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INTELLECTUAL PROPERTY IN THE DIGITAL AGE

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ABSTRACT

The rapid growth of digital technology has transformed the way ideas, information, and creative works are created, shared, and accessed. Intellectual Property (IP) plays a crucial role in protecting the rights of creators, authors, artists, inventors, and businesses in the digital world. However, the internet has also increased challenges such as online piracy, copyright infringement, plagiarism, and the unauthorised use of digital content. Social media platforms, artificial intelligence, and digital marketplaces have further complicated the protection and enforcement of intellectual property rights. This article explores the importance of intellectual property in the digital age and examines the legal challenges associated with protecting original creations online. It also highlights the role of intellectual property laws in encouraging innovation, creativity, and technological development. Understanding these rights is essential to maintaining a balance between protecting creators and ensuring public access to knowledge. Ultimately, effective legal frameworks and responsible digital practices are necessary to safeguard intellectual property in an increasingly interconnected world.

INTRODUCTION

Intellectual Property in the digital era or age, is really important, as it is needed for the digital safety for our pictures, songs, poetries, original work as well as business or confidential information circulating through AI (Artificial Intelligence). It faces significant challenges in the digital age and transformations due to instant sharing, artificial intelligence and global reach. The rapid growth of digital technologies has led to an evolution of Intellectual Property rights in this digital era like: Copyright, Patent, Trademark and Trade Secrets.

Intellectual Property Rights are something which governs your personal and private information.

A teenager posts a viral dance video online, but a brand uses it in an ad without permission. An artist in a small town creates digital art, only to find it copied across websites. These aren't just internet drama; they show why digital intellectual property matters. The digital age has flipped how we create, share, and protect ideas.

MAJOR CHALLENGES

1. AI (Artificial Intelligence): AI bots trained on public data, often use copyrighted text, art, or work without clear permissions.
2. Digital Piracy: The ease of copying and sharing files, leads to spread of unauthorized sharing of music, movies, and confidential work materials. Piracy is a headache. A Bollywood movie hits hours after release. The Indian Copyright Act's 2012 amendments allow courts to block pirate sites, but pirates keep popping up as seen in ¹[UTV Software v. 1337x](#).
3. Blurry Ownership: Unauthorized person's content on social media networks makes it hard to track who owns and profits from viral media.
4. Deepfakes and Right of Publicity: Advanced tools help in the creation of realistic, unauthorized digital replicas of a person's voice, face, or photos, exploiting their personal identity without consent.

IMPACT OF DIGITAL TECHNOLOGY ON IP

Technology is moving fast, and it's putting real pressure on intellectual property rights. Digital files are easy to store, copy, and share, and that ease has led to an increase in piracy, and misuse.

This issue is not within one country, it is showing up everywhere, which is leading to a great confusion between the right holders and those who regulate it.

Artificial intelligence has added a whole new layer to this problem. Because AI bots are trained on many types of contents available nowadays, they end up using copyrighted material or an individual's data without even asking permission.

¹ UTV Software Communication Ltd. v. 1337X.to, 2019 SCC Online Del 8002

The ²[Anil Kapoor v. Simply Life India case](#) is an example of this. There, deepfake technology was used to put Anil Kapoor's face on someone else for an advertisement, without his consent. That wasn't just a violation of his personality rights; it also amounted to an infringement of IP.

Intellectual Property in the digital age is a major obstacle, due to the ease of oversharing of digital content, making piracy easier. In this digital world, everything is easy to access from online apps and websites. In the case of intellectual property, it includes copyright, patent, trademark, and design. The author faces piracy issues, particularly in the music, film, gaming, and software industries. Even after having the copyright of the IP, there is nothing to control online piracy. The challenges in intellectual property rights are virtual world infringement, etc.

ROLE OF TECHNOLOGY IN IP PROTECTION

Technology is important in protecting IP rights, from digital watermarking to artificial intelligence kind tools:

1. Digital watermarking: Digital watermarking is a hidden signature in your digital content and detects unauthorized use.
2. Artificial Intelligence (AI) and Machine Learning: AI tools can detect and prevent IP infringement by catching large amounts of data and identifying patterns. They also help predict threats and reduce illegal content usage.

ACTS UNDER INTELLECTUAL PROPERTY

1. ³Patents Act, 1970:

The Patents Act (as amended) governs patent rights in India. Patents protect technical inventions like products or processes. A patent, once granted, gives the inventor an exclusive right to prevent others from making or using the invention without permission for a 20-year term from the filing date. But the inventor must fully disclose the invention in the patent application. Even though some things are not patentable in India like: software's or algorithms.

² Anil Kapoor v. Simply Life India & Ors., CS(COMM) 652/2023

³ Patents Act, 1970

Enforcement of patent rights is through civil litigation wherein, patent owners can sue infringers, in courts or commercial courts and seek remedies like injunctions and damages. Overall, India's patent system brings a balance between encouraging inventors and preventing misuse or any kind of infringement.

2. ⁴Copyright Act, 1957:

Copyright law in India protects original works such as literary, artistic, musical and cinematographic works, computer software etc. Unlike patents, copyright arises automatically as and when an original work is created. The owner of the original work gets exclusive rights to reproduce the work, distribute copies, communicate it to the public, or translate it, etc., and can authorize or license others to do so. The term of copyright is the owner's lifetime plus 60 years in India.

The objective of copyright is to encourage creativity and protect authors and artists by ensuring that they can control and monetize their works. Copyright not only rewards creators but also benefits society by promoting a rich culture. Unfortunately, this act still doesn't contain AI, upon which debates are still ongoing.

3. ⁵Trademark Act, 1999:

It is an Indian law that governs the registration, protection, and legal enforcement of trademarks for goods and services. It protects digital logos and names from misuse and frauds. It gives a right to the owner and differentiates the product from other products or businesses. Trademark is an asset for the owner and protects their brand and gives a right to the owner to use words, slogans or logos, etc. It replaced the older Trade and Merchandise Marks Act of 1958 to match international intellectual property standards.

DIGITAL IP

Digital intellectual property covers creations like videos, music, software, or designs shared online. In India, the Copyright Act, 1957, protects digital works like e-books or songs. IP rights online ensure creators control their work, even on platforms like YouTube. These laws decide who profits from a viral meme or a streaming hit.

⁴ Copyright Act, 1957

⁵ Trademark Act, 1999

For instance, when we upload any dance related reel on YouTube, for some specific songs only it shows a copyright claim, this is because the music production or the singer has made a registration for his lyrics, voice, or song, and monetisation, which means that, whatever money you earn through that video will be directly given its sole owner, the singer himself, or the production house.

Businesses often patent their company's logo, taglines, product names, designs, software's etc, so as to prevent others from using it illegally. For example, Amazon India holds a patent called 1-Click® ordering system, which allowed customers to complete a purchase on Amazon using a single action because the system automatically retrieved stored payment and shipping information.

Artificial intelligence and digital rights management tools can be used to stop infringement and prevent piracy, however controlling IP has become more challenging due to the availability of digital content distribution and duplication. In the end, managing intellectual property in the digital era requires a cooperative strategy that combines technological and legal answers.

LEGAL TOOLS FOR PROTECTING DIGITAL CREATION

- Copyright Laws: Copyrights protect original works. A Hyderabad vlogger's video gets copyright under the Copyright Act, 1957, stopping others from reusing it without permission. Copyright in the digital era gives creators legal power to fight theft.
- Trademarks Online: Trademarks guard brands. A Jaipur startup's logo gets copied on a fake website. The Trademarks Act, 1999, protects digital logos and domain names. A ⁶[Yahoo v. Akash Arora](#) ruling showed courts cracking down on online trademark theft. IP rights online help businesses keep their identity safe.
- International Agreements: Global laws help too. The WIPO Copyright Treaty, 1996, protects digital works across countries and updates copyright law for the digital age. India's part of it too.

WHY DIGITAL IP MATTERS TODAY?

- Empowering Creators

⁶ Yahoo Inc. v. Akash Arora & Anr. 1999 IAD Delhi 229; 78 (1999) DLT 285

IP laws give creators control. A 2024 WIPO study said 65% of digital artists rely on copyright to earn a living. In India, cases like ⁷[Krishika Lulla v. Shyam Vithal Rao](#) upheld filmmakers' rights famously called the 'Desi Boys case'. Digital intellectual property lets creators thrive.

- Driving Innovation

Strong IP laws spark new ideas. Protecting digital creations encourages coders and artists to take risks, knowing their work is safe.

- Inspiring Law Students

Digital IP excites students. Cases like ⁸[Dabur India Limited v. Ashok Kumar & Ors.](#), tackling online counterfeits, show law's role in the digital world. Studying copyright in the digital era prepares students to fight for creators and shape technology's future. It's law that powers progress.

THE SHIFT FROM CONTROLLING COPIES TO CONTROLLING ACCESS

Traditionally, copyright law was built with an idea of a physical or fixed copy wherein we owned rights over each book printed, each record pressed, each film reel distributed. In the digital age, content can be copied infinitely at zero cost, so lawmakers pivoted to protecting access rather than copies through mechanisms like:

- DRM (Digital Rights Management)- It involves encrypting content, so that only authorized devices or accounts can open it.
- Licensing over ownership- When you "buy" a Kindle book, you don't actually own it. You're just paying for permission to use it and that permission can be taken away. You can't resell it. You can't lend it to a friend like a physical book. If the company shuts down its servers, cancels your account, or loses the rights to that content, you can lose access, even after paying full price. So legally, you're not a buyer of property. You're a renter with a long-term pass; the company still controls whether you keep access.

CONCLUSION

⁷ [Krishika Lulla & Ors. v. Shyam Vithalrao Devkatta & Anr.](#) (2016) 2 SCC 521

⁸ [Dabur India Limited v. Ashok Kumar & Ors.](#), CS(COMM) 135/2022)

The digital age did not merely change how content is shared; it changed how IP Law is seen in this era. IP law focuses on controlling copies. Today IP law is about controlling access. It uses licenses of ownership instead of only rules that forbid copying. This change gives creators and companies a control and new ways to earn money. IP law, in the age has moved from protecting "what you created" to protecting "how tightly you can control who gets to use it." This shift redefines ownership, access and fair use in the century.

The digital age has changed the Intellectual Property Rights, shifting from traditional laws to online like: AI (Artificial Intelligence), Digital Piracy and International or global IP. In conclusion, Intellectual Property Rights act as an important aspect that balances legal protections for creators with the broader progress of society. It promotes innovation, boosts economy, protects culture and fosters a balance between needing laws to stop the theft and at the same time keeping knowledge open and fair to the public.

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