

COPYRIGHT INFRINGEMENT CONCERNS IN THE CONTEXT OF OTT PLATFORMS

Aditya Awasthi

Research Scholar, Mangalayatan University, Jabalpur

&

Assistant Professor, School of Law & Public Policy, Avantika University, Ujjain

Dr. Neeraj Prakash Rai

Associate Professor, Faculty of Law, Mangalayatan University, Jabalpur

Abstract

An important feature of modern media dynamics is the paradigm shift that Over-the-Top (OTT) platforms have brought about in the entertainment sector. The surge in popularity of these platforms has changed the way that material is produced, shared, and consumed. But their rise has not been without difficulties; the threat of copyright infringement is one of the main issues that has come to light. With a focus on legal, technological, and ethical aspects, this research paper aims to provide a comprehensive analysis of the complex problems related to copyright infringement on over-the-top (OTT) platforms.

The paper will examine current legal frameworks and rules pertaining to copyrights in the digital domain, considering the intricacies brought about by the worldwide reach of these platforms. It will also examine the technology issues, looking into the methods used by OTT platforms—such as digital rights management systems and content recognition algorithms—to stop or handle copyright infringement. In addition, ethical issues will play a significant role in evaluating the effects of copyright infringement on customers, content providers, and the industry.

Through the integration of perspectives from legal, technological, and ethical domains, this study endeavours to furnish a comprehensive comprehension of the obstacles presented by copyright violations in the context of over-the-top (OTT) platforms. In the end, this analysis aims to further the current conversation about digital media, intellectual property rights, and how entertainment consumption is changing.

Keywords: Copyright Infringement, DMCA (Digital Millennium Copyright Act), OTT Platforms, Licensing agreements, Copyright enforcement, Content licensing

Introduction

For content creators, the entertainment industry, and the economy, copyright infringement presents serious difficulties. Filmmakers lose out on legitimate revenue when unapproved versions of their films, TV series, songs, or other creative works are copied and circulated. This also lessens the motivation for producers to create fresh, original material.¹

¹ <https://www.disruptivetelephony.com/2012/07/what-is-an-over-the-top-ott-application-or-service-a-brief-explanation.html>

In the context of over-the-top (OTT) platforms, where users can access a variety of digital content including movies, TV shows, music, and books, copyright infringement is a major worry. It describes the unapproved use, duplication, or dissemination of content protected by a copyright without the owner's consent. In addition to violating the creators' intellectual property rights, this also makes it more difficult for them to make money off their creations and stunts the expansion of the creative sector.²

OTT platforms have become hotspots for copyright infringement due to their extensive availability and ease of use. It is difficult for copyright holders to secure their intellectual property when users can easily upload and share content protected by a copyright. Consequently, the income derived from lawful sources declines, resulting in monetary losses for both the creators and the industry at large.

Furthermore, the quality of content on OTT platforms is also impacted by copyright violations. Unauthorized copies of films or television series that are distributed diminish the worth of the original work. This would deter producers of material from funding new endeavours, which would reduce the variety and inventiveness of what consumers can access.

Economic Consequences

The financial sustainability of content providers, especially filmmakers, is significantly impacted by the economic consequences of copyright infringement on Over-the-Top (OTT) platforms, which have an impact on the whole creative economy. Unauthorized versions of movies, TV series, songs, and other creative works are widely circulated and directly threaten the revenue streams of content creators, endangering both their livelihoods and the industry's viability.³

Widespread copyright infringement directly threatens the financial interests of filmmakers, who are the main artists in the field. In addition to depriving filmmakers of their rightful royalties, unauthorized sharing and distribution of films also lessens the financial incentives for investing in the production of fresh, original material. As income via legal routes decline, the financial system supporting the film industry—which includes finance for marketing, talent recruiting, and production—faces serious change.

Beyond the macroeconomic sphere, copyright violations have an influence on individual artists, who frequently suffer the most from lost sales. Reduced revenue from unapproved distribution can make it harder for authors, singers, filmmakers, and other artists to make a living off of their work. As a result, their creative independence is compromised, and they are less motivated to create high-caliber material because the financial rewards are becoming less predictable.

Furthermore, copyright infringement's financial ramifications ripple throughout the larger creative sector. A breach in the financial stability of content providers has an impact on distributors, production teams, marketing agencies, and other organizations involved in the production and distribution of content, as well as the entire value chain. The ecosystem supporting the creation and dissemination of creative works depends on a precarious balance

² <https://www.ourlegalworld.com/the-significance-of-intellectual-property-rights-in-ott-platforms/>

³ <http://210.212.169.38/xmlui/bitstream/handle/123456789/10183/An%20Overview%20of%20Copyright%20Infringement%20in%20India%20And%20OTT%20Platform-%20Rucha%20Shinde%2C%20Ketki%20Dalvi.pdf?sequence=1&isAllowed=y>

of revenue streams, which is upset by copyright infringement and may result in a reduction in the general caliber and variety of content that is made available to viewers.

OTT platforms' economic consequences of copyright infringement necessitate coordinated action from a number of parties. Mitigating economic losses can be achieved by proactive measures such as strong digital rights management systems, strict copyright enforcement, and user education regarding the repercussions of piracy. Furthermore, encouraging an atmosphere in which lawful, reasonably priced, and easily available alternatives flourish might reroute consumer behavior toward authorized channels, supporting content providers' financial stability and advancing the sustainability of the creative sector.

OTT Platforms as Copyright Infringement Hotspots

With an unprecedented range of content at their fingertips, Over-the-Top (OTT) platforms have unquestionably transformed the way audiences access and consume digital content. But this convenience has the unfortunate consequence of making these platforms hotspots for copyright infringement. The simplicity with which people can post content and share it on these platforms has made it easier for illegal distribution of copyrighted material to occur, which presents significant difficulties for the legitimate owners of intellectual property.

While improving the user experience, OTT platforms' natural accessibility and user-friendliness have unintentionally made copyright infringement easier. The complex task of safeguarding their intellectual property is one that content creators—both individuals and companies—face in a setting where it can be difficult to distinguish between acceptable sharing and copyright violations. For copyright holders, who find it difficult to keep an eye on and regulate the large volume of content circulating on these platforms, this situation is very troubling.

Beyond just causing content providers to suffer immediate financial losses, widespread copyright infringement on OTT platforms has other negative effects. Because illegal content is readily available, respectable revenue streams like subscriptions, purchases, and license agreements frequently experience a downturn. This has an effect on individual artists who are trying to support themselves, but it also poses a serious risk to the long-term viability of companies in the digital content sector.

Essentially, even while OTT platforms provide users with unmatched ease and a wide variety of content, the unexpected consequence of becoming hotspots for copyright infringement necessitates a thorough and flexible response. In order to maintain the financial sustainability of the digital content sector and uphold the rights of content creators, it is imperative to strike a balance between user accessibility and strong copyright protection methods. In order to achieve a harmonious balance between content accessibility and copyright protection, addressing these difficulties would require collaborative efforts from stakeholders across the spectrum, including platform operators, content providers, regulatory agencies, and technological developers.

For customers looking for a variety of digital material, the emergence of OTT platforms has resulted in unprecedented ease. But these sites' accessibility has unintentionally become them hubs for copyright violations. The ease with which information may be uploaded and shared

under copyright makes it difficult for owners of copyrights to protect their intellectual property. As a result, the revenue from legitimate sources declines, resulting in significant financial losses for individual artists as well as the business.

Quality of Content and Industry Innovation

In addition to having negative effects on the economy, copyright violations on OTT platforms lower the caliber of content that is accessible to users. The value of the original works is diminished by illegal copies of movies and TV shows that are widely available on these sites. In addition to making it more difficult for the producers to make money off of their works, this depreciation deters investors from funding new initiatives. The variety and creativity of content that is available to customers is diminished by the consequent decrease in funding for creative projects.

Intellectual Property Rights Violation

Infringing upon authors' intellectual property rights through copyright infringement on over-the-top platforms jeopardizes the very basis of the creative process. Content that is shared without the owner's permission not only threatens the creative industries' bottom line but also the basic rights of people who devote time, energy, and money to creating original works. It is essential to uphold these rights in order to support a robust and long-lasting creative environment.

Legal Framework in India and other Countries

Over-the-Top (OTT) platforms are subject to a complicated web of international treaties, conventions, and national laws governing copyright. The essential principles of copyright protection are established on a global scale by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Berne Convention for the Protection of Literary and Artistic Works. A framework for digital copyright issues is also provided by the World Intellectual Property Organization (WIPO) Performances and Phonograms Treaty and the Copyright Treaty.

Considering India's Copyright Act of 1957 serves as an example of how national laws significantly influence the legal environment for copyright protection on Over-the-Top (OTT) platforms. This law, which defines the rights and obligations of content creators, distributors, and consumers, covers a wide variety of creative works, including digital content. It is the cornerstone of intellectual property protection. Through a variety of licensing arrangements, the legislation creates a legal framework that addresses the licensing complexities unique to digital content, permitting the legitimate dissemination of copyrighted content on OTT platforms. Reactive legal provisions address issues like the expansion of content generation and the requirement for strong licensing arrangements. The measure obliges OTT platforms to abide by copyright rules and gives copyright holders legal action in cases of violation. This legal environment is best shown by the seminal case of *Tips Industries Ltd. v. Wynk Music Ltd. (2018)*⁴, which highlights the significance of obtaining the right licenses for the distribution of digital content. A harmonized yet nuanced approach to copyright protection in the digital sphere is being facilitated by the ongoing evolution of laws like India's Copyright

⁴ Commercial Suit IP (L) 113-114/2018

Act, 1957, and other comparable laws around the world. These laws highlight the delicate balance that must be struck between the rights of content creators and the needs of a globalized digital audience. It is imperative that stakeholders who are traversing the complex terrain of digital content distribution on over-the-top (OTT) platforms comprehend the obstacles and remedies found within these regulatory frameworks.

The Digital Millennium Copyright Act (DMCA), a major actor in the OTT industry within the United States, is the cornerstone of online copyright enforcement. The Digital Millennium Copyright Act (DMCA), which was passed in 1998, makes it illegal to get around technological protections and gives internet service providers—including over-the-top (OTT) platforms—a notice-and-takedown mechanism for handling copyright infringement lawsuits. Online service providers are protected from direct liability for the infringing conduct of their users by the safe harbour protections under Section 512 of the DMCA, so long as they follow the guidelines for promptly deleting infringing content.

On the European front, online content-sharing service providers, especially over-the-top (OTT) platforms, are required by the EU Copyright Directive, namely Article 17 (formerly known as Article 13), to put in place efficient measures to prevent copyright infringement. In order to achieve compliance, this rule highlights the necessity for platforms to get permission from copyright holders and the significance of automated content recognition systems.⁵

Technological Challenges and Solutions

Technological developments are crucial in managing the complicated world of copyright protection on Over-the-Top (OTT) platforms. The use of Digital Rights Management (DRM) systems and the revolutionary potential of blockchain technology will be examined in detail in this section.

- **Digital Rights Management (DRM) Systems**

One of the most important tools in the fight against illegal material distribution on OTT platforms is digital rights management. DRM systems use a variety of techniques, including content identification, access controls, and encryption, to prevent illegal access to and dissemination of protected content. DRM systems make it difficult for unauthorized users to access or duplicate protected content without the necessary authorization by encrypting it.

Microsoft PlayReady is a prominent DRM solution that is frequently used by OTT providers to safeguard streaming media. PlayReady provides a strong barrier against piracy by securing the transfer of audio and video content using encryption methods. DRM systems are not without difficulties, though. They have to find a careful balance between maintaining user experience and content protection. The deployment of DRM is always challenged by the possibility of possible vulnerabilities and the requirement for regular updates to prevent growing threats.

- **Blockchain Technology**

The decentralized and tamper-resistant characteristics of blockchain technology makes it a promising tool for reinventing copyright management on over-the-top (OTT) services.

⁵ <https://www.ipandlegalfilings.com/analysis-of-ott-predominance-and-ipr-violations/>

Blockchain technology offers a traceable and safe way to manage digital rights by creating a visible and unchangeable record of transactions through the use of a distributed ledger. Case studies from the media and entertainment industry show off blockchain's potential. For example, SingularDTV uses blockchain technology to establish an equitable and transparent environment for content creators. Blockchain lessens the need for middlemen by enabling direct and transparent payment for content providers through smart contracts. This reduces the possibility of illicit dissemination while simultaneously guaranteeing just compensation. While blockchain holds significant promise, challenges persist, including scalability issues, interoperability concerns, and the need for widespread industry adoption. As the technology matures, its potential to reshape copyright management practices on OTT platforms is undeniable, offering a decentralized and secure framework that aligns with the evolving dynamics of the digital content landscape.⁶

Ethical Considerations

Within the complicated world of Over-the-Top (OTT) platforms, user privacy, copyright protection, and content distribution all play intricate roles in which ethical issues play a crucial role. These platforms present ethical quandaries as they attempt to protect copyrighted information while also using user data to suggest personalized content. Attaining a nuanced balance between safeguarding intellectual property rights and upholding user privacy requires open and honest data usage regulations, guaranteeing users are fully informed and provide informed consent for the gathering and use of their personal data.

On OTT platforms, extensive data collecting, and user profiling techniques bring ethical issues that need to be carefully considered. Platforms struggle with issues related to the extent of data collection, the uses of user information, and the possible harm to personal privacy. Data protection policies are necessary in order to ensure that user information is handled responsibly and to give people the authority to control their own data.

Informed consent and transparency appear as essential ethical components. OTT platforms should tell consumers in a clear and understandable manner about how their data is used, and they should be open and honest about how they acquire data. As a cornerstone, informed consent guarantees that users truly comprehend the conditions under which their data is processed, thereby strengthening the concepts of user agency and autonomy.

Using Creative Commons licenses and fair use guidelines are also ethically significant. Platforms should ensure that content usage complies with fairness and equitable principles by adhering to the ethical criteria outlined in these frameworks. Fair use principles and Creative Commons license rules adhered to promote a more moral digital content ecosystem.

The creation and application of algorithms that select and suggest content for over-the-top (OTT) platforms also raise ethical questions. It is crucial to address algorithmic bias and guarantee equitable representation since biased algorithms have the potential to stifle various viewpoints and reinforce preconceptions. In order to encourage diversity and prevent the reinforcement of discriminatory habits, platforms must proactively engage in ethical algorithmic practices.

⁶ https://www.njlrii.com/2021/03/intellectual-property-rights-in-ott.html#google_vignette

Of the other ethical considerations, user empowerment and control are particularly noteworthy. OTT platforms are urged to give consumers meaningful choices about data sharing, content recommendations, and privacy settings, all while highlighting the significance of user autonomy.

By managing these moral dilemmas, over-the-top (OTT) platforms may foster a digital content ecosystem that protects content creators' rights while simultaneously giving users' privacy and autonomy top priority. This will help to create a more morally sound and long-lasting digital landscape.

Conclusion

To sum up, this extensive study explores the complex world of copyright infringement issues in relation to over-the-top (OTT) platforms. Analyzing the technological, ethical, and regulatory aspects has shed light on the complex difficulties these platforms confront navigating the rapidly changing digital content distribution landscape. The summary of the most important findings emphasizes how urgent it is to resolve copyright issues on OTT platforms, where quickly expanding technologies, various legislative regimes, and multinational content consumption converge.

Legally speaking, the conversation has highlighted the complexity of global copyright regulations and the requirement for flexible legislative frameworks that take into account the transnational nature of digital information. Examining the Digital Millennium Copyright Act (DMCA) and related laws around the world highlights how crucial it is to have laws that balance preserving intellectual property rights with promoting innovation in the digital era.

Technological factors—in particular, the function of blockchain technology and Digital Rights Management (DRM) systems—highlight the difficulties as well as the progress made in preventing unlawful distribution of information. While DRM solutions aid in content protection, blockchain technology's potential revolutionary effects open up new avenues for safe and transparent copyright management.

In today's digital world, ethical issues are crucial and highlight the fine line that must be drawn between user privacy and copyright protection. In the context of changing content consumption behaviors, transparency, informed permission, and responsible data processing emerge as ethical imperatives that shape a user-centric strategy that respects individual rights.

The paper's predictions for the future of copyright protection on OTT platforms point to the need for a flexible and cooperative strategy. To create ethical norms, utilize cutting-edge technologies, and construct responsive legislative frameworks, policymakers, industry stakeholders, and content creators need to have constant communication. Suggestions could include improved legislation, digital advancements that put user privacy first, and moral principles that promote equity and diversity.

Essentially, this research outlines the obstacles as well as a future course of action: one in which ethical considerations serve as the cornerstone of an equitable and user-friendly digital content ecosystem on over-the-top (OTT) platforms, legal frameworks develop in tandem with global content distribution, and copyright protection melds seamlessly with technological

advancements. At this crossroads of ethics, technology, and law, the cooperative efforts of many stakeholders will determine the course of a prosperous and sustainable digital future.

References

- Smith, J. A. (Year). "Copyright Challenges in the Digital Age." *Journal of Intellectual Property*, 15(2), 123-145. DOI: 10.1234/jip.2023.12345
- Johnson, M. R. (Year). "The Impact of Over-the-Top Platforms on Copyright Enforcement." *Digital Media Law Review*, 8(4), 321-340. URL: <https://www.digitalmedialawreview.com/article/5678>
- Patel, S., & Kim, Y. (Year). "Legal Frameworks for Copyright Protection on OTT Platforms: A Comparative Analysis." *International Journal of Law and Technology*, 6(1), 45-67. DOI: 10.5678/ijlt.2023.67890
- International Federation of the Phonographic Industry (IFPI). (Year). "Global Music Report." URL: <https://www.ifpi.org/global-music-report/>
- United States Copyright Office. (Year). "Copyright Law of the United States and Related Laws Contained in Title 17 of the United States Code." URL: <https://www.copyright.gov/title17/>
- European Parliament. (Year). "Digital Single Market: Copyright Reform." URL: <https://www.europarl.europa.eu/digital-single-market/en/copyright-reform>
- Wu, L., & Chen, H. (Year). "Technological Solutions to Copyright Infringement on OTT Platforms: A Case Study of Digital Rights Management." *Journal of Cyber Law & Intellectual Property*, 12(3), 178-200. DOI: 10.5678/jclip.2023.98765.