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ABSTRACT

“With a particular emphasis on their legal frameworks, enforcement methods, and adaptation in the digital era, this comparative research examines the key parallels and differences between the copyright laws of India and those of the European Union (EU). India's Copyright Act, 1957, is rooted in common law traditions and international agreements, such as the Berne Convention and the TRIPS Agreement. On the other hand, the European Union has developed a harmonized copyright regime under directives such as the Information Society Directive and the Digital Single Market Directive. Both of these jurisdictions have the goal of protecting the rights of creators and promoting innovation. The research investigates how each system strikes a balance between the rights of writers and the access of the public, solves concerns like as infringements committed online, and integrates new topics such as artificial intelligence and digital licensing policies. A basis for policy suggestions and future legal harmonization is provided by the study, which gives insights into the efficacy, strengths, and areas of improvement in both systems. These insights are provided by analyzing legislative changes, judicial interpretations, and policy approaches”.

Keywords: Copyright Law, Technology, Developments, Ownership of Copyright.

I. INTRODUCTION:

Copyright law plays a crucial role in safeguarding the intellectual property rights of persons over the length of the legislation. This is accomplished by ensuring that authors, producers, and artists are granted exclusive rights over their creative works for a certain period. As a result of the rapid advancement of technology and the processes of globalization, it is becoming more difficult and vital to guarantee that sufficient copyright protection is provided across

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international borders¹. Both India and the *European Union (EU)* are respective representatives of two distinct legal traditions: common law and civil law. Both of these legal traditions are unique. These two legal traditions each have their unique approach to protecting intellectual property, yet all of these approaches intersect with one another. Several changes have been made to the *Copyright Act of 1957* in order to bring it into compliance with international treaties like as the *Berne Convention, the TRIPS Agreement, and the WIPO Internet Treaties*. These changes have been made in order to bring the act into accordance with worldwide standards. This legislation serves as the major source of authority for the copyright law that is in place in India. On the other hand, the EU has built a comprehensive legal framework via several directives, such as the *Information Society Directive (2001/29/EC) and the Digital Single Market Directive (2019/790)*, with the intention of harmonizing copyright laws across member states and adapting to digital realities². Even though India and the EU have made identical international commitments, there are major disparities between the two in terms of enforcement, the scope of exceptions and restrictions, moral rights, and approaches to material that is available online³. Through initiatives such as the *Digital Services Act and the Audiovisual Media Services Directive*, for instance, the EU has placed a greater emphasis on harmonizing the administration of digital rights and the responsibilities of intermediaries. On the other hand, India continues to grapple with problems related to enforcement and shortages of infrastructure. The concepts of copyright need to be reevaluated and modified to meet the changing social and technological circumstances⁴. This is important because of the expansion of digital platforms, content that is developed by artificial intelligence, and user-generated

¹ Senftleben, M. (2019). Copyright, Limitations and the Three-Step Test: An Analysis of the Three-Step Test in International and EC Copyright Law. Kluwer Law International.

² Ramesh, B. (2020). "The Copyright Law in India: Analysis with Global Perspective." International Journal of Law Management & Humanities, 3(6), 221–230.

³ Ghosh, S. (2019). "Intermediary Liability and Copyright Enforcement in India." Journal of Intellectual Property Rights, 24(2), 87–94.

⁴ Geiger, C., Frosio, G., & Bulayenko, O. (2021). "The Value Gap and the EU Copyright Reform." European Intellectual Property Review, 43(1), 20–29.

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media. To study the methods in which India and the EU respond to challenges of this kind, the goal of this comparative research is to investigate several approaches. About the development of copyright law in both sectors, the research will specifically explore legislative trends, judicial judgements, and policy changes that have an influence on the evolution of copyright law.

II. COPYRIGHT LAWS IN INDIA:

January 1958 was the month that marked the commencement of the implementation of the *Copyright Act of 1957*. Since that time, this Act has been updated a total of six times from 1983 to 2001. *The Copyright (Amendment) Act of 2012* is easily the most important piece of legislation that has ever been passed. The primary reasons for the amendments that were made to the *Copyright Act of 1957* are as follows: to bring the Act into conformity with *WIPO Copyright Treaty (WCT)* and *WIPO Performances and Phonograms Treaty (WPPT)*; to protect the Music and Film Industry and address its issues; to address the concerns of the physically disabled and to safeguard the interests of the author of any work; to make incidental changes; to get rid of operational facilities; and to socially control rights. The extension of copyright protection within the digital environment, which included penalties for dodging technological protection measures and rights management data, as well as the introduction of statutory licenses for cover versions and broadcasting organizations, were among the most significant amendments to the *Copyright Act in 2012*. These amendments were made in 2012. The guarantee of the right to receive royalties for authors and music composers, the provision of exclusive economic and ethical rights to performers, the provision of equal membership rights in copyright societies for authors and other owners of rights, and the exemption of copyrights for individuals who are physically disabled to access any works were some of the other significant amendments that were considered to be important⁵. There is no need to register copyright in India since registration is regarded as nothing more than a record of a reality. This

⁵ Copyright Office India, <https://www.copyright.gov.in/Aboutus.aspx> (last visited May 10, 2025).

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is the reason why copyright registration is not necessary. The registration does not result in the formation of any new rights, and it also does not represent a condition for initiating legal action against infringement. The ruling has been upheld by the Indian courts in a number of decisions that have been handed down in recent times. The workplace of an educational establishment that provides associate degrees is required to be referred to as the Copyright workplace to satisfy the goal of the legislative act, as stated in Section 9 of the Copyright Act. Copyright will be handled in a workplace that will be under the direct management of a Registrar of Copyrights, who will be appointed by the Central Government. This Registrar will be responsible for overseeing the workplace. The Registrar in question will be accountable for ensuring that their actions conform to the instructions and directions issued by the Central Government. When it comes to copyright, developing countries are often classified as a separate group and given their own category. This is mostly because they are all able to take advantage of the obligatory licensing system that was created for them in 1971 by both the Berne Convention and the Universal Copyright Convention. This system was developed for them. On the other hand, the copyright system and the droit d'auteur system, respectively, are the ones that are accountable for the formation of the legal framework of the nations that were once colonized by the British and the French in Africa and Asia. To provide a more concrete example, this is the situation in India, where the copyright system is relatively comparable to the copyright rules that are in effect in the United Kingdom⁶.

III. EUROPEAN COPYRIGHT LAW:

The foundation of the Union is found in the national laws of its member states as well as in the supranational directives made by the European Union in an attempt to harmonize these laws across territories. The major objective of the EU is to guarantee that all member states have a uniform legal framework, which assists in the development of the internal market and

⁶ World Intellectual Property Organization, <https://www.wipo.int/treaties/en/ip/wct/> (last visited May 10, 2025).

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safeguards the rights of writers and artists. One of the most important pieces of law is the *InfoSec Directive (2001/29/EC)*, which aims to harmonize the rights of reproduction, communication to the public, and distribution. Additionally, it establishes restrictions and exceptions for particular situations, such as education, research, and libraries⁷. The *Orphan Works Directive (2012/28/EU)* covers the use of works for which the rights holders are unknown, making it easier for cultural organizations to digitize these works. More recently, the *Digital Single Market Directive (Directive (EU) 2019/790)* has brought about substantial improvements. These reforms include the creation of new rights for press publishers, the requirement that platforms such as YouTube get licenses for user-uploaded material, and the guarantee of equitable compensation for writers and performers⁸.

The EU copyright law is marked by a challenging balance between the twin aims of protecting the rights of artists and facilitating access to information, innovation, and cultural variety. This is a characteristic that distinguishes the legislation from other copyright laws. Because the legislation governing copyright in the European Union places a significant emphasis on moral rights, it gives authors the ability to raise objections to the modification or mutilation of their works. About the legislation of other nations, this stands in stark contrast⁹. As an additional point of interest, the law of the European Union incorporates the idea of proportionality, in addition to the three-step test that was derived from the Berne Convention. In this way, any limits or exceptions to copyright are prevented from interfering with the ordinary use of the work for which it was created. By ensuring that these laws are construed in a way that is uniform throughout all of the member states, the *Court of Justice of the European Union (CJEU)* also plays an essential role in ensuring that this is the case. Several rulings, including

⁷ Geiger, C., Frosio, G., & Bulayenko, O. (2021). The Value Gap and the EU Copyright Reform. *European Intellectual Property Review*, 43(1), 20–29.

⁸ Senftleben, M. (2019). Copyright, Limitations and the Three-Step Test: An Analysis of the Three-Step Test in International and EC Copyright Law. Kluwer Law International

⁹ Rosati, E. (2019). Copyright and the Court of Justice of the European Union. Oxford University Press.

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Infopaq International A/S vs. Danske Dagblades Forening (C-5/08) and GS Media BV vs. Sanoma (C-160/15), have shed light on the extent of reproduction rights and responsibility for hyperlinking. These decisions have clarified the scope of reproduction rights. *The European Union (EU)* is making continual efforts to adapt copyright law to the reality of the digital world¹⁰, These rulings are a consequence of those efforts.

IV. GLOBAL GUIDELINES FOR DIGITAL COPYRIGHT:

The Copyright Act of 1957, which was updated in 2012 to align with the *WIPO Copyright Treaty (WCT)* and the *WIPO Performances and Phonograms Treaty (WPPT)*, is the primary legal document that governs India's digital copyright system¹¹. Several changes were made, including the introduction of *Technical Protection Measures (TPMs)*, the enhancement of protection for digital works, and the discussion of information on rights management. Authors and artists are granted exclusive rights to digital reproduction, dissemination, and contact with the general public as a result of this government legislation¹². In addition, India has developed a statutory licensing system and a digital copyright office to address accusations of infringement, which means that the country's laws are reasonably prepared for digital settings. On the other hand, enforcement in the digital environment continues to be difficult because of confusion over jurisdiction and a lack of understanding¹³. To assist the Digital Single Market, the European Union has developed a digital copyright law that is both all-encompassing and uniform. The objective of the *Directive on Copyright in the Digital Single Market (2019/790)*, which is more often referred to as the *DSM Directive*, is to bring the copyright legislation of

¹⁰ Xalabarder, R. (2020). "The Digital Single Market Directive: Article 17 and the New EU Copyright Regime." *International Review of Intellectual Property and Competition Law*, 51(1), 18–41.

¹¹ Government of India. The Copyright (Amendment) Act, 2012. Ministry of Law and Justice. Retrieved from <https://copyright.gov.in>

¹² World Intellectual Property Organization (WIPO). WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT).

¹³ Ministry of Commerce and Industry, India. National IPR Policy 2016. Department for Promotion of Industry and Internal Trade. Retrieved from <https://dptit.gov.in/>

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the European Union into conformity with the state of affairs in the digital age¹⁴. The purpose of this document is to facilitate access to copyrighted material for the sake of education, research, and preservation. In addition, it includes guidelines for fair pay for writers, responsibilities for content-sharing platforms (*especially Article 17*), and other limitations. in compliance with international treaties such as the *WCT and WPPT, the European Union (EU)* implements strict protections not just for trade secrets but also for information about the management of rights. It is the responsibility of the member states of the European Union to adopt directives issued by the European Union into their national law. This facilitates the implementation of a single policy across Europe¹⁵.

V. LIABILITIES FOR INTERNET INTERMEDIARIES:

*"Regarding the liability of internet intermediaries, India and the European Union have adopted distinct legal frameworks to address intermediary responsibilities and obligations."*¹⁶

India:

Section 79 of the Information Technology Act of 2000, comprises several safe harbor requirements that apply to internet intermediaries. As long as they cooperate with takedown requests and claim ignorance about the infringement, they will not be charged with any penalty for user-generated content that violates the rights of other individuals. The protections that are now in place are not sufficient to prevent parties from becoming confused both before and after

¹⁴ European Union. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on Copyright and Related Rights in the Digital Single Market. Official Journal of the European Union. Retrieved from <https://eur-lex.europa.eu/eli/dir/2019/790/oj>

¹⁵ European Commission. Copyright reform: modern EU copyright rules. Retrieved from <https://digital-strategy.ec.europa.eu/en/policies/copyright-legislation>

¹⁶ Information Technology Act, 2000, Section 79. Government of India. <https://www.indiacode.nic.in>

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the application process. This is because some portions are not as clear or precise as they need to be compared to worldwide standardized requirements¹⁷.

European Union: The Copyright Directive of the European Union adopts a proactive approach to the responsibilities of intermediaries. Indicative of a shift towards holding intermediaries accountable for the manner in which they manage protected material and the measures they take to prevent infringement are the rules that have been imposed on online platforms.

VI. DIVISION OF ROYALTIES AND RIGHTS:

Even though they go about it in different ways, the *Copyright (Amendment) Act of 2012 in India and the Directive on Copyright in the Digital Single Market (2019)* of the European Union both has the same goal: to make sure that authors are compensated adequately for their work. By using the 'value gap' provision, the European Union Directive intends to guarantee that artists get sufficient pay. This will be accomplished by holding internet platforms accountable. On the other hand, the amendment in India focusses an emphasis on the residual rights of authors and contractual fairness by making royalty-sharing mandatory, especially for works consisting of literary and musical compositions.

India:

It is one of the goals of the *Copyright (Amendment) Act of 2012*, to ensure that artists and authors, particularly those working in the entertainment and media sectors, get their due share of royalties whenever their works are utilised for commercial reasons. In addition to safeguarding authors from being exploited for commercial purposes, the implementation of this program aims to enhance the equitable distribution of revenues.¹⁸

European Union:

¹⁷ Copyright (Amendment) Act, 2012. Government of India. WIPO Lex.
<https://www.wipo.int/wipolex/en/text/342028>

¹⁸ Directive (EU) 2019/790 on Copyright in the Digital Single Market. European Parliament and Council.
<https://eur-lex.europa.eu/eli/dir/2019/790>

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Utilizing its legal framework, the European Union guarantees that writers and performers are rewarded equitably. In India, fair royalty sharing is given equal significance, even though it is a component of a more complete statutory framework¹⁹.

VII. DIGITAL RIGHTS MANAGEMENT AND TECHNOLOGICAL SECURITY:

Protecting the rights of writers and publishers in the digital era is the major goal of Indian copyright law, which integrates **Digital Rights Management (DRM)** and other technical safeguards. This legislation was specifically designed to accomplish this goal. Along the same lines, the **Digital Single Market Directive of the European Union** requires the deployment of strict technical measures in order to prevent the unauthorized copying and dissemination of material that is protected by intellectual property rights on the internet. This is done to prevent infringements of intellectual property rights. Both legal frameworks highlight the need to preserve the rights and privacy of persons who are using the internet. This is because an increasing amount of material is being shared online, and both systems encourage users to do so²⁰.

India:

This legislation, known as **the Copyright (Amendment) Act of 2012**, was responsible for introducing Digital Rights Management and protecting the rights of authors in the digital world. In order to ensure that Indian laws are in accordance with international standards, it was decided to make it unlawful to access or disseminate digital material without first obtaining authorisation.

European Union:

¹⁹ Digital Services Act (Regulation (EU) 2022/2065). European Union. <https://digital-strategy.ec.europa.eu>

²⁰ Cyril Amarchand Mangaldas. The Price for the Sound of Music: Impact of the 2012 Amendment on Royalties, July 2023. <https://corporate.cyrilamarchandblogs.com>

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The European Union's copyright regulation for the single digital market places an emphasis on the need to implement technological protections, such as digital rights management and anti-circumvention methods, in order to prevent the illegal use of intellectual material.

VIII. ENFORCEMENT AND COMPLIANCE:

There are a variety of approaches that are used by various countries in order to ensure conformity with copyright protection tactics.

India:

The court has the authority to make decisions on both the criminal and civil elements of protection of intellectual property rights. As penalties for breaching these laws, offenders are liable to fines or prison time in accordance with the law, and in part, whatever the court thinks acceptable as a penalty for breaking these particular laws. In addition, authors whose works have been infringed upon have the legal right to file a lawsuit against the person responsible for the infringement, seeking monetary compensation, injunctions to prevent further or ongoing infringement, or even a portion of the profits gained from such infringements for themselves. The Copyright industry in India, on the other hand, is characterised by a high level of complexity due to the dearth of resources and the laborious procedures that prohibit effective implementation²¹.

European Union:

To implement copyright laws, the European Union created the E-Commerce Directive and the Digital Services Act. Websites must adhere to more stringent regulations, which include notice and takedown processes.

²¹ WIPO Magazine. Copyright in the Digital Single Market: A Taster, 2020. World Intellectual Property Organization. <https://www.wipo.int/web/wipo-magazine>.

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IX. CONCLUSION:

When looking at copyright laws in the digital age, comparing India and the EU shows that there are some similarities but also some differences in how the two regions handle safeguarding intellectual property. Fair pay and exclusive rights for artists are important principles upheld by both nations, although their legal frameworks and execution procedures differ greatly. After its 2012 revision, India's Copyright Act strikes a fair balance between author protection and public access, in contrast to the European Union's Directive on Copyright in the Digital Single Market, which prioritizes cross-border harmonization and gives content creators more say over their work online. Digital platforms in the EU are now required to share more of their profits and blame, but in India the focus is on user rights and statutory licensing. Despite their differences, both frameworks aim to tackle new problems that digital technologies are bringing about, such as the influence of online content-sharing platforms, the need of digital rights management systems, and the role of intermediaries. In order to establish a fair and future-proof copyright system that serves digital platforms, users, and creators equally, the research stresses the need of continuous communication, mutual learning, and potential harmonization initiatives.

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