

Administrative Remedies to combat Digital Piracy in India ©

Prologue

The multi fold increase in piracy through Internet (and other mediums) has made the task of protecting rights of the Copyright holders a Herculean one. More often than not, copyrighted content reaches the customers through unauthorized sources and channels causing extensive losses to the rights holders, the economy and other stakeholders of the IP ecosystem. Although there are remedies in law for both criminal and civil actions; the said remedies are not only expensive and time consuming but have been inefficient in combating the ever-increasing unbridled piracy. Various Copyright Societies, Music labels, Film and Video Productions Houses, organizations and multiple stakeholders¹ have made several collaborated as well as fragmented efforts to combat the web of piracy yet the desirable results are far from reach.

The Author thus proposed to develop effective Administrative Measures as an Anti-Piracy solution at the DPIIT-ASCON Consultation Forum – ‘Government Industry Partnership for Competitiveness of India - Media and Entertainment sector’ on February 20, 2020.

The Additional Secretary Mr. Atul Kumar Tiwari (Ministry of Information & Broadcasting) liked the Author’s proposal and invited recommendations on the subject which in the Author’s opinion is a very progressive step toward making a positive contribution toward the Copyright eco system in India. The immense need for administrative measures is also reflected by the IFPI – IMI Digital Music Study (2019). The study indicates that 67% of the consumers still visit pirate websites for music².

The Author has thus written this paper on ‘Administrative Measures to Combat Digital Piracy in India’ to *inter alia* throw light on the existing market scenario and suggesting administrative remedies / strategies to reduce piracy on account of various unbridged gaps between the technology and the efficacy and

¹ Some of the notable entities mentioned above fighting the ‘Piracy Battle’ includes The Indian Music Industry (IMI), Indian Performing Rights Society (IPRS), Indian Reprographic Rights Organization (IRRO) Indian Singers Rights Association (ISRA), Phonographic Performance Limited (PPL) and many others.

² Vision 2022: An initiative by IMI (page 07)

implementation of counter-piracy laws in India. The study also includes successful examples and models from other countries.³

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³ A special thanks to Malvika Shanker, Trainee Associate, ZEAL Attorneys for her contribution towards research for this paper.

Administrative Remedies to combat Digital Piracy

Since decades, Digital Piracy has been wounding one of the most important sectors of the Indian economy - Media and Entertainment (M&E) sector. M&E sector is vertebrae of the Indian economy. According to Invest India, India has fifth (5th) largest M&E market in the world.⁴ The sector grew 9% in 2019 to reach INR 1.82 trillion as per FICCI-EY, 2020 report.⁵

Patently, M&E sector is one of the fastest growing sectors in India and it would not be incorrect to state that the said sector ranks high in the Ministry of Information and Broadcasting's vision. The Ministry's vision is *inter alia* to create an enabling environment for sustained growth of M&E sector and facilitate value based wholesome entertainment.⁶ **However**, this sector including the Music Industry has been harrowed by digital piracy for decades. The copyright holder, the original creator of content, the government, the economy as well as the final user of the pirated content - all bear the brunt of the illegal and unethical Piracy business. Piracy is a huge impediment in achieving the fair value of the content and acts as a stumbling block, choking the monetization chain of the sector. Thus, one of the important missions of the Ministry of Information and Broadcasting is to combat film, music and video piracy in coordination with other concerned agencies.⁷

Losses caused by Piracy

As per the IFPI-IMI Digital Music Study, 2019, piracy is pegged at 67% and causes an estimated loss of revenue of INR 1500 crore annually to the Music Industry in India. According to another estimate, Piracy causes an annual loss of around INR 18,000 crore every year to the Indian Film Industry accompanied by a loss of 60,000 jobs each year.⁸ According to MUSO⁹, there were 9.589 billion visits on the pirate websites in India alone in the year 2018¹⁰.

Angrezi Medium, Gypsy, Baaghi 3, Chhapaak, Tanhaji, Shubh Mangal Zyada Saavdhan, Jaanu, Jawaani Jaaneman, Panga, Street Dancer 3D, Pattas, Ala Vaikunthapurramuloo, Sarileru Neekevvaru, Darbar,

⁴ <https://www.investindia.gov.in/sector/media>. The Indian M&E industry is projected to grow at a pace of 14% over the period 2016-2021, outshining the global average of 4.2% CAGR, with advertising revenue expected to increase at a compounded Annual Growth Rate (CAGR) of 15.3% during the same period.

⁵ The Era of Consumer A.R.T., Media and Entertainment Sector, March 2020, FICCI-EY Report

⁶ <https://mib.gov.in/about-us/vision-mission>

⁷ <https://mib.gov.in/about-us/vision-mission>

⁸ <https://assets.kpmg/content/dam/kpmg/in/pdf/2017/04/FICCI-Frames-2017.pdf>; <https://www.csrvision.in/film-piracy-and-csr/>

⁹ MUSO is a technology company providing anti-piracy, market analytics and audience connection solutions that disrupt the piracy market for digital content.

¹⁰ <https://dataprot.net/statistics/piracy-statistics/>

Ghost Stories, Mafia, World Famous Lover, Vaanam Kottattum, Disco Raja, Big Brother – these are the names of few movies which were leaked online by a piracy website called Tamilrockers.com.¹¹ The list of movies leaked by the said pirate website is endless and so are the nefarious websites providing illegal downloads. Similarly, website songs.pk (including its mirror website songspk.mobi) illegally provides innumerable songs and music videos from multiple movies and albums. Further, Diljit Dosanjh's Music single 'Do you Know' and music of Rajnikant's film 'Kabali' were leaked days before its official launch.¹² These infringers through piracy earns 35 percent more than the amount Indian Industry earns from legitimate sources such as screening at theatres, home videos and TV rights.¹³

The overall losses because of broadcast and movie piracy is estimated to touch up to 3.1 billion U.S. Dollars by 2022, making India the largest victim of broadcast piracy in the world.¹⁴ Signal Piracy and Online Piracy of live sports is also a major area of concern in India. Unauthorized online transmission of cricket and other sports matches has been rising tremendously due to various factors including the increasing smart phone penetration, increasing consumption of digital content, low data tariff and easy accessibility to the sports matches through unauthorized broadcast on various websites. During the 2017 IPL season, indiantelevision.com estimated that matches were illegally telecast by more than 1,700 unique URLs via 211 unique servers, 122 pirate streams, 51 hosting sites and 23 infrastructure providers via remote servers.¹⁵

Needless to say, Piracy has been a paramount factor in hindering the growth of the M&E as well as broadcast sector in India. Keeping the above in mind, this paper aims to *inter alia* divulge the need to adopt administrative measures in India to reduce piracy colossus in the M&E sector and recommendations to reduce piracy in the digital world.

Need for adopting Administrative Measures

The illegal business of Digital piracy is a highly profitable business for infringers for multiple reasons including the low operating costs, availability of millions of potential online customers, free and easy accessibility for consumers, cloak of anonymity etc. At the same time, there are multiple disadvantages of Digital Piracy - from Loss of taxes to the Government exchequer, huge losses to the Music, Film and

¹¹ <https://indianexpress.com/about/tamilrockers/>

¹² <https://www.ghaintpunjab.com/Ghaintpunjab/Article/4459/diljit-dosanjh-song-leaked;>
<https://www.thehindu.com/news/cities/chennai/Kabali-music-leaked-online-before-launch/article14418451.ece>

¹³ [https://www.thenewsminute.com/article/indian-films-gross-2-billion-piracy-makes-35-more-48603,](https://www.thenewsminute.com/article/indian-films-gross-2-billion-piracy-makes-35-more-48603)

¹⁴ <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1732&context=sportslaw>

¹⁵ https://www.wipo.int/wipo_magazine/en/2018/01/article_0002.html

other industries, loss to the economy and consumers, revenue and employment loss to the industry, loss of sale and profitability to the Copyright holders, legislative and other cost in anti-piracy measures, defrauding of customers, increase in terrorism and illegal activities –the list is infinite. Digital piracy is also closely connected with Money Laundering, Terrorism, Tax Evasion, Spread of Malware, Cybercrime and many other illicit activities. According to a Report, Pirate sites earn over \$200m a year in ad revenue.¹⁶ Digital Pirates earn huge amount of revenue through piracy by advertisements (and sometimes subscriptions) while putting the consumers exposed to Malware (including Trojan horses, viruses, worms, spyware, rootkits, bugs etc) and, Pornography, Gambling, Drugs and other illegal activities.

Various applications and technologies contribute to and induce Piracy to a large extent. In fact, some of the technologies' primary effect is copyright infringement and their primary purpose is to earn revenue through Piracy. The illegal apps and technologies like Stream-ripping, file sharing, P2P (peer-to-peer), cyberlockers / cloud storage have contributed significantly to the ongoing massacre of copyrights. The applications and websites such as Tamilrockers, Filmywap, Todaypk, Bolly4U, songs.pk, citytorrent, YTS domain, Pirate Bay, Torrentz, Torrentz 2's primary source of revenue is pirated content. Further, there are numerous Applications and Software for different operating systems (Windows/android/iOS/Mac) which contribute and facilitate copyright infringement including Transmission, Popcorn Time, DuckieTV, Showbox etc.

Digital Piracy is also multiplying by the increasing use of the Android Package Kit (APK links) and iOS links. Most of the platforms host the links for live streaming and/or for downloading content from a third-party. The number of ways in which these contents are made available is so high that it is almost impossible to curate and verify every third-party content-provider. For instance, in case of the platforms like 'Stremio' and 'Mobdro' the users are allowed to stream the content from legit purchased Netflix/Amazon Prime accounts (and their likes) as well as from unverified sources. If the streaming content is taken from the latter, it amounts to copyright infringement.

The existing traditional – judicial (John Doe a.k.a. Ashok Kumar orders, Anton Piller Orders, Ex Parte injunctions, Dynamic injunctions etc) and non-judicial remedies have not been able to minimize the impact of piracy in India. The digital tools and measures including notice and takedown, filtering and

¹⁶ <https://www.zdnet.com/article/pirate-sites-earn-over-200m-a-year-in-ad-revenue/>

monitoring, public awareness initiatives, digital authentication tools like Metadata, digital fingerprints, digital watermarks also haven't been successful yet in thwarting the 'Piracy Monster'.

The judicial remedies apart from being time consuming and complex are extremely expensive. By the time, a site blocking order is passed, multiple mirror websites are created by the Bad Actors¹⁷. Although the Delhi High Court has introduced the concept of Dynamic injunctions in India to address the problem of hydra-headed rogue websites¹⁸, the said judicial remedy is not a comprehensive solution to curtail digital piracy in India. By virtue of dynamic injunction, an injunction order can be extended to mirror/ redirect/ alphanumeric websites to those already blocked but the power of adjudicating on the issue of such mirror/ redirect/ alphanumeric websites has been delegated to the Joint Registrar of the High Court. Thus, the right holder again falls in the grasp of time consuming and expensive judicial system.

Ease of change in URLs, anonymity cloaks and territorial limitations are the major factors which enable pirate websites like www.songs.pk offering pirated music and content, despite being blocked by virtue of Court Orders¹⁹, continue to operate under mirror / hydra-headed rogue website(s) like www.songpk.mobi. The complexity is agonized by the fact that many servers hosting the pirate websites are located outside India.

The notice and take down approach has also not been very successful in curtailing Digital Piracy despite the fact that various rights owners have their own internal copyright system following the notice and takedown approach. Their efforts go redundant many a times since the court orders are required against Internet Service Providers (ISPs) and domain name providers to take down the infringing content / websites.

There are multiple platforms like Google AdSense, DoubleClick, PopAds, Propeller Ads, BlueKai, AppNexus, Lotam.80 which provide revenue to the Pirate websites through their Pay per click or such other online Advertisement models. These networks generally exercise very low levels of control and hardly verify if the website or content on the website is infringing.

It is thus evident that despite multi-pronged approaches through judicial and non-judicial processes we have not been able to control the 'Piracy Monster' in India for various reasons, some of which have been

¹⁷ The term "Bad Actor" is commonly used for actors involved with illicit activities in the Digital World.

¹⁸ UTV Software Communication Ltd. v 1337X.TO and Others [2019(78) PTC 375(Del)]

¹⁹ Sagarika Music Pvt Ltd vs. Dishnet Wireless Ltd, Civil Suit No. 23 of 2012, Calcutta High Court.

elaborated above. Thus, there arises an immediate need to adopt administrative measures which are less time consuming, less expensive and uncomplicated.

Administrative measures adopted by other countries

United Kingdom

Operation Creative and IWL - In the Year 2013, PIPCU²⁰ in partnership with the creative and advertising industries of the UK led an initiative to disrupt and prevent websites from providing unauthorised access to copyrighted content. Under the said initiative called Operation Creative, the Rights holders identify and report copyright infringing websites to PIPCU with evidence indicating how the site is involved in illegal copyright infringement. PIPCU evaluate the websites and verify whether the same is infringing copyright. If the answer is in affirmative, PIPCU contacts the website owner offering to engage with them, to correct their acts and to begin to operate legitimately. If a website fails to comply and engage with PIPCU, then a variety of other tactical options are used by them including;

- (a) Contacting the domain name registrar to seek suspension of the site,
- (b) Advertisement replacement and disrupting advertising revenue through the use of an Infringing Website List (IWL).

Since PIPCU launched the IWL in 2013, there has been a 73% decrease in advertising from the UK's top advertisement spending companies on IWL copyright infringing websites.²¹

Other countries like **Hong Kong, Vietnam, Indonesia and Malaysia** have also launched the IWL in recent years to curtail Digital Piracy. Indonesia has issued administrative orders to block over 480 copyright-infringing websites.²² Countries like **France** are also considering adopting the IWL.²³

²⁰ Police Intellectual Property Crime Unit, City of London Police, United Kingdom

²¹ Protecting Creativity, Supporting Innovation : IP Enforcement 2020 published by UK IPO

²² <https://www.nst.com.my/news/nation/2017/10/289556/malaysia-launches-infringing-website-list-initiative-combat-digital>; https://trade.ec.europa.eu/doclib/docs/2020/january/tradoc_158561.pdf

²³ <https://completemusicupdate.com/article/french-culture-minister-proposes-web-block-list-in-new-anti-piracy-push/>, <https://www.white-bullet.com/infringing-website-lists-iwls-as-france-looks-to-follow-the-lead-of-others-smart-blocklist-technology-is-needed-to-defeat-iwl-evasion-techniques>

China

Sword Net Action - Sword Net Action is a joint annual campaign (launched in the year 2005) targeting copyright infringement on the internet by the National Copyright Administration of China and supported by Cyberspace Administration of China (CAC), Ministry of Industry and Information Technology of China (MIIT) and Public Security Bureau (PSB). It is a time bound process and runs from April to October every year. Under the campaign the MIIT is authorized to block the infringing sites.

Every website in China needs an ICP (Internet Content Provider) Registration under which they have to provide ownership details of the website and the location of origin. This is all monitored by MIIT. All websites in China are mandatorily required to display their ICP Registration Code and thus anyone can look up the registration code on MIIT website and find out the owner and location of the website. The MIIT is authorized to block sites. Local enforcement teams also have the jurisdiction to request the website to remove infringing content, fine, shut down the website and confiscate server custody (for less than 15 days). The Local enforcement teams passes the case to local police to investigate as a criminal complaint if certain pre requisites are met.²⁴

It may be pertinent to mention herein that the pirated site take-down rate in China is 97% whereas it is only 37% in India as of June 2019.²⁵

Portugal

Portugal has been maintaining a versatile piracy-fighting mechanism that allowed ISPs to immediately block copyright infringing domains without a court order since the year 2015. In the year 2015, the Portuguese government entered into a memorandum of understanding (MoU) with the rights holders²⁶ and ISPs according to which access to copyright infringing sites can be blocked by ISPs²⁷ following an order of governmental body IGAC (General Inspection of Cultural Activities). Portugal's regulatory site blocking orders have successfully reduced use of large-scale piracy websites by 69.7 percent.²⁸ Portugal has also extended the jurisdiction of the aforementioned mechanism to enable it to block websites that illegally broadcast sports streams.²⁹

²⁴ IMI-FICCI-IFPI, Digital Piracy Seminar, November 21, 2019

²⁵ The Era of Consumer A.R.T., Media and Entertainment Sector, March 2020, FICCI-EY Report

²⁶ Representatives of copyright owners' groups like FEVIP and GEDIPE

²⁷ The Portuguese Association of Telecommunication Operators (APRITEL), the ".PT" domain administration body

²⁸ <https://www.incoproip.com/news/news-portugal-site-blocking-report/>

²⁹ <https://www.technadu.com/portugal-extending-piracy-blocking-to-live-sports/55280/>

USA

Operation in Our Sites - Operation in Our Sites is an ongoing effort by the National Intellectual Property Rights Coordination Center in the U.S. government operating since the year 2010, to detect and hinder intellectual property violations on the Internet. It targets websites and their operators that distribute pirated and counterfeit items over the Internet, including pirated movies, television shows, music, software and counterfeits.³⁰

National Intellectual Property Rights Coordination Center (IPR Center) led by Homeland Security is one of the U.S. government's key weapons in the fight against criminal counterfeiting and piracy. As a task force, the IPR Center uses the expertise of its 23 member agencies to share information, develop initiatives, coordinate enforcement actions and conduct investigations related to IP theft.³¹

They have adopted various measure to curtail IP Theft and online piracy including the IP Theft Referral Programme where the public in general can report IP theft and Piracy.³²

European Union

Operation in Our Sites - In 2016 Europol and the European Union Intellectual Property Office (EUIPO) joined forces to create the Intellectual Property Crime Coordinated Coalition (IPC3), which operates within Europol. In the year 2019, during the tenth iteration of Operation in Our Sites (IOS X) under a joint European-United States operation 30,506 domain names were seized that distributed pirated and counterfeit items over the internet.³³

Russia

Russia allows for pre-existing website-blocking orders to be extended to include clone and mirror websites containing infringing content. Such websites can be blocked in an extrajudicial procedure on the basis of existing court rulings related to the original infringing website, without the need for a new application to

³⁰ <https://www.iprcenter.gov/file-repository/ipu-operation-in-our-sites-2016.docx/view>

³¹ <https://www.iprcenter.gov/>, <https://www.ice.gov/news/releases/federal-law-enforcement-agencies-join-movie-industry-unveil-new-anti-piracy-warning>

³² <https://www.iprcenter.gov/file-repository/73-048-ice-encryption-wizard-3-3-2017.pdf/view>

³³ <https://www.domainpulse.com/2019/12/03/tenth-operation-in-our-sites-30000-domains-seized/>

the court. In 2018 Russia introduced financial penalties for attempts to bypass website blocking orders and penalties for search engine operators, if blocked websites remain accessible in their search results.³⁴

In 2017, Russian telecoms regulator Rozcomnadzor ordered local ISPs to block 8,000 pirate websites, a four-fold increase over 2016. Rozcomnadzor claims that the blocking of piracy websites contributed to the growth of cinema collections³⁵ with the aggregate box office of national film distribution increasing by 10.9 percent, while attendance increased 11.4 percent.³⁶

Recommendations

The Author recommends to the Ministry of Information and Broadcasting to form an **Independent Piracy Review & Control Association (IPRCA)** to adopt administrative site blocking and other administrative and technological measures in order to control the ever-growing menace of online piracy. The IPRCA should have the following members:

- Software Engineers
- Cyber Forensic experts
- Digital Marketing experts
- Artificial Intelligence (AI) and Block chain experts
- Technical Experts from Digital Advertising and Marketing field
- Copyright Experts including Copyright lawyers
- Private Copyright Investigators / Detectives
- Officials from Police Departments, Maharashtra Cyber and Digital Crime Unit (MCDU), Telangana Intellectual Property Crime Unit (TIPCU) and other Cyber Cells operating in the Country
- Officials from relevant Ministries and Departments including Ministry of Information and Broadcasting, Ministry of Electronics and Information Technology (MEITY), and Department for Promotion of Industry & Internal Trade (DPIIT) under the Ministry of Commerce and Industry and Ministry of Home Affairs (Cyber Law Division).

³⁴ https://trade.ec.europa.eu/doclib/docs/2020/january/tradoc_158561.pdf

³⁵ based on a report from the Cinema Foundation

³⁶ <https://itif.org/publications/2018/06/12/normalization-website-blocking-around-world-fight-against-piracy-online>

Purpose of IPRCA - The primary purpose of IPRCA should be to control Piracy and to require ISPs and others to disable access to pirate sites that are blatantly and overwhelmingly engaged in piracy and violation of other's copyright. The main role of IPRCA will be to identify infringing websites with the help of stakeholders and industry and working with ISPs and others to block access to those infringing websites.

The said association shall also be responsible for preparing and auditing the IWL as elaborated below and taking the following measures:

- 1. Infringing Website list and tie-up with Advertisers** – "Follow the money" approach to starve the pirate websites of their major sources of funding namely advertisement could prove influential in controlling Digital Piracy in India. Revenue through advertisement is the oxygen supply of illegal websites offering the pirated content. If one could choke the oxygen supply of the pirate websites, there would be little incentives for them to offer the infringing content to public.

The Author thus recommends consolidating an IWL containing the URLs of the websites which offer pirated content on their website.³⁷ IWL should be an online portal containing an up-to-date list of copyright infringing sites. It should be a dynamic list capable of adding the suppliers of the infringing content at various time(s) to resolve the recurring problem of hydra / mirror websites. The entries in IWL should be identified and evidenced by the creative industries / stakeholders / Copyright holders and verified by IPRCA.

Many a times, legitimate advertisers, ad agencies and marketing department of the companies are either unaware or apathetic towards the legitimacy of content available on the websites on which their advertisement is placed. IWL certified by an independent association like IPRCA would help the advertisers and ad agencies to place their ads on legitimate websites.

Once the IWL is ready, the same should be circulated to the online advertisers and those involved in the sale and trading of digital advertising seeking support from them not to advertise on the websites appearing in the IWL. The Advertisers, agencies and other intermediaries can then cease advertisement placement on these illegal websites which in turn will disrupts the sites' advertising revenue. Advertising is a key generator of profits for criminal websites providing access to

³⁷ The Draft National E-commerce Policy, February 2019 also recommended constitution of Infringing Website list to curtail Piracy. https://dipp.gov.in/sites/default/files/DraftNational_e-commerce_Policy_23February2019.pdf

infringing content and thus by choking their revenue, their operations can be brought down to a considerable extent.

2. Tie up with Payment Gateways – Collaboration with the Payment Gateways for voluntarily restricting payments (either by way of payment for the services or donation) to rogue / leech websites appearing in the IWL will help in reduction of transactions done on rogue websites which in turn would reduce piracy since the rogue websites oxygen supply, viz the revenue, would be reduced to a considerable extent.

3. Tie-ups with the Internet Service Providers – (a) Tie ups with the ISPs to take down the infringing websites or to block access of the said websites within the Indian territorial jurisdiction even when the rogue websites are hosted from the foreign jurisdiction could be a significant solution. Blocking could be either Internet Protocol (IP) Address Blocking, Domain Name System (DNS) Blocking or Uniform Resource Locator (URL) Blocking depending upon the resources, the requirements and the best possible means to address the problem.

(b) The ISPs can also inform consumers that their IP address is being / has been used to illegally access, download or upload copyrighted material via peer-to-peer networks or through any other means and also educate them about legitimate sources of content. Like IWL, IPRCA may also assist in creating an inclusive list of legitimate sources of content with the help of the Industry and stakeholders.

(c) The ISPs can reduce internet speed of the consumers while they are accessing the illegitimate websites in order to demotivate the consumer to access the illegitimate content.

4. Tie-up with National Internet Exchange for India (NIXI) – (a) It is widely known that most of the pirate websites do not provide their true identity or in other words, WHOIS / KYC (Know Your Customer) details since the nature of their business ipso facto is illegal and unethical. A tie up with NIXI to mandate the .IN websites to furnish their correct details could act as a catalyst in reducing piracy. Majority of the pirate websites will not provide the correct credentials and thus such websites could be easily blocked. Such a model has worked in the past where MCDCU along

with CIPAM³⁸ has been successful in blocking around 235 websites on the basis of not furnishing the complete credentials.

(b) A partnership / tie up with NIXI to address the Domain Name Registrars to block the domain names of the websites primarily hosting infringing content.

5. **Tie-up with Domain Name Registrars** – Tie up with Domain name Registrars to block domain names of the websites primarily hosting infringing content can contribute predominantly in bringing down the piracy rate. Most of the domain name Registrars do not block the domain names even after receiving ample evidences that the websites are hosting illegal content. Orders / directions by IPRCA would lead them to block the domain names of websites hosting pirated content.
6. **Working with MCDCU, TIPCU and other Cyber Crime Cells throughout India** - Channelizing the existing resources including MCDCU and TIPCU can be highly beneficial in curtailing digital piracy. Coordinated actions and programmes by these units in their respective states along with the industry / stakeholders can bring out a reasonable change in bringing down the numbers of pirate websites in India. To take an example, till August 2019, MCDCU had permanently suspended 387 websites that indulged in digital piracy. The said websites had over 28.5 crore visits per month and their suspension has resulted in the M&E industry saving revenue of Rs 21.3 crore per month which it had been losing on account of piracy.³⁹ MCDCU has been working with well-known brands and advertisement agencies and their expertise can be valuable in shrinking the ever growing web of piracy.
7. **Tie up with the Search Engines** - (a) Search Engines can put a notification in the search result entries that the Pirate websites is the part of IWL; thus, educating netizens to switch to the legitimate content and websites.

³⁸ Cell for IPR Promotion and Management

³⁹ https://www.business-standard.com/article/pti-stories/cyber-cell-wing-helping-save-revenue-loss-of-rs-21-cr-a-month-119082900920_1.html

(b) Search Engines have the technological capacities to demote the websites hosting infringing content in the search result and they have been doing the same to a limited extent. Tie ups with the search engines to remove the websites primarily offering infringing content in the search results can prove a milestone in curtailing piracy. The leech websites providing the infringing content should not appear in the search results at all. IWL can also support the search engines in determining which all websites primarily provide infringing content.

- 8. Exchange of IWL with other countries** – Exchange of IWL with other countries especially the ones where servers of the major pirate websites are located will assist India considerably in addressing the Piracy issue. IPRCA can seek international cooperation with these countries to not only ban the infringing websites but also to work effectively with the companies on whose servers the majority of the infringing websites are hosted.
- 9. Inclusion of Digital Piracy in cybercrime.gov.in** – Digital Piracy is clearly a Cyber Crime and there is a growing need for the Administration to recognize the same and approach Online Piracy accordingly. The Author thus recommends including Digital Piracy in the list of Cyber Crimes displayed on the National Cyber Crime Reporting Portal - cybercrime.gov.in and addressing the crime reported on the portal in the same way as the other Cyber Crimes.

Time bound Actions

It is vital that IPRCA's actions should be time bound to make it efficacious. The Author recommends a deadline of 7 days for IPRCA to block the pirate website and take other actions as elaborated above with the help of concerned stakeholders. The time limit will assist IPRCA and their partners to provide the quick and most effective relief. As an old saying goes – 'Justice Delayed is Justice Denied'. The timeliness will help in remarkably checking the birth of hydra-headed rogue websites.

Grievance Re-addressal forum

The author also recommends setting up a Grievance Re-addressal forum under IPRCA. In short, there should be one or more than one senior(s) within IPRCA who can attend to the complaints if the first level of officers are not functioning as per the purpose and values of IPRCA. The said Grievance Re-addressal forum should attend to the following complaints:

- Website owners' complaint against website blocking or any other measure adopted by IPRCA or their partners.
- If actions by IPRCA and / or their partners are arbitrary and not based on sufficient evidences.
- If IPRCA is not taking any action or time bound actions against the complaints.

Conclusion

The administrative relief(s) would be much quicker, effective, non-expensive and efficient for the right holders. Administrative remedies coupled with judicial and non-judicial remedies as well as awareness campaigns by the Government and private players are likely to bring a major change in the Copyright ecosystem in India and will be instrumental in reducing digital piracy. In order to control the 'Piracy Monster', the concept of 'working in silos' has to be abolished altogether and collaboration and cooperation by various Government Ministries & Departments, Copyright holders as well as various stakeholders including ISPs, ad agencies, technology platforms, search engines, data storage providers and payment service provider as well as the consumers and many others is required.

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