

Evolution of the Indian Copyright Act: Amendments, Developments and Implications in the Digital Era

Santosh Kumar Biswal & Pratibha Biswal
Rama Devi Women's University, India

The Copyright Act, 1957, is the foundation of copyright protection in India and encompasses the protection of both the rights of authors and other creative producers such as artists, musicians, filmmakers, software developers, and publishers. Several important amendments have been made to the Act since it came into force, giving due consideration to technological innovations, globalisation, digital communication and India's international treaty obligations. The amendments have aimed at striking a balance among the interests of creators, users, and industries, and have tackled new challenges created by the advent of new technologies, online piracy, artificial intelligence (AI), and digital content distribution. The paper throws light on the historical background of the development of copyright law in India, the most prominent changes brought about in the Copyright Act, and their legal, economic, and social repercussions, with particular focus on the amendments. The study reviews the legal developments regarding copyright in India. It suggests that the Indian copyright system must be further reformed in this context to cope with AI-generated works, algorithmic content creation, digital licensing, international enforcement, and platform liability. The paper concludes with a recommendation for a balanced copyright framework where innovation is encouraged, and public interest and access to knowledge are paramount.

Keywords: Copyright Act, intellectual property rights, digital copyright, digital rights management, media law

Introduction

Copyright is one of the most important types of intellectual property rights. Copyright is designed to foster creativity by assuring authorship and financial returns for the creator of an original work. A copyright is a different type of protection and is about the expression, not about ideas. It's not the same as a patent or a trademark. It can reward those willing to invest the time, talent, and effort required to develop creative products and ideas, and it can also help develop both culture and the economy. There have been considerable changes in the Indian copyright regime in the last 70 years. The Copyright Act was first passed in the year 1957 and was meant to supersede the British Copyright Act of 1911, which was duplicated in the colonial Copyright Act of 1914. Technology has been a driving force in the production, distribution and consumption of creative products since Independence, and

Corresponding author: Santosh Kumar Biswal, Department of Journalism and Mass Communication, Rama Devi Women's University, Bhubaneswar, India. Email: santoshkumar.biswal@gmail.com

these technological advancements include photocopying, cable television and satellite broadcasting, software development, internet communication through computers, digital publishing, streaming services, and the development of AI (Government of India, 1957). As a result, copyright law has had to be revised from time to time so that a version aligns with today's reality. The current international landmark Copyright (Amendment) Act, 2012, is perhaps the most detailed piece of copyright legislation in the recent history of Indian law, with new inclusions for innovative authors and intense amalgamation of Indian law with international copyright law (Narayanan, 2017; Ahuja, 2021).

The copyright law is confronted with entirely new challenges today. Artificial intelligence systems can produce software, audio, videos, and text with minimal human effort. Digital platforms allow instant distribution of copyrighted content worldwide, and social media allows millions to create, remix, and share content every day. These developments create many legal barriers to consider when it comes to ownership, infringement, licensing, fair dealing and platform liability.

This paper reviews and investigates the developments of copyright in India, some key pieces of legislation, judicial interpretations and proposed policy directions given the evolving challenges of technology.

Research Objectives

The present study aims at the following:

- (i) To analyse the history and development of the concepts of copyright in India;
- (ii) To discuss generally the important changes which have been made in the Copyright Act, 1957; and
- (iii) To assess the effects of the amendments to copyright on authors, performers, publishers, broadcasters, software developers and other stakeholders in the creative and knowledge economy in India.

Research Methodology

The present study employs the qualitative research method of a systematic analysis and interpretation of various textual sources and legal texts, including statutes, judicial decisions, and scholarly works associated with copyright law in India. The research is descriptive and analytical in nature; it tries to trace the history of the Copyright Act, 1957, and critically assesses the objectives underlying the main amendments and the implications of these amendments in light of technological development, economic liberalisation, globalisation, and international copyright obligations. It is a comprehensive bedrock study on the evolution and relevance of the copyright law in India, which adopts an analytical approach using laws and policies of the Copyright Act, 1957, Supreme Court and High Court judgements, government reports, international treaties, books, peer-reviewed journal articles, research reports and other authoritative academic literature to comprehensively grasp the developments and the relevance of the copyright law in India.

Evolution of Copyright Law in India

Colonial Origins

Indian copyright law came into existence as part of British colonial rule. The first copyright Act that came into India was the British Copyright Act, 1842. Later, the British Parliament

passed the Copyright Act of 1911, which served as the basis for copyright law in the British Empire. Following this, the Copyright Act of 1914 was adopted in India, based almost entirely on British copyright law, with only minor changes. The Act also protected the rights of authors and publishers, though it was still much influenced by colonial interests (Bently et al. 2023). While the 1914 Act laid bare the basic principles of copyright, it was gradually seen as insufficient over time, as social, cultural, and technological environments changed following India's Independence.

Need for a New Copyright Law

Starting from Independence in 1947, India has seen a tremendous growth in the education, publishing, cinema, radio, television, music, and scientific research sector. Policymakers acknowledged that there needs to be an environment for indigenous creativity in copyright, while also promoting public access to educational materials.

Thorough reform was needed for several reasons:

- (i) The Indian publishing sector is poised for expansion. The Indian publishing industry is poised for growth.
- (ii) The attention to growth in film and television. Cinema and television, in turn, received attention for growth.
- (iii) Priority to safeguard any Indians authoring.
- (iv) Enhancing scientific knowledge. Enhancement of science research.
- (v) International copyright obligations
- (vi) Culture industries promotion

This has resulted in Parliament passing a fresh Act of Congress over copyright.

The Copyright Act, 1957

This Act covers a broad spectrum of original creative work and gives the exclusive legal rights to the authors and creators of the intellectual products. The Act acknowledges literary publications, such as books, articles, computer programs, databases, websites, and other written documents (Goldstein & Hugenholtz, 2021). In the information technology era, it is especially relevant, given the growth of information technology and the importance of digital innovation in the Indian economy, that the integration of computer software and databases is also crucial.

The Act also covers dramatic works, which include plays, script texts, choreographic texts, choreography and theatrical or public performance of a play or script with an element of dancing. Through these works, it is possible to express one's creativity through performance, and they are protected against unauthorised reproduction or adaptation. Likewise, the Act also safeguards music creations. This includes the notes, melodies, or compositions (whether written or notated), but not the music recordings of the compositions as such (Das, 2021). This differentiation is what enables both composers and producers to be separately protected as copyright owners of sound recordings.

Artistic crafts; paintings, sculptures and drawings; architectural designs, maps, engraving, and photographs all belong to a second category, that of artistic works. Yes, it protects any original, even if it is not a good or popular piece of art. The Act also gives copyright protection

to cinematographic films, feature films, documentaries, television programmes and other audio-visual films. Scriptures, music, performances and visual recordings are some of the creative elements used in these works, and they are all in one copyrighted work.

The Act also applies to sound recordings. The copyright for a sound recording protects the investment of a producer in the recording and distribution of sound recordings, apart and beyond possible copyright in the underlying literary and musical works. These rights incorporate the right to reproduce, publish, make alterations, translate, perform and communicate to the public, as well as the right to communicate publicly using various means, for instance, digital media and platforms. Copyright owners also have the right to transfer (license or assign) their rights commercially on agreed terms (Kumar & Yadav, 202). Together, these exclusive rights allow creators to reap financial rewards from their intellectual work without any other party making unauthorised use, plagiarising, or commercial misuse. The Act fosters, among other things, the dissemination of both creativity and information in a democratic society by permitting limited and reasonable uses of copyrighted works under certain conditions.

Major Amendments to the Copyright Act

Technological developments and India's participation in international trade necessitated multiple amendments to the Copyright Act.

Copyright (Amendment) Act, 1983

This Act was enacted in India to further strengthen copyright protection under the Copyright Act, 1957, due to the emerging outcry of copyright piracy in India. In the early 1980s, illegal copying and dissemination of books, music tapes, movies, and other copyrighted works had become rampant. They were exacting heavy losses on writers, publishers, producers, and other rights holders. To meet these challenges, the Amendment introduced stiffer criminal prosecution against infringers, leading to punitive action against those who breach copyrights. It also increased the search and seizure authority of law enforcement, so that they could act quickly to prevent the production and distribution of unauthorised copies. The Amendment also enhanced the protection of reproduced works of copyright and made it easier to implement anti-piracy provisions against commercial-scale reproduction (Mathur, 2020). The Amendment of 1983 introduced stricter penalties and measures for the enforcement of copyrights to discourage systematic copyright infringement and protect the interests of creators.

Copyright (Amendment) Act, 1984

To meet the rapid developments of television and communication services in India, the Copyright (Amendment) Act, 1984 was passed to provide more protection to broadcasting organisations. With wider television broadcasting, it became very important that broadcasters be protected from the unauthorised broadcasting and/or retransmission of programmes. The Amendment strengthened broadcasting rights, established stronger power over the broadcast content of the medium, set up better legal remedies for unauthorised broadcasting, and set up better mechanisms for enforcement to curb copyright infringement. It also explained various clauses of the Copyright Act to remove ambiguities and make it easier to implement (Bainbridge, 2018). The overall effect of the Amendment was to modernise

India's copyright regime by incorporating modern technology and ensuring the commercial interests of broadcasters were protected at the same time.

Copyright (Amendment) Act, 1992

This Act extended the copyright protection period for literary, dramatic, musical and artistic works from the lifetime of the author plus 50 years to 60 years after their death. This was to provide the author/creative artist and their legal representatives more economic benefits and extend their commercial rights in the creative work, as according to Ahuja (2021), such regulation aims to ensure that the author and their legal heirs receive greater economic benefits and enjoy a longer commercial use of the created work. Under the Amendment, India's copyright regime was also brought in line with international copyright conventions, and India intended to improve the protection of IP in the world's modern creative economy today.

Copyright (Amendment) Act, 1994

The Copyright (Amendment) Act, 1994 was one turning point in the evolution of the Indian copyright law, because this Act is an attempt to modernise the Copyright Act, 1957, which was passed to respond to and serve the needs of a new economy, the fast development of the broadcast industry and information technology industry. One of the most important reforms was that it acknowledged computer software as a literary work and granted exclusive rights for computer software reproduction, including the license and distribution, adaptation, and commercial rental of software (Ahuja, 2021). This gave the much-needed legal support to the growth of the software and IT industry in India.

Copyright (Amendment) Act, 1999

This Act took the Copyright law in India into the domain of the Patent World Trade Organisation Agreement on Trade-related aspects of Intellectual Property Rights (TRIPS). It was implemented following India's WTO membership in 1995 and aimed at increased performers' and broadcasting rights, better copyright protection, better licensing regimes and better harmonisation with international standards (Das, 2021). The Amendment provided for a more stable legal environment for IP protection, which spurred investment in publishing, entertainment, software, and information technology, both domestic and foreign. It basically modernised the Indian copyright regime, boosted innovation and creativity, and enabled Indian integration into the global knowledge economy.

Copyright (Amendment) Act, 2012

This Act addressed issues associated with technological developments such as the internet, online communication, online content distribution, and digital piracy. It uplifted India's copyright regime by asserting the rights of authors and performers, enhancing digital copyright, making copyright accessible to people with disabilities, and harmonising Indian copyright with international copyright.

The Amendment also put statutory protection to the author's royalty rights, thus ensuring the right of a lyricist, composer, and scriptwriter to receive royalties due to the commercial use of his work even after he assigns its copyrights. It also reinforced legal protection

against "digital piracy" through copyright protection of digital works, online communications, and electronic distribution. The legal recognition of Technological Protection Measures (TPMs), including encryption and digital locks, and their disabling for circumventing or decoding was also an important reform, whereby making it illegal unless certain exceptions are met. In general, the copyright system proposed in the 2012 Amendment reflects a modern, technology-based copyright system that enables creativity, innovation, and adequate protection of intellectual property.

This Act improved digital protection of copyright by introducing legal provisions for Rights Management Information (RMI) containing details on authorship and ownership, as well as copyright notices and licensing conditions, to be embedded in a digital work. The offence of knowingly removing or altering information without authorisation has been increased for greater transparency and to improve digital rights management. One of the important elements of the Amendment was the "accessibility for persons with disabilities" (Kumar & Yadav, 2025). It enabled the creation of more accessible materials, like Braille, audiobooks, large-print materials, and accessible electronic text, without first requesting permission to use materials from copyright owners to facilitate inclusive education, whilst also balancing the public interest need against copyright concerns.

The Amendment further added statutory licensing for various types of broadcasting companies, allowing others to broadcast copyrighted works without first entering into lengthy negotiations. Any copyright owner, however, was still entitled to equitable royalties. Further, a right of 'performers' moral rights' was acknowledged, which allowed performers to prevent alteration, other than trivial ones, or distortion of their performances or inclusion in others' works that would lead to detriment to their reputation.

The implication of the change was profound in the realm of the creative industries for India in 2012. It enhanced royalty protection and bargaining rights for authors, lyricists, composers, and performers, favoured fair(er) arrangements in the music and film world, and clarified the provisions of contracts (Mathur, 2020). It has also strengthened the protection of digital materials and digital publishing, enabled digital streaming, the development of information software, e-commerce and reduced the barrier to access knowledge for educational institutions and people with disabilities.

Overall, the Copyright (Amendment) Act, 2012 provided a new and technological copyright framework in line with international standards. It contributes to the protection of creators' rights, accessibility, and the solution of new problems emerging in the digital world, including the problem of Artificial Intelligence on digital platforms and the enforcement of copyright across borders.

Implications of Copyright Amendments

There have been multiple amendments to the Copyright Act, 1957; most recently, the Act was extended into the digital world and the era of globalisation from the print world.

Economic Implications: Copyright protection has particularly spurred the software, publishing, film, music, and broadcasting industries, as well as the creation of software games and digital content. Intellectual property is recognised as a software product, licensing processes have tightened, and anti-piracy measures have been strengthened, which have led to further investments from both local and international sources, increased GDP growth, employment support, export values, and expansion of the Indian knowledge economy.

Social Implications: Better position for the rights of the authors, performers, lyricists,

composers, script writers in the law and economics. They have also encouraged people with disabilities to access and benefit from works by allowing the conversion of books into accessible formats that are, otherwise, subject to copyright restrictions. An increase in awareness of the possibilities of intellectual property rights has promoted respect for creativity and discouraged piracy.

Technological Implications: The amendments, especially those of 1994 and 2012, were made because of the difficulties brought by digital technology and allowed for computer software, digital distribution, online communication, and electronic publishing. Technological Protection Measures (TPM) and Rights Management Information (RMI) enhanced technological protection against digital piracy. They gave legal certainty to the software developers, digital publishers, and online platforms (Kumar &Yadav, 2025).

References

- Ahuja, V. K. (2021). *Law relating to Intellectual Property Rights* (4th ed.). New Delhi: LexisNexis.
- Bainbridge, D. I. (2018). *Intellectual Property* (10th ed.). London: Pearson.
- Bently, L., Flynn, L., &Aplin, T. (2023).*Intellectual Property Law* (7th ed.). Oxford: Oxford University Press.
- Das, J. K. (2021). *Law of Copyright*. New Delhi: PHI Learning.
- Goldstein, P., & Hugenholtz, P. B. (2021). *International copyright: Principles, law, and practice* (4th ed.). Oxford: Oxford University Press.
- Government of India. (1957). *The Copyright Act, 1957* (Act No. 14 of 1957). New Delhi: Ministry of Law and Justice.
- Kumar, R., &Yadav, A. (2025).*Reimagining Copyright Law in the Digital Age: Challenges, Reforms, and Educational Access in India*.*Reimagining Copyright Law in the Digital Age: Challenges, Reforms, and Educational Access in India*[v1] | Preprints.org
- Mathur, A. (2020). A reflection upon the digital Copyright Laws in India. *Journal of Intellectual Property Rights (JIPR)*, 25(1-2), 5-14.
- Narayanan, P. (2017). *Copyright and Industrial Designs* (4th ed.). Kolkata: Eastern Law House.

Dr. Santosh Kumar Biswal is an Associate Professor in the Department of Journalism and Mass Communication at Rama Devi Women's University, Bhubaneswar, India. Dr. Biswal's research interests are development communication; information and communication technology; journalism; and digital media.

Pratibha Biswal is a Research Scholar in the Department of Journalism and Mass Communication at Rama Devi Women's University, Bhubaneswar, India. Her research interests are digital media; technology; development communication; and creative city.