



Copyright and the Creator Economy: Protecting Intellectual Property in the Age of Influencers

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ABSTRACT:

The emergence of the creator economy in India, driven by online platforms such as YouTube, Instagram, and TikTok, has revolutionized how people produce, distribute, and profit from content. As millions of creators participate in various activities like entertainment, education, fashion, and gaming, safeguarding copyright has become a significant issue. Nevertheless, the Indian copyright system, regulated by the Copyright Act of 1957, faces difficulties in adapting to the distinctive challenges brought by the digital era. This paper investigates the changing copyright law in India and how it affects content creators in the creator economy, with a specific emphasis on copyright enforcement, fair use, piracy, and platform liability. This paper evaluates if current copyright laws in India adequately protect the intellectual property of Indian creators by analysing legal frameworks and scholarly opinions. It also points out the deficiencies in the legal system that impede efficient protection and suggests possible changes to meet the needs of the digital economy. The results highlight the importance of legal changes that improve enforcement methods and offer creators more resources and information to protect their work. In the end, the paper contends that maintaining a fair balance in copyright law is crucial for India's creator economy to grow sustainably by protecting creators' rights and encouraging innovation.

KEYWORDS: Content creation, Intellectual property, Copyright Protection, The Copyright Act, 1957

INTRODUCTION:

India has experienced the emergence of a creator economy, fuelled by the rapid expansion of digital platforms like YouTube, Instagram, TikTok (prior to its 2020 ban), Facebook, and Twitter. These platforms have made content creation accessible to everyone, allowing individuals from any background or with any resources to create and share content with large audiences. The creators, also known as influencers or digital creators, vary from small-scale influencers with specific audiences to large-scale influencers with millions of followers.¹ They have the opportunity to earn money from their content through sponsored posts, affiliate marketing, product placements, and collaborating with brands. India has over 900 million active internet users in 2023, leading to significant growth in the creator economy. According to research conducted by the Indian Influencer Marketing Association (IIMA) and Kantar IMRB, the Indian influencer marketing sector is forecasted to reach a value of more than ₹2,200 crores by the year 2025. In India, influencers and content creators such as fashion bloggers, comedians, fitness trainers, and tech reviewers have become crucial to the digital advertising industry, leading major brands to invest significant budgets in collaborations with them for promotional purposes. Although the creator economy offers great chances for making money and showing individuality, it also brings about a number of difficulties. One of the main focuses is safeguarding intellectual property (IP). In a society where content is readily replicated, distributed, and shared on various platforms, the importance of copyright, which provides creators with sole ownership of their work, becomes essential. Nevertheless, the current legal framework in India, specifically in terms of safeguarding digital copyright, lacks in adequately addressing the issues faced by

contemporary digital creators.

THE ROLE OF COPYRIGHT IN PROTECTING CREATIVE WORKS

Copyright is an important aspect of intellectual property law that safeguards original creations like literary works, artistic pieces, music compositions, films, photos, and software. In India, copyright protection is regulated by the Copyright Act of 1957, which gives creators the sole permission to reproduce, distribute, perform, and modify their work, among other privileges.

Copyright law in the digital realm gives content creators the legal protection needed to retain ownership and control of their creative works. When a creator shares a video, image, or written work on sites such as YouTube or Instagram, copyright guarantees their legal entitlement to stop others from duplicating, sharing, or replicating their content without authorization. Copyright's moral rights guarantee creators are acknowledged as their work's authors and can prohibit any damaging alterations that might affect their reputation. Yet, copyright law faces new challenges due to the digital age that were not expected when the Copyright Act of 1957 was initially passed. In particular, the spread of digital content on social media, the simplicity of duplicating and distributing digital material, and the worldwide reach of the internet have made it challenging to safeguard creators' rights effectively. The digital revolution has simplified the process of others profiting off of creative content without giving credit to the

¹ Galdorisi, G., & Galdorisi, C. L. (2020). *The Rise of the Creator Economy: The Digital Revolution and the Future of Work*. Wiley.

original creator. Moreover, creators in India are increasingly worried about piracy, unauthorized re-uploading, and the extensive sharing of content.

RESEARCH PROBLEM

The rapid growth of the creator economy in India raises important questions about the adequacy of copyright protection and the rights of digital creators. Despite the presence of copyright law, there is a disconnection between the law's theoretical protections and the real-world challenges faced by creators in India's digital space.

RESEARCH QUESTIONS

1. How do current copyright laws in India address the needs and rights of creators in the creator economy?
2. What are the unique challenges posed by the proliferation of digital content and the complex relationships between influencers, platforms, and other stakeholders?
3. How can copyright laws evolve to ensure creators are protected while fostering innovation and fair use in the digital space?

RESEARCH OBJECTIVES

- To examine how current copyright laws in India address the needs and rights of creators in the creator economy.
- To investigate the unique challenges posed by the proliferation of digital content and the complex relationships between influencers, platforms, and other stakeholders
- To explore how copyright laws can evolve to ensure creators are protected while fostering innovation and fair use in the digital space.

COPYRIGHT PROTECTION AND ENFORCEMENT IN THE CREATOR ECONOMY

With the expansion of the creator economy in India, a variety of creators are now creating content on platforms such as YouTube, Instagram, and TikTok, making it essential to safeguard their intellectual property (IP). The digital age has brought new challenges for protecting and enforcing copyright, especially in the creator economy, despite copyright law being the main legal tool for protecting creators' original works. This part explores the operation of copyright law in the Indian legal system and the main hurdles encountered by creators in the digital age.

Copyright Law as a Tool for Creators

In India, the Copyright Act of 1957 regulates copyright protection, providing creators with exclusive rights to their original works of authorship. These rights encompass reproducing, distributing, performing, and making derivative works. In the creator economy, these rights allow creators to maintain ownership of their content and profit from its commercial use. For instance, an Indian YouTuber has the ability to stop others from copying, sharing, or re-uploading their videos, as well as the opportunity to earn money from their content through ads, sponsored posts, and other business opportunities.²

Although creators have exclusive rights over their content under copyright law, they often need to transfer or license certain rights to digital platforms in order to capitalize on monetization opportunities in the digital content creation industry. For instance, YouTube's Partner Program mandates creators to permit YouTube to earn money from their content by showing ads and splitting the revenue. In these scenarios, creators may need to grant platforms permission to use their works, sometimes without fully comprehending the terms of the agreement, especially regarding the length of time, geographic scope, and exclusive rights to their content.

Furthermore, social media platforms like Instagram and TikTok in India, before it was banned, typically demand creators to surrender certain rights to their content in return for the opportunity to utilize monetization features like brand partnerships or product endorsements. Although these contracts are usually optional, some creators, particularly in the Indian digital market, might not completely understand the legal consequences, and at times, the terms could be disadvantageous to them.

Agreements on Copyright at an International Level

India has agreed to various important international copyright agreements that provide guidelines for protecting intellectual property across borders. The Berne Convention for the Protection of Literary and Artistic Works (1979) is the most important of these, establishing minimum copyright protection standards that signatory countries must follow. According to the Berne Convention, creators have the right to be protected in all member countries, and their works do not require official registration for copyright protection.³

Although international treaties such as the Berne Convention offer a robust structure for safeguarding creators' rights globally, they pose difficulties in terms of implementation. The worldwide reach of digital platforms enables content from India to be quickly disseminated across the globe, leading to legal challenges concerning copyright infringement across different jurisdictions. An Indian creator's YouTube video could be viewed in the US, where copyright laws may vary. If the content is reused without permission in the U.S., the Indian creator may encounter challenges in protecting their copyright, as local laws and procedures may not completely match Indian copyright laws.

Additionally, the challenges of enforcing Indian copyright laws on a global scale are exacerbated by digital piracy and the widespread distribution of content. In such situations, creators rely on international treaty enforcement mechanisms and platform-based reporting systems, which may not be sufficient.

² Joshi, M. (2019). *The Changing Landscape of Copyright Protection in the Digital Age*. Economic and Political Weekly, 54(42), 14-18.

³ *Berne Convention for the Protection of Literary and Artistic Works*. World Intellectual Property Organization (WIPO).

<https://www.wipo.int/>.

CHALLENGES IN ENFORCEMENT OF COPYRIGHT IN THE DIGITAL AGE**Automated Takedown Systems**

One major shift in the digital era is the adoption of automated takedown systems to deal with copyright

violations. Platforms like YouTube and Facebook utilize tools like Content ID in order to assist copyright owners in asserting their rights and taking down copyrighted content. In India, platforms such as YouTube and Instagram have implemented comparable automated systems to identify and delete copyrighted material used without permission.

Nevertheless, these systems, though successful in eliminating unauthorized material, do have their issues. A significant problem arises when these tools mistakenly block or censor legitimate uses of content like remixes, parodies, or commentary, leading to over-blocking or censorship. For instance, an artist could upload a YouTube video featuring brief segments from a well-known Bollywood film as a part of their analysis or evaluation. Despite falling under fair use, the content might still get flagged for copyright violation by the automated system, leading to the video being taken down and the creator losing potential earnings.⁴

In India, fair use and fair dealing principles are frequently misunderstood, posing significant challenges for creators seeking to legally use third-party content. Many digital creators in India are left vulnerable to automated systems, as there are no clear guidelines defining fair use that consider the nuances of copyright law in the country.

User-Generated Content and Platform Accountability

A fundamental issue in the digital age is the role of platforms in managing copyright infringement. Platforms like YouTube, Instagram, and Facebook operate as intermediaries, hosting user-generated content without being directly responsible for what users' post. Indian law, through the Information Technology Act, 2000 (IT Act), provides platforms with a safe harbour provision, which exempts them from liability for user-uploaded content, provided they act as neutral intermediaries and follow specific notice-and-takedown procedures.

While this system has been useful in enabling the rapid growth of digital platforms, it has also led to a lack of accountability on the part of these platforms for ensuring that copyrighted content is not being illegally shared. The absence of clear rules regarding platform liability has led to debates about whether platforms should be required to take a more proactive role in policing the content that is uploaded. Critics argue that platforms like YouTube and Instagram have sufficient control over content and should be held accountable for failing to prevent widespread piracy or infringement.

This issue is particularly important in India, where there is a significant amount of pirated and unauthorized content circulating on social media. For example, Bollywood films or music tracks are often uploaded to platforms like YouTube without proper licensing, affecting the revenue of original content creators. The lack of stringent enforcement measures for platforms

⁴ P. Gupta & T. G. Gautham. (2022). *Copyright in the Digital Economy: The Role of Platforms and Copyright Enforcement Mechanisms*. Indian Journal of Intellectual Property, 18(1), 42-56.

in India complicates the situation for content creators who are seeking to protect their works from infringement.

Licensing and Fair Use in the Creator Economy

In the online world, creators frequently have to authorize platforms to use their copyright for monetization programs. Creators must establish licensing agreements for their work to be used, monetized, and shared on platforms like YouTube's AdSense program or Spotify for music streaming.⁵

In India, creators often face non-transparent and unfavourable licensing agreements. Many creators, particularly those in the beginning of their careers, might not have the legal knowledge or ability to negotiate terms that benefit them the most. At times, platforms can have exclusivity clauses where creators are restricted from sharing their content on other platforms or only earn minimal compensation for their efforts. Disputes frequently arise as a result of the contractual terms concerning the duration, territory, and scope of the rights given to creators, leaving them open to being taken advantage of.

This matter is especially crucial in India due to the large amount of pirated and unauthorized content being shared on social media. For instance, Bollywood movies or songs are frequently shared on websites like YouTube without proper permission, impacting the earnings of the original creators. Content creators in India are facing difficulties in safeguarding their works from infringement due to inadequate enforcement measures for platforms.

Fair Use in the Age of Remix Culture

The traditional concept of fair use is being challenged by the growing popularity of meme culture, parodies, and remix videos. In Indian copyright law, fair use and fair dealing provide exceptions to the rights given to creators. Fair use permits the restricted utilization of copyrighted content without needing approval for activities like critique, analysis, journalism, and teaching.

Yet, in the creator economy, the limits of fair use are consistently challenged, especially when it comes to remix culture. YouTube creators and social media influencers frequently utilize music clips, movie snippets, or images to produce commentary, reviews, or parodies. The question that comes up next is whether this type of transformative use is safeguarded under fair use. Indian courts have not yet given clear direction on this matter, causing creators to be unsure of what qualifies as acceptable fair use.

In the year 2020, the Delhi High Court in the case *State of Punjab v. Davinder Singh* defined the limits of fair dealing in India, however its implementation is still unclear in the context of digital creators. With the rise in popularity of mashups, reaction videos, and viral memes, Indian courts may have to determine if these types of transformative uses of copyrighted material fall under fair use or fair dealing.

⁵ Bharadwaj, K. (2021). *Indian Copyright Law and the Challenge of Digital Fair Use*. NALSAR Law Review, 17(2), 79-96.

STRATEGIES FOR ENHANCING COPYRIGHT PROTECTION IN THE CREATOR ECONOMY

With the creator economy booming in India, content creators are gaining more influence and earning opportunities on digital platforms, making the importance of strong copyright protection strategies more crucial than ever. The existing laws have constraints in dealing with the issues presented by digital media, particularly for content creators who heavily depend on platforms such as YouTube, Instagram, and TikTok. This part investigates methods for improving copyright protection in the creator economy of India, with a focus on empowering creators, adjusting copyright laws for the digital world, and maintaining a fair and equitable approach to protecting intellectual property.

EMPOWERING CREATORS THROUGH BETTER LEGAL TOOLS

One of the main obstacles for creators of content in India is dealing with and safeguarding their intellectual property (IP) in a digital landscape where content can be replicated, shared, and redistributed with ease. Proposals for digital platform development and copyright management tools are increasingly gaining traction in order to address this issue. These tools aid creators in improving their management of their intellectual property, monitoring unauthorized usage, and asserting their rightful earnings from platforms or third-party distributors.

In India, platforms such as YouTube have existing copyright management tools like Content ID, enabling creators to identify unauthorized use of their content and choose to block, monetize, or monitor it. Yet, these systems have restricted reach, and numerous creators lack awareness of their rights or struggle to utilize these tools efficiently. More sophisticated copyright management tools tailored to the Indian creator ecosystem can be integrated into digital platforms for further development.⁶ Some examples of these could be:

- IP tracking software is utilized to keep tabs on the usage of a creator's content on various online platforms such as Facebook, Instagram, and OTT streaming services.
- Automated systems for reporting copyright violations allow creators to quickly identify and take down infringing content.
- Revenue-sharing systems that simplify the process for creators to receive their deserved profits from

monetized content.

TRANSPARENT CONTRACTS AND AGREEMENTS:

In India, numerous creators, particularly beginners, enter agreements with digital platforms or brands without grasping the terms or consequences entirely. Frequently, these agreements may contain terms that benefit the platform or brand, leading to creators relinquishing control of their own creations. In order to enhance this situation, it is crucial to:

- Champion for clear and just agreements that guarantee creators retain ownership of their work and have explicit conditions regarding the usage, monetization, and licensing of their work.

⁶ Sharma, R. & Kumawat, P. (2020). *Creating Better Copyright Management for the Indian Digital Creator Economy*. *Journal of Indian Legal Studies*, 10(3), 101-115.



- Develop standardized licensing contracts specific to online content creators, outlining clear terms on time, location, payment, and the ability to cancel or change licenses.
- Encourage the incorporation of creators' moral rights (like the right to attribution and integrity) in agreements, safeguarding the reputation of creators.
- By providing creators with improved tools and more transparent contracts, the Indian creator economy can help creators safeguard their intellectual property and receive deserved payment for their efforts.

EDUCATION AND AWARENESS

A lot of creators in India do not have enough understanding of copyright law, fair use, and ways to safeguard their intellectual property online. Education and raising awareness are essential in closing this gap. Possible strategies may involve:

Copyright education initiatives aim to educate new creators on fundamental copyright law, their exclusive rights, and methods to safeguard their works from infringement. Collaborations with lawyers or NGOs to provide creators, particularly those without access to top-tier legal services, with no-cost or affordable legal guidance. Training sessions and classes organized by organizations like the IMI, FFI, and online platforms like YouTube to educate content creators about copyright protection in the digital realm. Encouraging the development of creator advocacy groups or unions is essential to safeguarding the rights of creators, advocating for improved legal safeguards, and securing fair compensation through collective bargaining. By providing creators with the necessary information to comprehend copyright regulations and safeguard their creations, India can cultivate a more empowered and knowledgeable community of creators.

ADAPTING COPYRIGHT LAW TO THE DIGITAL LANDSCAPE MODIFYING THE SAFE

HARBOUR PROVISION

One of the key and debated issues in enforcing copyright in the digital era is the provision of safe harbour, as seen in laws like the Digital Millennium Copyright Act (DMCA) in the U.S.⁷ and similar provisions in India's Information Technology Act, 2000 (IT Act). In accordance with Section 79 of the IT Act, platforms such as YouTube, Instagram, and Facebook are given legal protection, allowing them to not be responsible for any copyrighted content shared by users, as long as they remain impartial intermediaries and adhere to specific removal procedures.

Despite promoting innovation and the fast expansion of digital platforms, this measure has faced backlash for enabling platforms to function with limited accountability in safeguarding creators' intellectual property rights. In the Indian scenario, various methods can be utilized to reconsider the safe harbour provision in order to maintain a balance between safeguarding creators' rights and preventing platforms from being overwhelmed. Platforms may need to have more responsibility in identifying and removing infringing content by implementing proactive

⁷ *The Digital Millennium Copyright Act (DMCA)*, U.S. Copyright Office. Available at <https://www.copyright.gov/>.

systems instead of relying only on creators to report infringements through a notice-and-takedown system.⁸

Compulsory licensing models: Platforms may be incentivized to create standardized licensing models for creators to easily license their content for monetization and protection on various platforms. Platforms must disclose their copyright policies and takedown procedures to ensure creators are informed of the status of their claims and any actions against infringing content. By changing the safe harbour provisions in India's Information Technology Act, the legal framework can assist platforms in taking increased responsibility to prevent and address copyright infringement, all while maintaining their neutral intermediary status.

BROADENING FAIR USE REGULATIONS FOR DIGITAL MATERIALS

Another aspect in which Indian copyright law must adjust is the idea of fair use or fair dealing regarding digital content. Fair use permits creators to utilize parts of copyrighted material without authorization for certain purposes like critique, interpretation, imitation, teaching, and journalism. Fair use is frequently mentioned in the creator economy when creators include copyrighted material in their work, like mixing music, analysing film clips, or creating parodies of popular media.⁹

Fair dealing is acknowledged in India's Copyright Act of 1957, but the parameters are limited and may not always align with contemporary digital content creation. To strengthen copyright protection for creators in India, fair use guidelines should be broadened in the following ways:

- **Concept of transformative use:** Indian legislation should clearly acknowledge that transformative uses of copyrighted materials, like remixes, mashups, and parodies, are considered fair use as long as they fulfil the criteria of criticism, commentary, or parody.
- **Expand educational exemptions:** In light of the increase in educational material on platforms such as YouTube, Indian copyright legislation may expand its fair dealing exceptions to encompass the use of copyrighted content for educational reasons, ultimately aiding content creators who make tutorials, reviews, and explanatory videos.
- **Enable more adaptable feedback:** Content creators on social media platforms such as Instagram and TikTok frequently incorporate brief excerpts of copyrighted material (such as music or video clips) to offer commentary or critique. Broadening the definition of fair use will provide protection for creators involved in social commentary or cultural critique.

RECOMMENDATIONS

1. Legal Reforms to Balance the Rights of Creators, Platforms, and Consumers

In the fast-growing creator economy, there is a natural conflict between the creators' rights, the platforms' interests in hosting and monetizing content, and the consumers' rights who interact with this content. Indian copyright legislation must undergo changes to safeguard creators and promote a thriving digital environment.

⁸ "Modifying the Safe Harbor Provisions," Electronic Frontier Foundation. <https://www.eff.org/issues/cdm>.

⁹ *The Future of Fair Use in Digital Copyright Law*. Harvard Law Review, 133(4), 898-919.

a) Enhancing Copyright Protection for Authors

Independent creators, especially those on platforms, frequently encounter major obstacles when trying to enforce their copyright. Power imbalances put many at a disadvantage when negotiating contracts with platforms and brands. Consequently, creators may unintentionally surrender ownership or control of their works. Improved licensing agreements need to be implemented to secure creators' ownership and protect them from unfair or undisclosed contract terms. The Copyright Act of 1957 should have clauses that specifically outline and safeguard moral rights, like the right to be credited for their work and the right to maintain its integrity, in order to protect creators' reputations. Changes need to be made to royalty and revenue-sharing models to ensure creators of user-generated content receive fair compensation. Platforms ought to be motivated to distribute a greater share of ad earnings with content producers, since their input is vital for platform development.

b) Strengthening Platform Accountability

Although safe harbour provisions in Section 79 of the Information Technology Act, 2000 (IT Act) protect platforms from liability for user-generated content, these provisions have been criticized for allowing platforms to operate with limited oversight, particularly regarding copyright infringement. At present, social media platforms are considered impartial middlemen and are not responsible for illegal content uploaded by users, as long as they follow the notice-and-takedown rules.

In order to tackle this issue:

The safe harbour provisions need to be reassessed in order to incentivize platforms to assume greater accountability for the content they host. Encouraging proactive monitoring systems is important, where platforms must be able to identify and take down infringing content without relying on creators to report it. Platforms need to improve their transparency regarding copyright policies and procedures for taking down content, providing creators with greater insight into the takedown and flagging processes. Platforms that extensively use content for their benefit without properly safeguarding creators' rights should be held liable for recurring copyright violations.

c) Fair Use and Fair Dealing in the Digital Space

The existing fair dealing rules in the Copyright Act of 1957 are mainly centered on activities like critique, evaluation, and journalistic coverage. Nevertheless, these exemptions do not meet the increasing need for transformative usage, including remixes, parodies, and memes, which have become essential to digital culture. The fair use doctrine needs to be broadened to include digital content used for commentary, parody, criticism, and social commentary. This would help the law follow global norms and inspire greater innovation among creators, particularly in remix cultures prevalent on platforms such as YouTube and Instagram. More attention should be paid to how audio-visual content, music snippets, and video clips are used in user-generated content to ensure clarity. Creators should be given more flexibility to utilize brief

excerpts of copyrighted material for commentary, critique, and educational material without worrying about copyright violations.

d) Digital Copyright Management Tools

One of the main obstacles that creators encounter is the challenge of effectively handling their intellectual property on online platforms. In contrast to traditional media, digital content creators now have their work

distributed on various platforms, causing confusion and sometimes unregulated copyright violations. The implementation of digital copyright management systems (DCMS) is necessary to assist creators in monitoring and controlling their content more effectively. These systems need to enable creators to register their works and efficiently report and oversee unauthorized uses. Encouraging and potentially mandating the use of tools like automatic watermarking, IP tracking software, and real-time reporting systems can aid creators in safeguarding their content on various platforms hosting user-generated content.

2. ADAPTING COPYRIGHT LAW TO FIT THE DIGITAL CONTENT LANDSCAPE

a) Redefining the Safe Harbor Provisions

The regulations in India's IT Act, 2000 offer protection for platforms such as YouTube, Instagram, and Facebook from being held responsible for user-generated content. Nevertheless, these regulations are facing more scrutiny, especially as the amount of digital content continues to increase. Changes to Section 79 of the IT Act must guarantee that platforms receive both safe harbour protection and are also held to a higher level of due diligence. This may involve requiring the use of proactive monitoring systems to detect and block unauthorized content, instead of just depending on creators to flag violations. There is a need for a change in focus towards holding platforms accountable. Platforms must implement systems like Content ID, used by YouTube, to prevent the spread of copyrighted content across various platforms. This would greatly lessen the responsibility for creators to constantly report violations.

b) Expanding Fair Use Guidelines

The existing fair use provisions in India only cover specific purposes like criticism, reviews, and reporting, failing to fully account for the dynamics of social media and user-generated content. Updates to fair use rules should clearly acknowledge that transformative purposes like parodies, memes, and remix culture are valid and safeguarded under fair use. Indian courts and legislators need to establish more precise criteria for determining transformative use, in order to safeguard innovative creators from the threat of legal action when using copyrighted material. The scope of fair dealing provisions should be broadened to include educational purposes, in response to the increasing need for tutorials, reviews, and educational content on platforms like YouTube that may require the use of copyrighted material. Specifically stating that commentary and criticism fall under fair use in digital environments could safeguard creators who utilize portions of copyrighted material for social or political commentary, benefiting social media influencers, activists, and journalists.

c) A New Framework for AI-Generated Content

The emergence of artificial intelligence (AI) and machine learning technologies is leading to fresh obstacles in copyright law, as content produced by AI blurs the distinction between creator and proprietor. The Indian copyright law must address the matter of AI-generated content and determine ownership of intellectual property rights in cases where machines produce creative works. It is necessary to create a structure to determine if AI-generated creations are eligible for copyright protection and to identify the rightful owner among the programmer, the tool user, or the AI itself. Legal changes need to tackle these issues, guaranteeing creators using AI tools have defined rights, maintaining control and ownership of their creations, and safeguarding against potential infringement by third parties using AI.

FUTURE DIRECTIONS

The destiny of copyright legislation in India is intricately linked to the ongoing expansion of the digital economy and digital content formation. As technology continues to advance, there are various ongoing issues that must be tackled. Continued difficulties in enforcing copyright persist, despite the current frameworks in place. The increase in cross-border piracy, digital distribution channels, and cloud storage has made it challenging to monitor and control infringing content. Consequently, platform-based solutions like Content ID need to be expanded and implemented with greater rigor. The emergence of AI-generated content is disrupting traditional ideas of authorship and ownership by using AI tools to create creative works. Indian copyright legislation must examine whether AI can act as an author independently, or if human creators utilizing AI tools should be granted copyright ownership. A new set of laws will be needed to address works generated by artificial intelligence. The evolving nature of social media platforms means they are constantly changing and introducing new opportunities for creators to create and make money from their content. As these platforms gain more control in content distribution, India's copyright law must evolve to safeguard creators' rights while encouraging the growth of user-generated content and collaborative creativity.

CONCLUSION:

To conclude, the emergence of India's creative industry has underscored the importance of a flexible and strong copyright system. Although the Copyright Act, 1957, and the Information Technology Act, 2000, offer basic protections, they do not adequately tackle the specific issues of the modern digital era, such as platform responsibility, fair use, and the intricacies of user-generated content. This paper highlighted the importance of legal changes that consider the rights of creators, platforms, and consumers, such as more defined licensing agreements, increased protections against content infringement, and broader fair use guidelines. In the future, India needs to revise its copyright regulations to deal with new issues like AI-generated materials and the changing functions of online platforms. In this way, India can promote a creator economy that is both fair and creative, offering creators proper compensation and fostering ongoing digital collaboration and innovation.

