

Impact of Online Digital Piracy on the Indian Film Industry: An Empirical Investigation into Consumer Behaviour

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In the present times, the Internet has become a threat to copyright content by facilitating sharing of information on a large-scale, and providing accessible alternatives to retrieve information goods including films & music. The irony of sharing information over the internet is that ‘access-to-content’ is deemed synonymous with ‘control-of-content’. This phenomenon is defined as “Online Digital Piracy”. The Indian Film and Entertainment industry too is one such victim of piracy of its copyright in cinematographic works over the internet.

This study attempts to understand the causes and impacts of Online Digital Piracy on the Indian Film Industry and the efficiency of the current legal regime in India governing the same. It takes a unique approach as the same is reflective of the inferences drawn from an empirical study of digital content consumers concerning the volumes of consumption of pirated film content. It deals with the conceptual and theoretical basis of online digital piracy with reference to the Indian Film Industry and critically evaluates the current legal regime in India under Copyright and Technology Laws to combat the adverse effects of piracy-related activities after corroborating the inferences drawn from an empirical study of consumer behaviour towards online digital piracy.

Keywords: Cinematographic Films, Consumer Behaviour, Online Digital Piracy, Digital Content Consumers, Copyright Law, Information Technology Law

The Indian Film and Entertainment Industry mirrors the sentiments and cultural aspects of the Indian community putting forward stories that resonate with the people from every strata of society. The Government of India granted an “Industry” status to the Indian Film Industry in 2001.

The Indian Film Industry is considered as the second movie capital of the world, after Hollywood and has emerged as an industry that has world-wide crossover appeal.¹ There are over 400 production houses with 32 corporate houses and this industry provides employment and supports the livelihood of over 60 lakh people. It is estimated that it yields an average ticket price of US\$0.81 with the highest cinema attendance world over, which is nearly cinema attendance in USA, China and Japan when put together.² It is expected to grow at a CAGR [Compound Annual Growth Rate] of 9% in the financial year 2024-2025 to achieve an estimated size of INR 29,900 crores.³

However, the vitality and growth of the industry is threatened by piracy. In the year 2020, amidst the global pandemic, reports showed that online digital

piracy of films had risen by 62% in India within a month.⁴ This is despite the fact that approximately 71% of the Indian population is aware of the illegality of producing and sharing pirated content, and 64% being aware that streaming and downloading of pirated content stands at the same footing in the eyes of law.⁵

The changing Information and Communication technology developments that started unfolding with the dawn of 21st century have impacted the nature of content, delivery and business models of the entertainment business. The tectonic changes effected in the relationship dynamics of the Film and Entertainment Industry *vis-a-vis* the New Communication Technologies have infused the culture of exhibition of the film on multiple platforms ranging from the introduction of Video Cassette Recording (VCR) and Digital Video Recording (DVR) to the Internet. The issues of Net-Neutrality and broadband roll out are gradually transforming the industry from analogue to digital world. These have fostered unauthorized distribution of content and its ubiquitous diffusion in violation of the copyrights held by the author in such works.⁶ The convergence of technology and availability of

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popular media goods on the internet led to the emergence of a ‘convergent consumption market’. The element of purchase is subordinate to the element of use, which is opposite of a traditional commodity consumption market.⁷ A borderless internet platform facilitates exchange of popular media goods, including films and music, that are freely made over the internet. It can be both a legal and illegal transaction at the same time. The Technological threat to the copyright works have also been two fold: either in the form of developing new uses of the copyright work thereby threatening the existing business models, or fostering new and cheaper ways of infringing the copyright works. This has been made easier and convenient by transfer of copyright works over the internet. The internet seems to have disturbed the centralised mass media distribution, thereby paving way for disaggregated individuals to come together to create, collaborate and curate their own content, by dismantling the copyright content already available, at the cost of the legal framework for protection of copyright works.

Copyright Protection to Cinematographic Works and its Violations

A cinematographic film has been defined as “any work of visual recording and includes a sound recording accompanying such visual recording and “cinematograph” shall be construed as including any work produced by any process analogous to cinematography including video films.⁸ By virtue of economic rights granted to an owner/author of a copyright, ‘right to broadcast the work’ including ‘re-broadcast’ means communicating the work to the public through a medium of wireless diffusion or through a wire. Such diffusion can take the form of a sign, sound or image. Owner of a copyright work also exercises the right of ‘communication to public’ by making any work available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion. However, this does not include distributing/ issuing physical copies of the work without the authorisation of the owner. Further, the Doctrine of First Sale in Copyrights states that anybody can ‘re-sell’ a legit copy of the owners work without his permission after the first sale, but nobody can ‘sell’ the copy of the owners work without permission that has been illegally reproduced.⁹

Section 51 of the Indian Copyright Act, 1957 categorizes infringement into primary and secondary

acts of infringement. The former comprises situations wherein a person performs any act which is the exclusive right of the copyright owner, or permits running for profit any place which communicates to the public any copyrighted work without having knowledge that such communication constitutes infringement if done without seeking permission or authorized license from the author. Secondary acts of infringement include selling, hiring, displaying for sale, offering for sale or hire, exhibiting in public by way of trade, or distributing for trade infringing copies of a copyrighted work without permission of the copyright holder. Acts of piracy fall under both these forms of infringement. Offline piracy amounts to primary infringement as there is distribution and communication to the public without authorization from the owner for a commercial gain. Online digital piracy constitutes secondary infringement in so far as the film is exhibited on internet platforms and search engines to be downloaded, streamed and shared by the user. These include activities where the work is shared on infringing platforms, or the alleged infringer contributes to providing such infringing platforms for transmission of copyright content. Unauthorized transmission of copyright content over the internet is a form of Indirect infringement. This may be in the form of uploading or sharing of copyright content via P2P file-sharing technology, knowingly contributing towards sharing of content over platforms that facilitate unauthorized downloading or streaming of content, or by posting of copyright content owned by others on publicly accessible servers. In the context of cinematographic films, any such act of uploading, downloading or illegally streaming film/movie content constitutes an act of Digital piracy.

Section 65 of the Copyright Act, 1957 in India also merely provides for “copy control protection” rather than “access control protection” provision. Therefore, showing a film on cable television to paid subscribers without authorization and license to do so amounts to a broadcast, and is hence an infringement of the copyright holder’s exclusive right. This definition is broad enough to include communication of information or content through the Internet as well post the Copyright (Amendment) Act, 2012. However, at present there is no specific provision under the Copyright Law that brings to book acts of online digital piracy. Though the recent amendment to Cinematograph Act, 1952 criminalizes cam-cording

in cinema theatres, it only caters to theatrical piracy and not to piracy over internet.

The Information and Technology Act, 2000 also doesn't provide for online piracy as a mode of infringement. The new rules passed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 though provides for due diligence, mechanism for intermediaries in relation to online curated content, however doesn't specifically imbibe provisions pertaining to restricting online piracy of any copyright content. Hence, the present legal regime doesn't include any provision on combatting or mitigating the adverse effects of online piracy or even piracy in its original form.

Online Digital Piracy in Indian Film Industry

The original connotation of piracy- plundering and looting of ships by seafarers- seems to have been replaced with the new age definition where it is understood by most as illicit copying and unauthorized downloading of digital content online. Piracy in the digital realm can be of a wide variety of content including movies, music, video games and ebooks. Film piracy as a component of convergent consumption involves the consumption, possession, receipt, interference and conversion of copyrighted materials without permission or authorization, with or without any financial benefit to the creator.⁷

According to the IP Crime Group: 'Piracy involves the illegal copying of content such as music, films, sports events, literary works, broadcasts, computer games and software for commercial gain. Copyright infringement also includes illegal copying and downloading of digital content'.¹⁰ Digital piracy is the act of reproducing, using, or distributing information products, in digital formats and/or using digital technologies, without the authorization of their legal owners.¹¹ Digital piracy of the Information goods including movies, music and software is what has undermined the significance of the Copyright regime in the digital age which traditionally focused on granting protection to and safeguarding the interest of the content creators. It is facilitated by several internet-related functions including P2P file-sharing or streaming media, aggregator websites, and ISP's which allow users to upload copyright content. Hence, media piracy is an umbrella term that includes a practice of obtaining an unpaid digitized copy of a film, either by way of illegally downloading it from

the Internet or making an illegal copy by using a DVD or VCR burner and sharing it on the internet so that it is made available to other users who will then be able to download it again.¹²

Worldwide copyright content in Films and Movies may be made available on the internet in various ways. These include:¹³

- (i) Content available on OTT platforms on a paid subscription basis;
- (ii) Content accessed through cyberlockers;
- (iii) Content ripped off from cinemas, Blu-Ray, online services like iTunes and OTT platforms and made available on websites like BitTorrent, Dailymotion an applications like Telegram;
- (iv) Content streamed or rebroadcast from local TV stations or live-TV.

The contemporary movie distribution model has not been successful in curbing piracy as illegal and unauthorized video recordings in theatres and unauthorized download via third-party software from legitimate streaming applications are rampant. It is pertinent to note that online piracy takes place through different modes such as P2P file sharing, User-uploaded content aggregation websites and social media sharing via embedded linking. P2P file-sharing networks emerged with the rise and demise of the infamous Napster, which enabled the sharing of MP3 files to the connected network systems. Napster was just an intermediary which facilitated the transfer of files, keeping to itself the centralized control of search browsers. Post a court order to ban Napster, several other P2P file sharing websites like Gnutella, FastTrack and BitTorrent emerged as a completely unregulated breed of sharing mechanism which enables data transfer at the cost of security.¹⁴ Another mode is streaming and downloading wherein the most common method of piracy is downloading from the internet from websites like BitTorrent or making the films available for online streaming on websites like 123 movies. Data reveals illegal activities including Streaming, Downloading and Sharing makes available the pirated version of a Film on the Internet during the first few weeks post release through CAM, TC, DVDRip/BluRay.

The most widespread platform that facilitates film file sharing across the globe is BitTorrent. This technology was developed in such a way that file sharing is made possible irrespective of its size, type and dimensions.¹⁵ A number of other software platforms have also been introduced in the past

decade that have enabled and aided P2P file sharing and the technology is getting more accessible each day. In the Indian context, the Telegram application has enabled users to indulge in P2P sharing via private chats by making available unlimited cloud storage. The Motion Picture Distributor Association (MPDA) has listed India as one of the largest contributors in P2P file sharing traffic.¹⁶ This method of file sharing allows the pirated films to reach the user before they can reach via official channels such as theatres or streaming platforms which results in revenue loss and loss in tax collection. Service providers don't hold control over transmission of the files and thus cannot be deemed as active participants. This criterion of liability has resulted in service providers to skim scathe free as they cannot be held liable in either scenario.

Factors Contributing to Online Digital Piracy- A Theoretical Analysis

Consumption habits have shifted significantly in the last decade with new technologically superior distribution channels. Physical sales, such as cassettes and optical discs, dominated the industry's revenues until 2005. However, in 2006, this pattern shifted for the first time in history. India is now one of the top countries when it comes to expenditure of time on their phones. As per CISCO Annual Report (2018-23), it is estimated that 66 percent of the total global population shall have access to inexpensive internet.¹⁷ Earlier, piracy operated by way of CD or DVD but with the advent of internet and storage options, users download music or movies and store in an online storage space. This indicates that physical piracy has shifted to cyberspace. People can now create their separate digital library where they can access illegally downloaded material from anywhere. They also hold the liberty to share this access with countless numbers of people and thus generate their own revenue.¹⁸

Engaging in acts of piracy is a behavioral trait. Hofstede had undertaken research on the relation between cultural dimensions and a consumer's behavior. Inferences from the study confirm that culture in which one is brought up plays a pivotal role in determining their traits as a community and an individual. A study that he undertook in the late 1984 proves that in India these cultural dimensions- an interplay of factors including power distance index and individualism vis-a-vis collectivism- are determinant factors in evaluating

consumer behavioural traits. A higher power distance index and collectivism index lead to behaviours that are delinquent and get influenced from the behavioural inclinations of a majority population in the community.¹⁹ Importing the same inferences to present times in order to understand reasons behind consumer inclination towards piracy, it may be said that by far the cultural dimensions are responsible for higher rates of digital piracy in India.

According to the Routine Piracy Theory under Criminology Control Analysis lack of consequences is the biggest factor that gives an impetus to the consumer (perpetrator and user) inclination towards online digital piracy.²⁰

The Opportunist Consumer Behaviour theory also governs and determines the attitude of the consumers to watch pirated content.²¹ Attitude is an important aspect that constructs and frames human psychology. It is powerful enough to convince the consumers to indulge in digital piracy despite the knowledge that their acts are morally socially and legally incorrect and that they are causing huge losses to the copyright industry business.²²

Some other studies attribute increase in internet piracy to lack of clarity and a harmonized approach in application of the limitations and exceptions to copyright protected works over the internet.²³ With Covid-19 pandemic the content consumption trends have people either preferring to staying home to enjoy movies or media distributors develop their own direct-to-consumer streaming services. This trend seems promising but, convincing the consumers to pay the premium to stream a movie at home may take time and piracy prevails for streaming OTT content also. Data reveals that a majority of the consumers who have not paid the premium state that the cost of the Premium VOD is a major factor for their reluctance.²⁴ They indulge in what is also known as subscription mooching and enjoy streaming content through the subscription accounts of their friends or family members who have paid for it.

Other factors attributable to consumer inclination to online piracy include unavailability of certain copyright content on cable or due to non-subscription to OTT platforms, easy and cheap availability of content online, on mediums including BitTorrent and Telegram; price of the movie tickets and hassle to visit the theatres; ignorance about content being pirated and absence of stringent legal measures to penalize the wrongdoers, in the respective order.¹²

Impact of Online Digital Piracy on Industry Stakeholders

The cause of piracy is consumer behaviour, but the direct consequences fall on the industry stakeholders comprising all those who contribute in the making of a film- actors, directors, producers, writers, etc. The impact is both monetary and otherwise wherein the former leads to revenue loss in the industry and adversely affects employment. It is estimated that the Indian film industry loses around INR 22,000 crores and around 60,000 jobs annually as a result of film piracy.²⁵ The latter involves wasting the efforts put in to create original content, wherein all stakeholders put in their collective efforts to prepare a film for the entertainment of the consumers.²⁶ and discourages creative efforts to a large extent.²⁷ Despite the large negative effects, there are also certain benefits of piracy. Piracy can boost the popularity of films especially in consumers who cannot access or afford authorized content or for who the same is not available.²⁸ However, the benefits of piracy cannot mitigate the negative effects of piracy on the Indian film industry.

Various movies have faced the brunt of piracy earlier. Movies like *Uda Punjab*, *Great Grand Masti*, *Kabil*, *Manjhi*, *Paa* are some examples of movies that suffered from piracy as they were leaked before their theatrical release. *Bahubali*,²⁷ one of the most expensive movies with a huge budget, was a big victim of piracy. The film was downloaded illegally 24.76 lakh times and in a total of 17 months, the Telugu film industry suffered a huge financial loss of INR. 1,064 crores. Another instance was for the movie *Padmavat* which was leaked on Facebook and in the short time of an hour, the film was streamed by 3.5 lakh people. Despite being a profitable and successful film, the film's business was adversely affected by a large extent.²⁹

Industry stakeholders have publicly criticised the current legal framework and provided suggestions of their own. These statements indicate the need of the hour to put in efforts to curb and combat piracy. Rajkumar Akella, Chairman of the Anti-Video Piracy Cell, Telugu Film Chamber of Commerce, expressed his concerns about the recurring practice of pre-release leaks on rouge websites in the present times and stated that he found the situation very alarming for the industry.³⁰ Other industrial stakeholders like actors, producers, directors etc. have blamed piracy for causing "significant annual losses to the Indian

film industry and less-than-potential employment." Soumitra Chatterjee, a respected and renowned actor expressed his disappointment in consumers for not appreciating the efforts of the artists and technicians involved in the film industry who are negatively affected by piracy.³¹

Apart from the revenue loss, piracy also affects the motivation and the spirit of the film industry stakeholders. This situation has aptly been explained by Charles George, Regional Head of Newstream Operations in Kerala, while expressing his helplessness on leak of the film *The Great Indian Kitchen*- "If an independent or first-time producer's film gets pirated, they will hesitate before doing a film the next time, which means the frequency of films made will also decrease. Let's remember that a lot of filmmakers and technicians depend on this business for survival. Now, this issue may not affect the giant OTT platforms much, but the small, regional OTT platforms, which are in their infancy, get the short end of the stick."³²

Therefore, to combat piracy, industry stakeholders have also come up with creative strategies to deal with piracy. The makers of the movie *URI – The Surgical Strike*, uploaded a fake video on YouTube at the time of the film's release, where after downloading the video, it is realized that the video is not of the film, but is a special message against piracy by actors of the movie. Given the positive response to the film, many consumers tried to adopt the easy route and attempted to download the pirated version of the movie, which was actually a message instead.³³ Yash Raj Films Producers who uploaded a notice on their official website which requests the consumers to report online piracy by providing details of the websites that allow illegal streaming or downloading of the production houses' audio or video content. *Uda Punjab* film's management team had to remove all online links including tweets and Facebook updates of the film.³⁴ When the leak of the movie *Kabil*, over 3400 websites illegally provided access to the film within the first three days of the film's release. A renowned producer, Sanjay Gupta remarked that upon every film's release, a producer has to approach the Supreme Court for a restraining order against the rogue websites and there was a need to order a blanket ban on all such websites.³⁵ The courts, too have failed to provide effective remedies. From John Doe orders to Dynamic Injunctions to even blocking of websites has not proved as a suitable remedy to the ever-increasing rates of piracy.³⁶

In the case of the movie *My Name is Khan*,³⁷ many Hollywood production houses were suffering losses in India however, the Fox Star Studios earned huge profits through the movie as it eventually became one of the top 10 highest-grossing Bollywood films of the past decade. The production house took several steps to prevent piracy of the movie. A Fox Star employee accompanies every analogue reel that was released worldwide. They also hired certain antipiracy agencies that closely worked with the local police and raided the illegal DVD-making facilities immediately after the release of the film. As a result, the Mumbai police successfully seized more than 3,000 pirated DVDs. The Studio also appointed certain agencies to investigate online piracy and successfully identified and shut down 11,000 online links. Therefore, it is evident that the industrial stakeholders are deeply concerned and affected by the rampant piracy in the Indian Film Industry that is causing financial losses and also depriving the livelihood of many by affecting their employment.

Online Digital Piracy & Consumer Behaviour- Inferences from Empirical Study

In order to understand the levels of online digital piracy of the content generated by the film industry and the reasons behind inclination of consumers towards such behaviours, despite their knowledge of the existing legal regime to check piracy, an empirical study was undertaken to understand the volume of consumption of pirated content in the city of Ahmedabad, Gujarat, India in January 2022. The inspiration for the study is based on a survey conducted by Arul George Scaria in 2014 to determine the influence of culture on piracy behaviours of the consumers, the results of which were published in a book titled. "Piracy in the Indian Film Industry– Copyright and Cultural Consonance"³⁸ and multiple other such consumer surveys that have been conducted in other jurisdictions including the UK to track the consumption of pirated content in films by viewers in relation to their age, demographic profiles and income.

A snowball sampling methodology of data collection was employed and the target sample population were entertainment content viewers in the age group between 15-40 years. The target sample population was categorized between consumers coming from both Legal and Non-Legal backgrounds. The purpose of such bifurcation was to understand if there was an issue with the effective implementation

of law or if there was lack of awareness among the people about the legal consequences behind indulgence in piracy behaviours. The purpose of this study was to understand the inclination of entertainment content viewers towards pirated content of films accessible for free over the internet.

Data Collection and Analysis

A total of 116 viewers of entertainment content were approached for filling out the questionnaire that was prepared for the purpose of data collection. Of the total population, 33% were from legal backgrounds- students, practitioners and Academicians (Fig. 1). The remaining belonged to non-legal backgrounds. Data revealed that those hailing from the legal background comprised 53% of such people who preferred watching pirated content (Fig. 2). A major reason behind such preference is the price of the movie tickets followed by the weak legal framework and convenience. However, at the same time it was also noted that at present they were also the major population who engaged in streaming content directly from OTT platforms like Netflix or Amazon prime. However, such streaming was not always backed by payment of subscriptions, but also to a certain extent engaged in watching such content

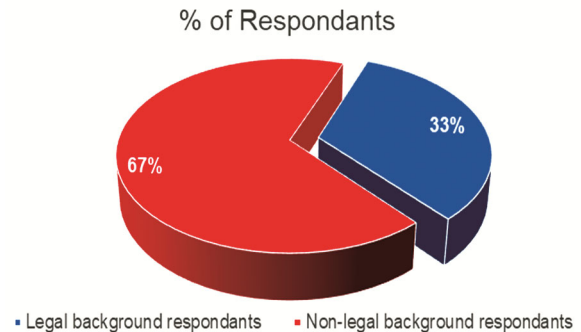


Fig. 1 — Respondents from legal and non-legal background

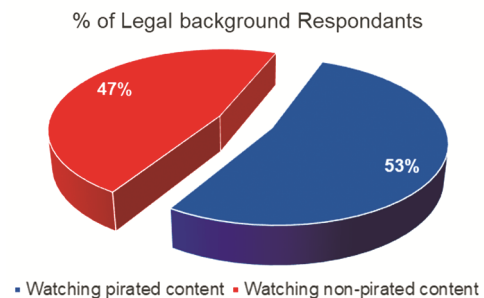


Fig. 2 — Respondents from legal background who prefer watching pirated content

by way of subscription mooching- watching content by logging into the account of another person, either family member or friend who has paid for the subscription.

In contrast to this, among those hailing from non-legal backgrounds 49% (a little less than majority) of those who preferred watching pirated content but in the recent past have been streaming content through OTT platforms (Fig. 3). The price of movie tickets, weak legal enforcement mechanism and convenience were also the reasons which governed their preferences (Fig. 4). This shift has been majorly seen during the period of Covid-19 pandemic when everyone was forced to remain indoors and spend time by engaging in watching films or online content at home.

A common aspect of the sample population pertained to their knowledge and awareness about the anti-piracy movement and the laws for curtailing its effects (Fig. 5). However, a majority of them were convinced that the probability of them facing any legal consequences was quite low (Fig. 6). This is suggestive of the fact that the existing laws at present are not effective enough to check the piracy habits and inclination of viewers. Since a law is as effective

as its enforcement, it is imperative to undertake reformatory changes in both the Cinematographic and Information Technology Laws pertaining to piracy of cinematographic content over the Internet. The piecemeal amendments and small changes in the law are not enough to deal with the issue of online piracy and its impact in this era of digitization. At the same time, it is an undeniable fact that with the rise of Over-the-Top (OTT) platforms and Video Service-on-Demand (SVoD), there is a shift in the consumption habits of the viewers and the platforms they use for accessing the same. This also implies that more the support to such OTT platforms are provided, the lesser will be the consumer inclination towards piracy. Hence, a viable change in the business model which ensures distribution of entertainment content directly to the people through such platforms, which provides the viewers with convenient home spaces for enjoying the intake of entertainment content and the same is made available at costs which are reasonably fair given the vast genre of content which is accessible to multiple viewers at one given point in time.

Therefore, the entire volume of consumption is highly dependent on consumer behaviour that can be

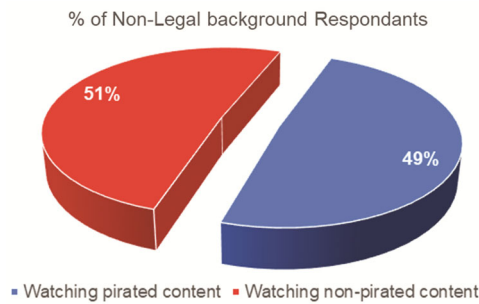


Fig. 3 — Respondents from non-legal background who prefer watching pirated film content

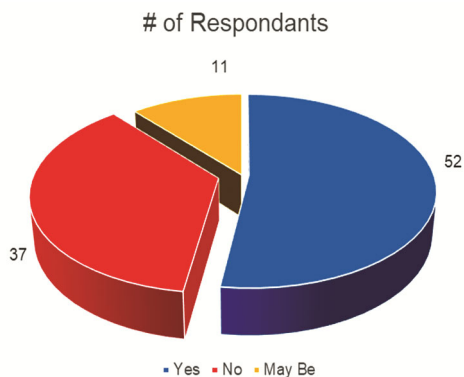


Fig. 4 — Factors driving intention and will to pirate

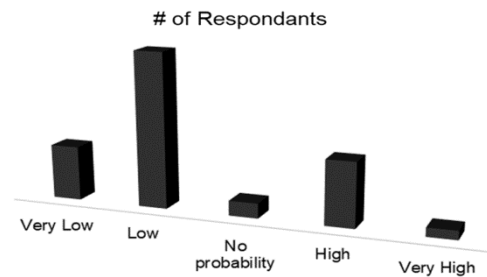


Fig. 5 — Awareness and knowledge about Anti-Piracy Laws

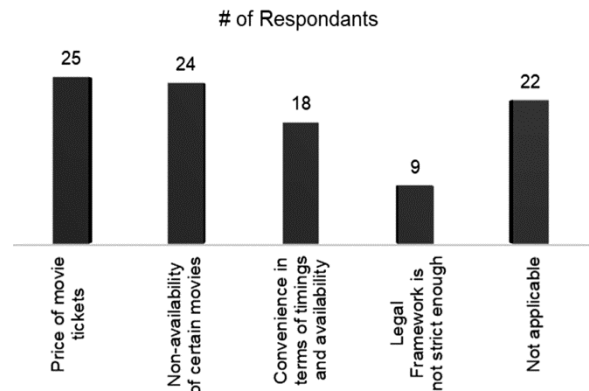


Fig. 6 — Perception about legal consequences of piracy among Respondents

categorized into two categories – intrinsic and extrinsic.³⁹ The former depends on the consumer's personality, perception, motivation, whereas the latter includes the societal background, the cultural background. These aspects must be duly considered when analysing a consumer's decision. Geert Hofstede has developed a cultural dimensions theory the factors of which can be used to understand consumer behaviour. There are four dimensions which are Power Distance, Individualism, Uncertainty Avoidance and Masculinity.¹⁸ However only the first two are relevant to study consumer behaviour with respect to piracy. Power Distance Index refers to the extent to which a less powerful person in the society accepts inequality that exists in the society in terms of power and treats it normally. India as a country, scores high on power distance index which means that there is high inequality in the country in relation to power and wealth.⁴⁰ Therefore, in a country where power and wealth inequality is high,⁴¹ all the consumers cannot be expected to consume only authorized versions of the movies which are expensive and not affordable by all. Individualism measures the degree to which individuals perceives themselves and make decisions on the basis of their own interest rather than the collective interest.⁴² India has an intermediate score of 48 in individualism which means that it has both traits of collectivism and individualism.⁴³ The rising statistics of piracy in the last few years reflects upon the individualistic ideology of the consumers of films in India who engage in piracy and thereby disregard the efforts of the industrial stakeholders of the film industry.

These conclusions challenge the effectiveness of the current legal framework and the implementation procedures in so far as online digital piracy of the copyright content in the Indian Film industry is concerned. To a certain extent the data and the study corroborate the studies undertaken in the past on relation between copyright protection measures and rates of piracy which indicate that the former in most jurisdictions are not effective in the present times.

The data collected however only represents a small group of population. In fact there were instances when the respondents have chosen to remain silent and averted to give their opinion on a few questions due to considerations of privacy and confidentiality. Hence, due to this limitation, the inferences may differ under certain circumstances.

Conclusion

Technology in the present times is moving at a much faster pace than the law. Piracy is not a problem of the consumers; rather it is an advantage that the consumers take off the law that is silent and insufficient. Very recently, the film *Tamil Rockers* showcased the havoc that online digital piracy in films causes especially for small production houses which function with very low investment capital for producing films. Remedies in the form of statutory damages or penalties are only a minimum relief that may be justified in several of the few cases that are actually reported. Provisions under the Copyright and Technology Laws need to be strengthened to the extent that illicit streaming/downloading can be curbed at its very source of origin. Alternatively, films that are copyright protected may be made available to the viewers at their terms and convenience- this may cause comparatively a reduction in the rates of piracy. However this may cause the jurisprudential principles behind grant of copyright monopoly to the creators of the original content in films being overlooked.

Post Covid-19 pandemic, reports suggests that Telegram saw a 1092% or 11 times jump in piracy in by 29 September 2020 and the internet and mobile saw a 348% increase overall.⁴⁴ OTT Platforms lose around 50% of their subscription revenue to piracy and are losing around 30% revenue overall due to piracy.⁴⁵

The E-Commerce industry has recently resorted to Administrator Blocking- a temporary blocking of websites which provide access to copyright content. This may be adopted in so far as tackling online piracy is concerned. However, reports from other countries suggest that blocking of websites has been criticised by some as being a violation of fundamental rights.

Inspiration can also be drawn from the Music Industry in India that has been successful in curbing piracy. Music consumption habits have shifted significantly in the last decade as music piracy shifted from physical form to online storage space in the form of downloads and applications available on smart phones. People can now create their separate digital library where they can access illegally downloaded /received material and share it with others as well. One solution to this problem was provided by businesses in India that are now offering legal content at low prices or bundling goods to provide an

interesting combination of services, rendering piracy both inconvenient and unappealing. When users can get legal content at a reasonable price, they are likely to consider shifting to legitimate means. The adoption of stream-ripping technology by the music industry⁴⁶ is also a source of inspiration for the film industry to seek and adopt better technologically equipped measures that combat circumvention of copyright in copy of the film in distribution.

It is pertinent to note that Indian consumers are not used to paying for music. Although ad-supported OTT music streaming platforms have seen rapid growth, subscription-based OTT music streaming platforms are facing a challenge. In 2019, audio subscriptions increased by 18% to INR 1 billion. However, due to the prevalence of free options across all major streaming platforms as well as music availability on YouTube (according to the IFPI Digital Music Study 2019 India report, 51 percent of survey respondents preferred YouTube to OTT premium platforms, while 25% considered streaming platforms to be too costly or unaffordable), paying subscribers remained below 1%.⁴⁷

The streaming services have their own framework to compensate the artist for the work they have put in their music. Digital media websites such as YouTube and applications such as Spotify, Saavan have helped in curbing online piracy of music. These online platforms or streaming applications provide free access to the songs and users prefer these apps which directly play music from the internet rather than eating the memories of their phones. The users also tend to avoid the downloading of the songs from other pirated websites and prefer streaming them online. Even though the music industry functions differently from the Film Industry, it has adapted advanced technologies that have decreased piracy levels in the industry.

Therefore, the Indian Film Industry must take inspiration from the music industry and its model to understand ways to reduce the level of piracy in the industry. Apart from this it is also the need of the hour for the Government to step up and devise policy regulations that can balance the interests of both the content creator and content users at the same time, with the effect that the intermediaries are ruled out and the content is made to reach the consumers directly, at reasonable and affordable costs. The revenue distribution schemes may be revised in a manner that may also fulfil the interest of the content creators and content distributors equally.

Piracy may never come to an end; rather it is an inevitable evil that comes with the use of the internet and technology. However, the law can be framed in a way that it mitigates its effects- including economic and social that is felt by the production houses and distribution agencies.

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