THE CHALLENGES FACED BY COPYRIGHT LAW

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ABSTRACT

Copyright and piracy have been increasingly the significant drivers of media corporations. Authorship and creativity are driven by copyrights. Publishing is being used increasingly also to monitor media technologies. The literature on copyright and piracy is growing steadfastly, to some extent on the grounds that the internet has raised new concerns and put copyright into the lives of a lot more media creators and buyers. Most of the copyright literature has been focused on piracy. This article sheds light on digital piracy and the issues facing copyright laws. Particularly since the mid-twentieth century, there has been a serious challenge to the copyright system, and even to its very existence. The sole attributors and the solution to combat such issues are explicitly addressed.

Such problems usually arose from the developing country's approach towards the copyright problems especially with advent and innovation in the introduction of new technologies, and the consequent evolving nature of piracy and private copying. Setting aside the source of the problems, how effective the laws made are able combat such malpractices to protect the interest of the authors and to safe guard the originality is also examined further down. The comparative analysis if the efficiency of those acts and possible changes is suggested from view point if the writer. The feasibility of lawful interventions has all the assignments of being in doubt, with short-lived some beneficial outcomes. There is a discussion about elective views and their recommendations. The article looks at various methods of resolving copyright issues in depth, including technical frameworks or fixes, lawful remedies, and instructive programmes.

Keywords: Authorization, Digitalization, E-Commerce, Intellectual Property Rights, Pilfered, Purloined.

INTRODUCTION

Copyright law has responded to technological change ever since its inception. Today, the barre chords that take all of the headlines are linked to modern digital technologies and computerized communication systems, such as the Internet and PCs. Similar to other advances, these tools are both exciting and potentially harmful to various people who are fascinated by the use and abuse of authorship works from books and music to movies and website pages. There is no doubt that the problems associated with achieving the right balance between these interests given ongoing changes are daunting and can fairly be described as new or novel. But, at the same time, they are only one stage in an adventure of unceasing and fruitful change that describes the historical context of copyright legislation.

Copyright is an important intellectual property (IP) right of the producer of literature, creative, musical work, cinematographic film and so on to protect articulations and plays a significant role in promoting innovation and creativity. Copyright is a primary intellectual property worldwide for regulating replication of work and, in addition, it gives IP rights to a person, a class of persons or the collection of parties involved in jointly displaying their work as broadcasters or entertainers. Copyright includes a lot of exclusive rights granted to writers, developers, suppliers or entertainers who depend on the type of unique work that integrates the right to reproduce, distribute and adapt the work[i]. Copyright gives the creators a bunch of rights to protect their unique work, such as the right to broadcast, the right to display, the right to reproduce the work, the right to perform in public.

The issue with the way modern technologies can reproduce, distribute and store advanced data, including copyrighted works, is truly a double-edged sword for authors and right-holders. In the computerized era, the challenge of copyright is to secure the incitement of the author and right-holder to create new works and use technology to distribute them to consumers and buyers, even with a considerable violent danger from unlawful use of invention by infringements. This also involves ensuring that a copyright system made redundant by the advent of modern technologies does not unnecessarily smother the beneficial values of works.

PIRACY IN TWENTY FIRST CENTURY

Progress is the rule of nature and development procedure is exceptionally normal; in the digital world, the biggest change in the present time. Throughout the twentieth century, copyright work protection has become a significant check throughout the view of the emergence of new groups and kinds of work, for example, software, music and recordings, etc. the related problems in the digital world have to do with distributing and calculating the content to be shared. Content infringement can be achieved in the computerized era, with little or no effort, seamlessly and without infringing on the quality of the work.

Apart from that, major issues that are coming up include fake sites and internet-based industry, unlawful uploading of music and videos is possibly the biggest concern of this period[ii]. With the advancement of technology: it has become a challenge to ensure the present technological, financial, social progress in the computerized era and to provide answers to the problem that emerges from the advance particularly in the dissemination of protected material on the internet through earlier treaties[iii]. There are several explanations for intrusion activity but significantly watched justification for piracy is the user-friendly use of the internet and simple Internet accessibility. Once again, the internet bares the sole responsibility to contribution for the growth of online business which is also referred as e-commerce. Digital technology's rapid speed, accessibility and adaptability have caused individuals to operate online as data can be gathered outside geographical limits without any difficulty. Copyrighted content is efficiently distributed and exchanged using trend technologies worldwide through the internet without the proprietor's verification and approval; henceforth there is need for the safety of the work and with the absence of limitations.

Digitalization has created turmoil and has also encouraged people to operate on the internet, as it offers the simplicity to complete industry, entertainment and so on. However, the advantages of digitalization have carried with it a few burdens. The greatest challenge faced in the twenty first century also considered as the digital era is piracy. Copyright theft is of triple nature: political, legal and economical. Perhaps one of these points if view will dominate depending on the bottoms, the problem can be seen from rational, technical or other points if view. Nonetheless, they complement each other, however, are complicatedly women into the mesmerizing fabric of the piracy phenomenon. This view often gains credibility by being

completely supported by prominent figures affiliated with copyright businesses. Those three parameters are perceptible, although they overlap one another. We therefore need a separate review, which will be followed hereafter, by means of extensive literature analysis with illustration and informative tables.

Copyright laws mostly lack its very back bone or the support system to regulate the provisions due to the absence of massive government or private subsidy, some necessary measure of copyright protection is essential to support the vulnerable sectors of authors and publishers involved in creation of original works or expression[iv]. But this copyright has its own drawbacks or defects. The problem of free rider for authors and expression is very much prevalent. Free rider is viewed as a problem because copyright ensures no safety against the same since, there is not the remedy to address this issue in its own[v].

Computer piracy is another problem which evolves with the digital insurgency. Piracy of software includes the dissemination, dispersal and use of information. Because the product used is purloined and stolen, there is consequently a value increase for the shoppers of the original software and, therefore and high-income misfortune for the actual software owner. Piracy software is achieved in a few specific ways, such as downloading computer from distributed networks on the web; pilfered hardware plates ae available, replicating software that is allowed only by the user, perusing and eventually inserting a duplicate of individual programming software and implementing it in the wake of entering a similar item key multiple time on many systems.

Another growing problem with the introduction of technology is web-based database replication. It is less voluminous to monitor, reproduce and transport the substance that is accessible on the web and needs little to no effort that becomes a major problem in this century. The equivalent is the problem with the electronic or downloadable works that are available on the internet and which can be easily accessible, but the problem occurs when these downloadable works are printed and auctioning off at a much less costly rate that causes a sharp drop in the financial to return to the distributors and authors.

Circulation of personal computer services in a significant portion of the developing nations occurs through a double-layered system of consisting of wholesalers and distributors, including that of various enterprises. Software traders make a considerable measure of their shipments to

some random nation's merchants who maintain well-supplied storages and can respond rapidly on orders from number of individual retail sellers. The sellers honestly demonstrate and offer end-clients of the personal computers regarding the software and its legitimacy. The end users may be individuals, corporations, educational institutions, and government foundations. Occasionally, programming distributors often control some of the large sellers or the affiliates within an individual country. Authorization is a common procedure in the software industry. The software manufacturer narrowly approves his end-customers through the shrink-wrap license instrument included in the kit[vi]. A few different problems, for example, are bogus sites which are the sites with the marketing of such fraudulent sites after the domain name and which support the infringer, for example with various fake shopping sites and so on.

If customers pay cash for buying an item on the web and they don't get any item because of the pirated site, the customer faces a dilemma and loses cash as a result of these fake web pages. The Copyright ACT provides assurance to part of the software but website area, swindling on falsified shopping pages, do not fall within the scope of the Copyright Act yet are being considered by Cyber Law and IT Law.

COMBATING PIRACY

The right holders are the ultimate washouts due to copyright infringement, the primary responsibility to protect their copyrights rests with the right holders themselves. The right holders will initially play it safe to ensure copyright works. They will register complaints with the police on the off chance that the violation goes to their notice/information. They will also support the police during preliminary court in directing searches and producing facts (e.g. proof of proprietorship in works). Effective training in copyright fields should be placed on the law enforcement agency such as police. Aside from briefing on how to distinguish specific copyright objects from the pilfered ones, the different aspects of the copyright law are also to be informed.

It might be possible to help the enlistment of copyright works because it is discovered that not many cases are enrolled as of now. Although copyright on the creation and safeguarding of copyright does not rely on any practice such as enlistment, enrolling a work creates ownership

in a work that could therefore be helpful for the appropriate owners to demonstrate ownership in cases of the case. To this end, the Copyright Office will promote its exercises like the enlistment across various media to individuals with different affiliations and the general public.

In the spot of 'one app per Machine' setup, app copyright holders will accept a corporate permit system for using a specific program. They may consider bringing out, to their greatest benefit, low value releases of their virtual software for flourishing nations like India. In view of the expansion of the value of intellectual property rights in the nation and the creation of a conjunction between the various components of intellectual property rights at world level, the government may consider bringing all offices/ agencies dealing with intellectual property rights under parasol.

As a nodal entity, a dedicated institution could be set up to handle copyright matters and various constituents of IPR, particularly in relation to education and training. The Indian Institute of Intellectual Property Rights should provide regular IPR seminars and organize important training programs for those concerned with copyright/IPR, such as copyright manufacturers and distributors, business affiliations, police and the general public. The organization will also work closely with the government and the copyright industries.

CONCLUSION

It is assumed that culture is the vehicle for economic development. With the advance and change in lifestyle, which is firmly linked to technological advancement, technological development has made the undertaking considerably more worrying for the necessity of copyright protection. It has now become a measure for responding dramatically and practicably to the latest change. It is important to maintain a balance between two extremely important copyright viewpoints: encroachment and low-budget implementation, the problem associated with copyright encroachment revenue loss and additional costs of unsuccessful enforcement.

There is a tremendous need to try to focus on educating the consumer, particularly the younger generation, to resolve the difficulties, for example, repetition and interference, and to understand the ability and potential of an person whose work contributes to the social, logical and financial benefits of the general public as a whole. Besides building up the infrastructure

to avoid the infringement, for example by keeping away from the unlawful misuse of the download copyright content, it is important to regulate the infringement at a small level. Other the that, the advancement of copyright technologies may also reduce encroachment. To conclude this article sheds light on infringement under copyright under copyright law and addresses copying and infringement by private parties. Despite the fact that few technical mechanisms have been developed to regulate the illegal use of digital content at the same time, there is a tremendous need for professional and trained police authority that can detect and stop the violation and maintain the legitimate guarantee.

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