

# DMCA: A Global Law with Differential Patterns of Enforceability

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## ABSTRACT

The use or production of content protected by a copyright without the owner's consent is known as copyright infringement. Two of the most well-known types of entertainment that have a lot of copyright violations are music and films. Contingent liabilities are sums set aside in the event of a lawsuit, and they can result from infringement cases. New work creators and parties register their creations for copyright protection so they can make money off of their labours. Through approved arrangements or by purchasing the works from the copyright holder, other participants may be given permission to use those works. The goal of those who create new works and register them for copyright protection is to enable themselves to benefit from their labours. Through licencing agreements or by pursuing the obligation from the copyright holder, other parties may be given authorization to use those business operations; nonetheless, a number of circumstances may cause another litigant to file a brief alleging copyright infringement. This article will address copyright infringement issues and go over some important arrangements that can be useful in solving these kinds of problems. The primary statute that will be discussed in this article is the Digital Millennium Copyright Act, including its amendments and global applicability.

**KEYWORDS:** DMCA, DRM, WIPO, WCT, Copyright.

## INTRODUCTION

Internet service providers are protected by the Digital Millennium Copyright Act (DMCA), a federal statute that lists numerous copyright issues brought about by the use of modern technology and the Internet, such as digital direct management (strategies for stopping encroachment) and undeniable rights and immunity (unhurt shelter). On October 29, 1998, President Clinton signed Public Law 105-304 into law, incorporating the 1996 World Intellectual Property Organisation (WIPO) Copyright Treaty into US law. It combined four speech bills with a few other copyright law amendments that were necessary to close the gap in U.S. equity that the WIPO Copyright Treaty addressed.

Increased protections against novel ways to violate copyrighted works—especially those transmitted via the internet—were among the most important changes made to the DMCA. The DMCA has been criticised for being overly protective in a number of ways, including limiting consumers' ability to use products effectively, even though it is acknowledged that it made many necessary changes to copyright laws. Chapter 12 of the Copyright Act, entitled Copyright Protection and Management Systems, was added by the "WIPO Copyright and Performances and Phonograms Treaties Implementation Act of 1998" in the DMCA.<sup>1</sup>

## COPYRIGHT AND ITS IMPORTANCE

An artist or inventor should obtain a copyright from the law before releasing their creations on the market. Since intellectual property is among the most valuable assets you will ever possess, you should be concerned about it as a professional owner. Copyright gives a person or object the sole ownership of their creative works, including testimonies, books, scripts, software, artwork, training manuals, laminate, paintings, programming, and designs. The owner of the original work has the legal right to stop others from duplicating, reproducing, or copying it without permission, according to intellectual property law. This implies that the owner's original work cannot be duplicated or reproduced without their consent. Copyright Protection Is Essential for Businesses to Avoid Unauthorised Use Copyright gives the owner the cunning to shield their original creations from unauthorised use and duplication. Any illegal actions carried out by a different entity will be considered copyright infringement. The composition's copyright will specify legal protection.

A work that is registered under copyright gives its creator legal protection by proving that he is the rightful owner of the work. Additionally, it offers the owner compensation and royalties for infringement. The proprietor of a shield work is entitled to royalties or payment for any interpretation, adaptation, or retouching that is done. A relevant example is YouTube, where videos are made with music that has been altered, songs that have been used, and content that has been copied are all combined. The registration of a copyright gives the owner direct licencing. The owner of the copyright may grant others a licence to use their embroidery.<sup>1</sup>

To assert copyright, a work does not need to be registered. Copyright is impacted automatically and doesn't need to follow any rules. Copyright does not require completion of any formalities; it is established as soon as a work is created. Nonetheless, the copyright registration certificate and the entries made within serve as a prima facie evidence in a court of law in the event of a dispute over copyright ownership. Ideas and expressions are not protected by copyright. Avoid using terms that fall under the Designs Act of 2000 or Copyright Act of 1957. The copyright only protects the work in its tangible form. Copyright is established as soon as the initial work is turned in. You cannot, however, file a petition for copyright nonfulfillment if you do not own a list copyright.

In India, copyright is generally considered to be valid for 60 years. For creative theatrical, literary, artistic, and musical works, the sixty-year period starts the year following the creator's passing. Since a copyright registration acts as prima facie evidence of the work's proprietary nature, it is essential for safeguarding the work against unauthorised use or duplication. Also, it enables the registered copyright holder to increase the work's value through principal raising, assignment, and licencing. While copyright is not required for registration, it does shield the owner from trespassing. To protect the work and make the most of it, it is therefore strongly advised to register the copyright. Copyright protection ensures that creators of new literature, music, and art can maintain control over how their creations are used and are compensated for their inventiveness. For any creative enterprise, copyright protection is essential. Understanding copyrights and their operation is the first step towards obtaining a copyright refuge. Copyrights constitute a form of intellectual property protection that encompasses works of original authorship, including books, films, music, and architectural designs. They serve to restrict the exclusive rights of creators over their creations. The ability to duplicate, distribute, release, and discover the work are among these rights.

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<sup>1</sup> Gene Kirzhner , "The Importance of Copyright Protection for Creators," Feb 15, 2023 ,retrieved on February 16, 2024, Available at : <https://tbilliclaw.com/the-importance-of-copyright-protection-for-creators/> .

The right to designate derivative works—new performances supported on existing once—is another privilege granted to creators by copyright safe-conduct. The Copyright Act of 1976, a federal law in the United States, has an impact on copyrights. Because copyright protection gives creators control over the usefulness of their work, it fosters creativity. Without copyright protection, artists would have little motivation to produce new works because anyone could steal and use them for personal or commercial purposes without permission or payment. In the majority of nations, including the US, authors are required to record their works with copyright protection. Fabric is protected for the full 70 years of the inventor's life after it is registered in the United States. A work may still be protected by the common justice system even if it is not registered. Nevertheless, national law guard can be more difficult to enforce and has fewer protections than statutory protection. There are numerous repercussions for violating someone else's copyright. Infringers may be pursued for indemnity and, in certain situations, may also face criminal prosecution. In addition to the creator's alienated earnings, damages may also include the advantage gained from the infringement.

Although they are uncommon, criminal penalties for copyright infringement can be severe and long-lasting. In the US, the maximum criminal penalty for copyright infringement is a \$250,000 fine in addition to five years in prison. As copyright nonfulfillment is a serious offence, you should take care to ensure that you are not violating the rights of others. You should consult a qualified mental health and copyright attorney if you are unclear if your use of a manufacture is protected by copyright equity. Your copyright can be kindly protected in a number of ways by an attorney. You can find out if you qualify for copyright pass through employment by speaking with an attorney. A work needs to be original and unchangeable in the tactile ordinary in order to qualify for copyright protection. It is disrespectful to require that the work be something you have created and that is visible or audible. The work also needs to be entirely original to you—it can't be someone else's creation. An attorney can assist you in determining whether your employment is desirable for copyright protection if you are unsure. A lawyer can help you arrange for copyright. You can catalogue your copyright with the U.S. Copyright Office once you have established that your work qualifies for copyright protection.

An attorney can help make sure your copyright is correctly registered because the copyright registration process can be complicated. You can use a proxy to enforce your copyright. You might be able to file a copyright violation complaint against the offending party if they violate your copyright. If necessary, a lawyer can typify you in court and assist you in determining whether you have a legitimate claim of copyright infringement. You can treat liberty and other agreements pertaining to your copyright with the assistance of an attorney. For instance, you can work out a licence agreement that outlines the extent of use if you need to assign someone to handle your copyrighted work. You can choose and negotiate such an agreement with the assistance of a lawyer. You can analyse copyright-related debates with the aid of a proxy. If you and another party are at odds regarding copyright, legal counsel can assist you in trying to sort things out. You can get general advice and information about copyright law from a barrister.<sup>2</sup>

### **The Digital Millennium Copyright Act (DMCA)**

On October 28, 1998, the Digital Millennium Copyright Act (DMCA) was enacted to regulate copyright in relation to the internet. The updates, specifically, were to

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<sup>2</sup> Zarana Mehta, "Everything about Copyright and Importance of Copyright Protection," April 27, 2022, Available at :<https://ebizfiling.com/blog/copyright-and-importance-of-copyright-protection/> , retrieved on February 16, 2024.

1. Provide protection for online service providers in the event that multiple users were found to have violated copyright.
2. Grant legal safeguards to copyright holders to encourage them to engage in online labour, and
3. declare it unlawful to impart misleading information about copyright management.

Subject to defences like fair employment, copyright owners have the exclusive right, for a limited period of time, to reproduce, prime compound works, distribute copyhold, and display the performance publicly. Copyrighted materials can be easily and quickly copied and altered in large quantities when they are in a digital data format, such as software, graphic shows, or streaming movies. Copyright owners frequently implement technological or digital protection measures, such as digital watermarks, passwords, or encryption, to prevent unauthorised reproduction of these kinds of manufacturing; however, copyright violators may still be able to get around these defences.

The Digital Millennium Copyright Act (DMCA) aims to legally impose digital protection systems while extending liability to online service providers that users interact with to disseminate illegal content. Since it went into effect in 2000, the Digital Millennium Copyright Act (DMCA) has included two significant sections that have been the subject of much controversy. The Copyright Act's "anti-delusion" provisions, found in parts 1201 et seq., forbid getting around technical protection measures and attack controls. The "safe harbour" provisions shield service providers from financial penalties for users' and other third parties' encroaching activities if they satisfy specific requirements. In order to prevent copyright "pirates" from circumventing DRM and other appease access or tenure restrictions on copyrighted performance, Congress supposedly introduced the "anti-circumvention" ration of the DMCA. Additionally, the "dusky box" devices meant for this purpose were to be banned. The DMCA's anti-circumvention laws haven't done much to halt "Internet piracy," according to stratagem. However, the DMCA has evolved into a tool that effectively reduces the risk to the public interest, suppresses competition and creativity, and discourages expert research and free squeezing. You may be at risk of legal action if you overuse DRM padlock for legitimate, non-infringing purposes or if you develop the resources to do so.<sup>3</sup>

Due to third detachment's purported infringements, providers are shielded from financial liability by the DMCA "wicked refuge." In order to be eligible for these protections, service providers must adhere to the guidelines outlined in Section 512 and discontinue "notice and takedown" processes, which allow copyright holders to quickly and easily block access to content that is allegedly infringing on their rights. Additionally, Section 512 includes clauses that allow users to contest unfit takedowns. Many online intermediaries would be unable to provide services like hosting and transmitting user-generated content if these protections against effective copyright liability were not in place. As such, the safe havens, despite their shortcomings, have played a significant role in the development of the Internet as a well-known term and electrical engine for neology.<sup>4</sup>

Copyrighted materials can be represented and altered quickly, simply, and in large quantities when they are in a digital format, such as software, graphic copies, or streaming movies. Copyright owners frequently use technological or digital protection measures, like passwords, digital watermarks, or coding, to prevent fraudulent reproduction of these types of labour; however, copyright violators may still be able to get

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<sup>3</sup> DMCA | Electronic Frontier Foundation, Digital Millennium Copyright Act, Available at : <https://www.eff.org/issues/dmca> , retrieved on February 16, 2024.

<sup>4</sup> Digital Millennium Copyright Act (DMCA), [UW COPYRIGHT RESOURCE, available at: https://copyrightresource.uw.edu/copyright-law/dmca/](https://copyrightresource.uw.edu/copyright-law/dmca/) retrieved on February 16, 2024

around these measures. The DMCA is an effort to restrict liability for online service providers that users use to distribute illegal content while also enforcing digital protection laws.

Plagiarism Today's Jonathan Bailey Presently protest that the DMCA has eliminated all motivation for Kindle Direct Publishing, an Amazon subsidiary, to discover cutting-edge methods for screening submitted books for plagiarism or copyright infringement before allowing them to be published. Bailey claims that Amazon "doesn't do much to vet the books it publishes." Its KDP help files don't even address plagiarism. This means that you should feel free to disclose nearly anything you lack, regardless of the nature of the work or, in the case of an accident, the source. Many people actually lament that Amazon does not thoroughly review submissions for even basic problems like arrangement and layout. Although Amazon occasionally destroys fabric that violates their policies after receiving complaints, they are happy to sell the Bible and keep the proceeds coming in until they receive this kind of notification, and from their point of view, this is entirely lawful. The Digital Millennium Copyright Act (DMCA) and other laws of Moses protect them. Books, both digital and physical, can be produced and sold legally, regardless of whether they are abstract, violate copyright, or involve other illegal activities.<sup>5</sup>

### **FAULTS AND CORRECTIONS MADE TO THE DMCA**

Proposing the "Breaking Down Barriers to Innovation Act," Senator Ron Wyden and Representative Jared Polis aim to address numerous issues pertaining to familiar speech, privacy, and security research that arise from Section 1201 of the Digital Millennium Copyright Act. The bill would loosen the restrictions on obtaining three-year exemptions from the DMCA's prohibition on evading digital limitations. The exemptions for security trials, encryption investigation, bolstering privacy, and opposite engineering are also expanded.

In the continuous fight for a square copyright system, this bill is a significant step forward.

A broad legal ban on "circumventing" any "technological measure" that "effectively" controls access to a copyrighted work, as well as on software tools that can break or bypass DRM, was reinstated by Section 1201 seventeen years ago. Although it is ostensibly intended to reduce copyright infringement by providing technologies like DVD encryption with an additional layer of legal force, the justice system is actually far, far broader. It is employed to prevent fair use, prevent neologism add-ons, endanger safety researchers, and demonstrate hardware and software incompatibilities.<sup>6</sup>

The triennial exemption procedure Is the primary means of preservation from this overbroad statute. Owing to a tiny legal exception, individuals seeking to use digital devices and media in acceptable ways can consult the Copyright Office and the Librarian of Congress for sufferance every three years.

Due to the lengthy, mysterious, and costly process, many digital consumers are essentially shut out. The exclusion of "tools" implies that although you can jailbreak your phone on your own, you cannot create and distribute a tool that would enable others to do the same without permission. Additionally, the Librarian of Congress has the power to veto a growing number of cutting-edge technologies as DRM-laden software appears on an increasing number of tokens and equipment. Even worse, you have to start the process over three long years later even if you are successful in obtaining an exemption.<sup>7</sup>

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<sup>5</sup> Digital Millennium Copyright Act, retrieved on February 16, 2024, from [https://en.wikipedia.org/wiki/Digital\\_Millennium\\_Copyright\\_Act](https://en.wikipedia.org/wiki/Digital_Millennium_Copyright_Act).

<sup>6</sup> Digital Millennium Copyright Act (DMCA), Available at : <http://cpsr.org/issues/ip/dmca/> , retrieved on February 19, 2024,

<sup>7</sup> Library of Congress issues limited exemptions to DMCA", <https://www.fsf.org/news/library-of-congress-issues-limited-exemptions-to-dmca-anti-circumvention-provisions-but-leaves-users-without-full-control-over-their-own-computing>, retrieved on February 19, 2024.



The recently passed “Breaking Down Barriers To Innovation Act” aims to address a few of these issues. In the event that DRM continues to impede permitted uses, it would enable exemptions to be automatically renewed. It also emphasises that exemptions should be granted for security research, recycling, repair, and accessibility for the disabled community. This would make it more difficult for the Copyright Office to reject exemptions on the basis of a technicality.

Regretfully, the “Breaking Down Barriers” bill fails to resolve the fundamental issue raised by Section 1201, which is that it obstructs important and justifiable uses of digital technology and media on the pre-textual grounds that breaking DRM on one’s own hardware and software is bad for society. The “Breaking Down Barriers” bill will provide some additional protection in the form of permanent exemptions for revoke engineering and confidence testing, as well as some easier access to temporary exemptions. It will still be necessary for innovators, artists, and speakers to request permission from the regulation before using their own digital media, hardware, or software. The DMCA’s chilling effect will keep new inventions and graphics from ever reaching the public or being made, and the Librarian of Congress will continue to be the official regulator of digital technologies, including phones, cars, and medical devices. Another bill tries to break the proposal’s foundation.<sup>8</sup>

Representatives Massie, Polis, and Eshoo reintroduce the Unlocking Technology Act with Representative Zoe Lofgren in with them. It modifies Section 1201 of the DMCA in a clear and easy way by stating that deceptive DRM would only be prohibited if someone tried to obstruct copyright. After that, using digital media quotes for compatible fair uses, altering our own gadgets, and making our work more accessible would all be protected from licit threats under the DMCA.

The Digital Millennium Copyright Act (DMCA), which was passed by Congress and signed into law by the president in 1998, is said to update copyright laws to reflect the realities of digital technology. It forbids, among other things, the use, distribution, or sale of any technology that can be modified to get around copy protection measures. Although the Consumer Broadband and Digital Television Promotion Act (CBDTPA) goes even farther, the DMCA also has a lot of issues. Numerous cases have examined this DMCA glance. Edward Felton faced less legal action if he had conducted a free academic investigation highlighting issues with the descant-refuge technology that had come to light.

Dmitri Sklyarov, a Russian programmer, was arrested while his company, Elcomsoft, carried on developing and dispersing software to crack eBook files, enabling them to be mimicked and played on devices that do not support the enciphered initialization. A recent addition to the DMCA’s implementation is the Copyright Arbitration Royalty Panel (CARP). This body was established by the U.S. Copyright Office and Library of Congress, and it has published a set of recommendations for imposing mechanical royalties on music streams via the Internet. Not only does the updated offer make it twice as liberal to tide rondo without an over-the-air position, but it also appears to make it very difficult for an unworn matter to violate into internet radio. This is precisely the opposite of a goal that would promote diversity of ideas and expressions because it will eliminate all upcoming and creative net broadcasters and keep this new medium for already-existing radio stations.

Congress acknowledged the legal risk that the emerging internet industry faced due to online service providers’ possible legal liability for copyright violations that happened for their advantage. Congress

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<sup>8</sup> Mitch Stoltz, “New ‘Breaking Down Barriers to Innovation Act’ Targets,” Available on : [New “Breaking Down Barriers to Innovation Act” Targets Many of DMCA Section 1201's Problems | Electronic Frontier Foundation \(eff.org\)](https://www.eff.org/news/2024/2/new-breaking-down-barriers-to-innovation-act-targets-many-of-dmca-section-1201s-problems) , retrieved on February 19, 2024.

responded to this exodus by enacting Section 512 of the Copyright Act, which gave copyright holders the ability to have illegal materials removed from the internet without going to court and accelerated the growth of the internet sector by granting legal stability to operating online service providers. Online service providers who cooperate with copyright owners to swiftly satiate any injured parties under certain conditions are protected by Section 512 from monetary liability and from other types of liability for copyright infringement, known as wicked receive. Section 512 stipulates multiple requirements that vary depending on the kinds of activities that the service provider engages in. Additionally, in order to be respected by copyright owners, online service providers must appoint a deputy (as well as list the agent's contact information with the Copyright Office and include it on their websites).

Section 1201 forbids two kinds of actions. Initially, it forbids evading technological protection metres, or TPMs, which are employed by copyright holders to restrict access to their creations. For instance, the statute makes it illegal to get around a password-protected system that keeps illegal users from accessing streaming services.

Second, it prevents the production, importation, general public offering, specification, or other negotiation of specific deceptive technologies, goods, devices, or components. A triennial rulemaking process is instituted by Section 1201 to allow for the examination of temporary exemptions to the dry on imposture. In this process, the National Telecommunications and Information Administration of the Department of Commerce, in consultation with the Register of Copyrights, may manage a public measure, and the Librarian of Congress may adopt exemptions allowing imposture for specific non-infringing uses of copyrighted works.

Giving or disseminating hypocritical copyright management instructions (CMI) with the intention of encouraging or concealing infringement is prohibited by Section 1202<sup>9</sup>. Unambiguous information, such as the title, author's name and copyright holder, and the work's usage limit, is known as CMI and is communicated in conjunction with carbon copies, vinyl records, performances, or exhibitions of a work. Section 1202 gives exceptions to these prohibitions for specific analogue and digital transmissions by broadcast stations or cable systems, but it does not authorise the investigating, sheltering, teaching security, or reporting activities of specific jurisprudence enforcement, information, or government agencies.<sup>10</sup>

## APPLICATION OF DMCA AROUND THE WORLD

Enacted by the US Congress in 1998, the Digital Millennium Copyright Act (DMCA) aims to move the country's copyright jurisprudence into the digital era and fulfil US treaty obligations. The United States' copyright laws at the time were amended to include it. Lawmakers, consumer advocates, and media companies worked together to create the DMCA in order to support copyright holders' efforts to formally prevent illegal posting of their content on unaffiliated websites. The DMCA law of 1998 expanded the scope of copyright laws to include and enforce events combined with digital media and the internet, as well as to comply with international treaty requirements and the World Intellectual Property Organisation (WIPO), of which the United States is a member.

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<sup>9</sup> Section 1202

<sup>10</sup> U.S. Copyright Office, "The Digital Millennium Copyright Act | U.S. Copyright Office," Available at : <https://www.copyright.gov/dmca/> , retrieved on February 19, 2024.

The Act strengthens the penalties for violators and makes significant adjustments to copyright in the context of digital networks. The reasons behind the implementation of newer technologies allow users to download music, films, and other types of art for free, without needing to credit the original creator or characterise the performance in any way. The copyright laws of Moses, which were in place before, were thought to be insufficient to anticipate a reasonable amount of protection for various works. Additionally, greater attention was being paid to how copyrights applied in various countries, and initiatives were being taken to make it possible to apply copyright preservation across national borders.

The United States ratified two treaties in response to these problems, which provided additional protection for global copyright holders and addressed technological challenges related to copyright maintenance. In order to provide global protection for copyright holders in their respective nations, the United States signed the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) in 1996. WIPO treaty implementation is done through the first section of the Digital Millennium Copyright Act.

First, it makes up for U.S. copyright laws by incorporating international laws known as the WIPO treaties. Second, it forbids evading any technology—such as digital rights management software—that is intended to protect copyrighted content and to combine criminal and civil penalties for breaking the restrictions. It is also unlawful to use or sell technology that permits access to content in a way that contravenes copyright. The Digital Millennium Copyright Act makes it illegal to create and distribute technology, services, or devices that circumvent the various rights that copyrights provide. Additionally, it is illegal under the law to deceive accessibility guidelines. Penalties for any instance of copyright infringement on the internet are increased, even in the absence of any actual infringement. A DMCA takedown notice is used to enforce the DMCA. A DMCA takedown notice is the formal notice sent to the business. Moreover, online service providers, search engines, or web content alert users when they come across or link to content that violates copyright. The website or society under discussion should then remove the offending content, as failure to do so could lead to the ISP taking legal action.

Images, poetry, books, blogs, pictures, paintings, songs, music, and videos, as well as non-textual content. Receiving refuge under the DMCA does not require registration. Intellectual property is any form of substantial expression that is created immediately and belongs to the data that the DMCA is intended to protect. If someone wants to sue someone for copyright infringement, they must first register their copyright. When the topic is supported outside of the US, a DMCA consideration does not ensure total compliance. When a service is owned by a region that is a WIPO litigant, the constitutional alternative is pursued less strictly; otherwise, it becomes a slightly more costly battle. In such a case, contacting legal professionals for DMCA benefit is recommended.

The Digital Millennium Copyright Act carries both civil and criminal penalties for violations. In a criminal case, punishment may consist of jail time and fines; in a civil case, damages must be paid. Criminal penalties are typically the result of deliberate violations that are intended to be violated. Violators that come under the purview, face a maximum sentence of five years in prison and a fine of \$500,000. Copyright holders may file a lawsuit in federal courts alleging infringement thanks to the Digital Millennium Copyright Act. Should the copyright holder prevail in court, they may be awarded statutory damages in addition to actual damages. The U.S. Copyright Act of 1976 was not able to anticipate the issues of the digital age, which are addressed by the DMCA. It is a stand-alone remedy for the extra safeguards imposed by the democratisation of the internet and mobile devices.<sup>11</sup>



Internet service providers (which can include email services, forums, and platforms for user-propagated content) are not directly or indirectly liable for any copyright infringements that result from using their offices, according to copyright laws. This is because accessing providers becomes unfeasible due to the internet's millions of gigabytes of data. Services will typically shield themselves from liability when users post copies of their work, as this is on their landing page. Yes, provided that they follow specific rules. Removing or wall-attacking content that is infringing is one such action taken against online service providers. ISPs may be subject to less severe penalties if they decide not to destroy or impede necessary post-receipt civility. Moreover, they may be held accountable for contributing to copyright violations even in cases where they did not immediately take part in the acts of infringement. Slackness may result from failing to recognise copyright violations.

After the Digital Millennium Copyright Act was passed, a number of lawsuits were unavoidable due to the strong advocacy of record and software companies for the Act.

The Motion Picture Association of America began wooing RealNetworks in August 2009 over its RealDVD programme. With the help of this software, users could rip DVDs for usage on their hard drives without the actual disc. Although many users embrace this luxury, the MPAA wasn't as happy about it. They sued, and were successful, on the grounds that their anti-piracy measures—like RipGuard and ARccOS Protection—went too far. Additionally, they asserted that Real had violated their licence agreement with the MPAA's extension scrambling scheme.

In the case of *Viacom v. Youtube*<sup>11</sup>, Viacom filed a DMCA-related lawsuit against Youtube and its parent company, Google. Viacom claims that 160,000 illegal clips of Viacom's playbill were sacrificed, amounting to "massive intentional copyright infringement." Google's position is that they are not liable for any content published by users that crosses the DMCA's boundaries.

Judge Benton ruled on March 11, 2008, that Viacom is not entitled to punitive indemnity against YouTube or its parent company, but that statutory damages remain available.

In a complaint filed by IO Group Inc. against Veoh Networks, it is said that the media team permitted the examination of over 40,000 movies in the group's mental property from June 1 to June 22. In a similar vein, Veoh requested amnesty under the DMCA for the user's acts. IO is silent on the fact that Veoh maintains control over the materials by reformatting uploaded videos to FLV format for public viewing. They would not be eligible for safe harbour protection under the DMCA as a result. However, the umpire believed that Veoh was not at fault because they had just recently adopted an automated system that certain customers were misusing. Since uploaded videos are not shade, Veoh has no direct control over satisfied uploaded. They were, therefore, given security under the extremity of the DMCA.

*Timothy Vernor v. AutoDesk*<sup>12</sup>, which occurred in August of 2007, is another case that is less corporate in nature. He was requesting compensation for the alleged misuse of the DMCA by AutoDesk through the use of takedown recommendations related to his eBay sales. He was correctly duped by a piece of used software he had tried to sell at a petrol station. AutoDesk's claim that he violated the software's licence concordance was rejected. Many of the less well-known DMCA cases include situations in which people are singled out for "theft" of copyrighted software or music. These causes are frequently employed to set an example for strangers in an effort to discourage others from partaking in the same illegal behaviours. Massive sums of money are frequently demanded in redress, leaving these unfortunate persons in serious

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<sup>11</sup> 676 F.3d 19 (2012)

<sup>12</sup> 2010 U.S. App. LEXIS 18957

trouble even though they freely accept their fault. The majority of these instances were resolved through lawsuit settlements, yet some of these settlements were quite expensive.<sup>13</sup>

### **DMCA AND INDIAN LAWS**

Since the Digital Millennium Copyright Act is a component of US copyright law, it is only applicable to US-hosted websites. In the US, every circumstance is required to abide by the law. Therefore, even if the copyright lord is outside of the US, they can still issue DMCA notice. Section 52 of the Copyright Act is most likely where you can find the Indian counterpart of the Digital Millennium Copyright Act. Websites that contain infringing content may be issued a takedown order under Section 52© of the Copyright Act, 1957. When they receive a take-down notice, Internet service providers and other intermediaries are required to remove the content. In addition, the Copyright Rules, 2013 stipulate that the person in charge of storing the infringing lease must remove it from its location within 36 hours of receiving a written complaint. Though the DMCA is not directly applicable in India but plays a vital role in WIPO Agreement that is an important agreement for the development of the Indian Copyright and other Intellectual Property Laws, hence, the CA has indirectly played a significant part in framing various laws related to copyright not only for India but other WIPO countries as well.

### **CONCLUSION**

The responsibility for receiving new applications and maintaining copyrights, which amounted to 403,000 in 2021 alone, falls on the United States Copyright Office. Copyrights were awarded to authors, musicians, visual artists, and performers of literary works. The US Copyright Office generated \$34 million in registration applications in 2021. “In general, copyright trespass happens when a copyrighted work is manifold, distributed, fulfil, openly unfolded, or made into a derivative work without the permission of the copyright owner,” according to the U.S. Copyright Office’s definition of copyright infringement. The U.S. Department of Justice (DOJ) receives assistance from the Copyright Office with solicit cases and the required authorised documentation, but the Office does not actually prosecute individuals who violate copyright justice. Copyright violations have changed, but as technology has advanced quickly, the Copyright Office has had to deal with a growing number of problems in an effort to stay up to date. Therefore, it is essential to comprehend even the smallest action that may result in copyright infringement. The significance and enforceability of the DMCA, as covered in this article, guarantee that it will do everything in its power to hold copyright violators accountable for their actions, which result in harm to an innocent creator. In order to ensure strict enforcement of the law, it is also hoped that tech giants will assist authorities in the coming years with some of the most challenging problems they face when identifying infringers.

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<sup>13</sup> DMCA Notable Court Cases, available at : <http://www.dmca-info.com/notable-court-cases.html>, Retrieved on March 15, 2024.