMI)

- Authors/Creators/Producers are not paid money for their works because of the bootlegged downloading of content.
- Illegal downloads may have spyware and viruses capable of destroying hard drives and ruining the computers.
- In the case of end users, or counterfeit software, or users without a legal copy are unable to receive program supports or updates from the manufacturer.
- Piracy has threatened the foundation of the book industry in the whole world.

LAWS REGULATING PIRACY

INDIAN PERSPECTIVE:

The government has to enact stringent regulations in order to safeguard the interests of producers and distributors. The **Copyright (Amendment) Act, 2012** modified India's anti-piracy legislation. To stop digital piracy was one of its key goals. **Sections 65(A) and 65(B)** were added to the legislation.

All musical, dramatic, artistic, and literary works as well as the work of producers and cinematographers are safeguarded by India's Copyright Act of 1957. The Indian government was forced to enact strict restrictions as a result of the rise in online piracy in order to protect the interests of film producers and distributors. One of the steps the Indian government has taken to address the rising issue of online piracy is the revision of the Copyright Act.

The Copyright (Amendment) Act, 2012 completely overhauled India's copyright policies by updating the country's anti-piracy laws. Section 65A protects Technological Protection Measures (TPM) used by copyright owners from any evasion or breach. To protect their ownership stakes in the protected work, copyright holders

use TPM. If someone avoids or avoids TPM in order to violate the owner's IPR, they may be punished with up to two years in prison and a fine¹⁰.

Section 65B of the **Copyright (Amendment) Act, 2012** deals with **Information Rights Management (IRM)**. Sensitive data is protected by IRM from unauthorised and illegal human access. According to the legislation, any unauthorised and intentional removal or manipulation of IRM constitutes a crime that carries a prison sentence.

The Protection of Rights Management Information is covered under Section 65(B). According to the law, anyone who wilfully

(1) removes or modifies any rights management information without authorization.

(2) distributes, imports for distribution, broadcasts, or communicates to the public copies of any work or performance without authorization while knowing that electronic rights management information has been removed or modified without authorization, faces up to two years in prison and a fine¹¹.

USA PERSPECTIVE:

Copyright law in the **United States** is based on **Article I, Section 8** of the Constitution. Congress is given the power to do this by the wording "To promote the Progress of Science and useful Arts, by ensuring for Authors and Inventors the exclusive Right to their individual Writings and Discoveries."¹² The framers of the Constitution planned to encourage and recognise authors, inventors, and other creators for their contributions, which would eventually be made available to everyone free of charge.

Penalties imposed by various countries against piracy are given in the table.

COUNTRY	OFFENCE	PENALTIES (UP TO)	IMPRISONMENT TERM (UP TO)
INDIA	• Online distribution of pirated works	Rs 2 Lakhs	3 years
USA	• First offence by an individual done for commercial purpose.	\$ 250,000	5 years
	• Second offence by an individual.	\$ 250,000	10 years
	• First offence by an organization.	\$ 50,000	5 years

¹⁰ Copyright (Amendment) Act, 2012

¹¹ Information Technology Act, 2000

¹² Article I, Section 8, Clause 8 (**Intellectual Property**), Constitution of United States Of America

	<ul style="list-style-type: none"> • Second offence by an organization. 	\$ 500,000	10 years
France	<ul style="list-style-type: none"> • First offence • Second offence 	6,000 - 120,000 Francs 12,000 - 240,000 Francs	3 months - 2 years 3 months - 2 years
Greece	<ul style="list-style-type: none"> • For infringement of act • If misconduct is intended for profit purpose 	1 - 5 million Drachmas 2 - 10 million Drachmas	At least 1 year At least 2 years
Singapore	<ul style="list-style-type: none"> • For the article infringement • For unauthorized reproduction and selling illegal copies • For violation of the distribution right • For pirating the sound recording or any audiovisual works or copying the performance arts 	\$ 10,000 - \$100,000 \$ 6,666 or \$ 66,000 \$ 50,000 \$ 20,000	5 years 3 years 3 years 2 years

CONCLUSION

Piracy has had a significant impact on the media and entertainment industries. The conclusion of this is that if the actions of pirates are not stopped, the global media and entertainment sector would slowly come to an end. The fact that pirates don't pay taxes to the government suggests that the government has lost a significant quantity of derivable revenue and will continue to do so if the activities of these pirates are not stopped. If good creators don't receive compensation for their effort, there will be a shortage every day. It is difficult to completely eradicate piracy from our cultures, nevertheless. Piracy must be stopped on our own initiative; we cannot rely solely on legislation to do it. In order to foster people's genuine creation, we should reject pirated versions of content.

SUGGESTIONS TO PREVENT PIRACY

1. ELLIMINATION OF INCENTIVE:

Removing the motivation for customers to search for stolen content is one of the most efficient strategies to combat piracy. Offering a quality product and a positive customer experience at a fair price effectively sums up this. There are numerous ways to read this. In the USA, the price of Netflix

ranges from \$8.99 to \$17.99, depending on the picture quality and the number of screens that can be viewed simultaneously. The price of Disney+ in the same nation is \$7.99.

Additionally, different methodologies are used in other nations. In India, Netflix has a price range of approximately Rs 149 to Rs 899 per month, but it also offers a mobile-only option at an even lower price of Rs 149 per month. In fact, there is severe pricing competition and mobile-only offers are becoming more significant in emerging economies.

2. EDUCATION:

There are various components to this, but the main objective is to make it clear to the consumer that piracy is both a crime and an offence. This is evident to those working in the sector; to those outside, it is anything but.

3. OBSTACLES TO ENTRY:

You want to make it difficult for pirates in the same manner that you want to make it simple for consumers to select legitimate alternatives. Unprotected information is a thing of the past. Only operators who can show that they take such risks to the revenue stream seriously in return will be granted licences by content owners wanting to protect their investment and intellectual property.

4. TECHNOLOGY & OPERATIONS

Ghosts are impossible to combat; instead, you must learn what and where is being pirated. This necessitates the ability to recognise content, such as a live pirate feed, as coming from your own video ecosystem. That necessitates pre-transmission

technical intervention. Success in this situation depends on effective monitoring, whether it is automated — there are some exciting advancements in deployed and in-development AI monitoring of video streams — or human-led. In an ideal scenario, a hybrid solution is often used, at least for the time being.

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