



The Indian Journal for Research in Law and Management

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COPYRIGHT LAWS IN INDIA

-Pragya Rani

INTRODUCTION:

A budding music composer based in Mumbai works on a special music score for a new Bollywood movie. But when the piece finally comes out, he is disappointed to see it published on the Internet and finds out that it has been downloaded without his permission or any form of payment. This kind of scenario is quite frequent in India's emerging software business, where developers often find their code being pirated. In addition, many writers find themselves facing the same problems, seeing their work stolen to feed into the training of artificial intelligence (AI).

Copyright refers to the exclusive right to the work given by the government to the creator of any literary, dramatic, musical, artistic, cinematographic film, sound recording, or computer program. In other words, copyrights safeguard creativity in form rather than content. India is one such country that boasts a distinctive culture. Entertainment industry such as movies, music, publishing, software, and the internet are key areas that contribute significantly to economic growth through job generation.

The primary objective of copyright law in India is to assure authors, composers, artists and other creative people the right of their original expression while encouraging others to build freely upon the ideas and information conveyed by a work.¹ Copyright is one of the crucial aspects of creative endeavour and serves as the right which a person acquires in a work which is the result of his intellectual labour.²

Effective copyright laws will encourage innovation, economic growth, preservation of traditional knowledge, and India's compliance with its international obligations like Berne Convention and TRIPS Agreement. The Copyright Act, 1957³, amended to date by 2012 among other acts, provides the base for copyright laws in India. Copyright law in India is a powerful law for intellectual property while considering exceptions to benefit the citizens. However, protecting copyrights is faced with various challenges in light of emerging technologies, for instance, digital piracy, streaming, and artificial intelligence. This paper analyses the evolution

¹ The Copyright Act, 1957, Statement of Objects and Reasons, No. 14, Acts of Parliament, 1957 (India).

² Rajiv Dhavan, *Intellectual Property Law and the Information Age* 12 (Eastern Book Co. 2017).

³ The Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India).



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of the copyright laws in India, the provisions, enforcement, and some issues affecting the copyright industry.

II. HISTORICAL BACKGROUND OF COPYRIGHT LAW IN INDIA:

The present-day copyright laws of India can be traced back to colonial times. Copyright Act, 1914, is the first legislative act in India, which has been drafted after taking some ideas from Copyright Act, 1911, UK. During this period, the purpose of the act was limited to protect only literary works and set out basic guidelines for registering copyright. After independence, India required a new act for itself to fulfill the needs of the citizens. The first such act was Copyright Act, 1957, which was enforced on 21 January 1958.⁴ As a result of this, the ambit of the protection of copyrights became much wider. Now copyrights would not be available only for literary works but also for artistic, dramatic and musical works; cinematograph films and sound recordings.

Several amendments were made to this Act since its adoption based on the dynamic nature of the world. Some of the years when these amendments were made include 1983, 1984, 1992, 1994, and 1999. Nevertheless, the most significant amendment that was made to this Act was made through the Copyright Amendment Act of 2012.⁵

Some of the key features of this amendment were making laws in compliance with WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT). These amendments included increased protection in the digital environment, technological protection measures, rights management information, performer rights, statutory licensing for cover versions, broadcasting, and guaranteeing that fair royalties will be paid irrespective of the assignment of the copyright.⁶ There have also been exceptions added in this amendment in favour of disabled persons. Other than this, there have not been any other amendments to this statute since 2012. However, there have been some developments in recent times regarding the amendments of the rules of copyrights. Among these, Draft Copyright (Amendment) Rules, 2025 stand out. There is also a committee of experts appointed by DPIIT in 2025 that examines the effect of generative Artificial Intelligence on copyright law. This includes such issues as the ownership of AI generated content, text and data mining, among others, and may be amended in the future.⁷

⁴ The Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India).

⁵ The Copyright (Amendment) Act, No. 27 of 2012, India Code.

⁶ Zakir Thomas, *Overview of Changes to the Indian Copyright Law*, 17 J. Intell. Prop. Rts. 324, 328 (2012).

⁷ Astha Ojha, *AI & Copyright in India: Law, Policy, and the Future* (Nat'l e-Governance Div., Working Paper, 2025).



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It is quite clear that this evolution reflects how India has continuously evolved in line with the dynamics of a developing world.

III. KEY FEATURES AND PROVISIONS OF THE COPYRIGHT ACT, 1957

The Copyright Act of 1957 is a piece of legislation which offers protection to various categories of work in India. Copyright extends to original literary, dramatic, musical and artistic works; cinematographic films and sound recordings. The categories mentioned above include such items as novels, songs, films, and computer software.

Copyright includes books, computer programs, paintings, films, music records, dances, and other forms of works. In order to be copyrighted, a work must be an original creation. Ideas are not subject to copyright; however, the expression of ideas receives protection. This concept of idea-expression serves as the basis for copyright protection in India.⁸ A copyright owner is given economic rights as well as moral rights. Economic rights are granted in the form of reproduction, distribution, performance, adaptation, translation, and communication of works to the public. Moral rights protect the relationship between the author and his creation.⁹ The rights are concerned with giving authorship to the work and preventing distortion, mutilation, or modification that would otherwise damage the author's honour or reputation. These moral rights remain with the author even after economic rights have been transferred.

Normally, copyright belongs to the author or creator of the work. There are some exceptions to this rule. In case of works created under employment, it is the employer who becomes the first owner of copyright. In case of cinematographic films, the producer is considered to be the first owner of copyright.

The copyright will subsist throughout the lifetime of the author and sixty years after his/her death for literary, musical, dramatic, and artistic works. Copyright of cinematographic films, sound recording, and photographs shall continue for sixty years from the date of publication.

Copyright registration may not be mandatory, but it is very advisable. This gives prima facie evidence of ownership.

These provisions provide a legal system where creativity is encouraged, and public interest is protected.

⁸ Prashant Reddy T., *The Background Score to the Copyright (Amendment) Act, 2012*, 5 NUJS L. Rev. 1 (2012).

⁹ Arathi Ashok, *Moral Rights of Authors in India*, Indian Journal of Law and Technology (2015).



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IV. IMPORTANT AMENDMENTS AND FEATURES OF EXISTING LAW

Many important amendments had to be made in order to make sure that the Copyright Act 1957 can stay relevant regarding the rapid evolution of technology and other factors. These amendments have been made in 1983, 1984, 1992, 1994, and 1999. Basically, all the amendments have been concerned about penalty system establishment, adding computer programs as literary works, and improving copyright processes.

Nevertheless, it should be pointed out that the greatest changes have been brought by the Copyright (Amendment) Act 2012. Once this amendment was enacted, copyright law in India became compliant with the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty. This way, Indian copyright law got its contemporary aspect concerning technical protection measures and rights management information in a digital environment. Furthermore, the Copyright (Amendment) Act 2012 helped improve such things as rights of performers, statutory license for cover versions and broadcasts, as well as compensation of authors, composers, and lyricists regardless of the economic assignments. It means that Copyright (Amendment) Act 2012 eliminated some inequality in the music and film industries.¹⁰

Since then, there have been no significant changes in the legislation, but there have been other notable events that have influenced modern copyright law. The amendments to the Copyright Rules have been aimed at enhancing the licensing process and the system of collecting digital royalties. At the same time, the authorities of the country have begun to consider the problem of generative artificial intelligence, including issues such as ownership of AI works and copyright infringement when training AI. One of the most topical areas is the proper balance between innovating in terms of AI technology and defending the interests of creators. In addition, expert commissions have considered the idea of introducing certain provisions related to AI creations, exceptions for text and data mining operations, and the possibility of compulsory licensing for artificial intelligence platforms with payment of royalties.

However, there is room for improvement with regard to enforcement, especially in dealing with issues related to cyber piracy and the role of intermediaries.

The above-mentioned legislation illustrates how India tries to find a delicate balance between helping creators in the digital era and fostering innovation.

¹⁰ Zakir Thomas, *Overview of Changes to the Indian Copyright Law*, 17 J. Intell. Prop. Rts. 324, 328 (2012).



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Despite this, there are still lacunae in the realm of enforcement, particularly with regards to the fight against piracy on the Internet and determining the duties of intermediaries.

Thus, this legal regime is an example of the Indian government's attempt to achieve a delicate balance between protecting creative works in a digitalised age while encouraging innovation and creativity.

V. COPYRIGHT INFRINGEMENT, EXCEPTIONS, AND REMEDIES

A copyright infringement is an act performed by any person, whereby he or she commits any action that can be exclusively exercised by the copyright owner without his or her permission. Such acts include reproducing, distributing, performing publicly, adapting, translating, or communicating the copyrighted work to the general public. In the era of technology, infringement has been facilitated even more with the help of piracy online, illegal streaming, file-sharing sites, and social media platforms.

There exist numerous exceptions provided under Section 52 of the Act in order to promote the notion of "fair dealing" with the copyright material. Such actions include making use of the copyrighted work for one's own personal or private use, for research or study, criticism and review, reporting of current events, or educational purposes.¹¹

In instances of copyright infringements, both civil and criminal actions can be taken according to the provisions of the Copyright Act. Civil actions include injunctions (either temporary or permanent), compensations in the form of damages or accounting for profits, and seizure and destruction of copies. If need be, courts can issue Anton Piller Orders to allow searchers to perform unexpected search operations. The criminal sanctions provided under this law are very stringent, involving prison sentences ranging from six months to three years as well as fines.

Despite the efforts made by institutions like the Copyright Office, police, and Intellectual Property (IP) Divisions in the High Court, enforcement continues to be a problem within the country due to the huge number of digital copyright violations. Judicial decisions have progressively recognized the economic impact that piracy has on the creative industry.

One of the important dimensions in the modern era is the emerging issue of liability of intermediaries. Courts are now passing dynamic injunctions that enable copyright owners to

¹¹ Copyright Act, No. 14 of 1957, §§ 52, 55, 63–70, India Code.



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take effective action against mirror sites.¹² Nevertheless, there is a strong debate on the need for more clarification with regard to safe harbour clauses as well as the liabilities of ISPs in combating copyright infringement.

In summary, while the law has been successfully developed in terms of dealing with the issue of infringement, the effectiveness of the same will largely depend on faster court procedures and technological capacity-building.

VI. DIFFICULTIES AND PROGNOSIS

Despite its sophisticated legislation system, there are several difficulties in enforcing the copyright laws in India. Internet piracy is widespread, leading to losses of revenue in the movie, music, and publishing industry. Moreover, enforcement is quite complicated because of the easy accessibility to copyright material. Lack of awareness among people and prolonged judicial procedures often make people refrain from taking actions.

Another serious issue that is connected with the problem in question is the discrepancy between laws and their practical implementation. Even though the Copyright Act was amended in 2012, enforcement still suffers from poor infrastructure, inadequate training provided to law enforcement agencies, and insufficiently funded copyright cells. The development of generative AI presents additional challenges associated with determining who owns the content produced by AI, the fair use of AI technology trained with copyrighted material, and transparency of AI algorithms.

As for the future, India stands on the crossroads of development when it comes to the country's copyright regulation. In particular, experts predict that future copyright law changes will take into account the needs of digital and AI ecosystems more thoroughly. Among other things, the introduction of specific provisions regarding text and data mining and copyright regulations, authorship in the sphere of AI, and collective management are among the key areas of change.

Furthermore, the importance of using blockchain technology in order to ensure registration and payment of royalties will become increasingly more important. It has become vital for India to strike a balance in its future copyright act, taking into consideration the trends at the international level, as well as the unique socio-economic conditions of the country. Encouragement of digital literacy, fast dispute resolution in Intellectual Property courts, and prevention of piracy at the international level are just some of those.

¹² M.P. Ram Mohan, *Copyright Law in India*, in *Copyright Law in India* 245, 245–67 (LexisNexis 2020).



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VII. CONCLUSION

Copyright law in India has come a long way from its early formative stages under the colonial rule to develop into a modern legal regime that can cope with current-day challenges. As evidenced by the 2012 amendment to the Copyright Act, 1957, the current copyright law of India represents an equilibrium between protecting the rights of creators and ensuring public access to their works. With provisions covering both economic and moral rights, as well as providing fair dealing exemptions and enhanced protection of copyrighted content in the digital domain, this legislation aims at stimulating creative output.

At the same time, any copyright system is efficient only when properly enforced. Such issues as wide-spread online piracy, inadequate enforcement, and new complications related to the application of copyright laws to artificial intelligence products are some of the challenges the Indian regime will need to overcome.

Given that India plans to become the leading country in the world when it comes to creative economy and digital economy, then it will become extremely significant for India to take up a forward-thinking approach when it comes to developing its copyright law. Indeed, any future amendments made to this law should aim at striking a fine balance between protecting original works and ensuring innovation in new technologies like AI while also making sure that information is available cheaply for everyone.

Surely enough, a soundly functioning and constantly evolving copyright law can serve as an excellent catalyst for cultural and economic success in modern-day India.