

# Impact Of Digital Technology On Copyright Law

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Copyright Law is considered to be the biggest revolution in the Intellectual Property regime, with it providing safeguard to the owner of the creation from possible copying of the creative work.

With the owner of the copyrighted work not only being provided protection against possible copying and but also being provided with compensation in the form of damages, in case of violation, copyright law seems to be comprehensive protection that the owner of the copyrighted work needed.

However, when the Copyright Act was being framed by the legislature, technology was not so advanced and we didn't entered the digital era. However, with the advent of the technology, Copyright Act seems to be lacking in addressing the problems being created by new digital data transmission and technology.

## Issues in digital era with Copyright Act

Therefore, with the advent of the technology, Copyright Act faces three major issues and setbacks that it needs to deal with. The first and the foremost issue with the Copyright Act is that in digital era, there will be more and more infringement of copyrighted work online and Copyright Act does not provide effective measures to deal with such infringement. Online infringement is difficult to detect, majorly because of privacy interests and laws, along with continued public acceptance of digital copying. Thus, both the scenarios will make Copyright Law even more difficult to enforce.

Second major issue with the digital era is fair use being permitted by the Copyright Act. The Act permits copying of the work for private use under the fair use regime. Thus, people will be able to copy the copyrighted work for fair use and can publish the work online unauthorized, which will make it even more difficult for Copyright Act to prevent such unauthorized use.

Third and the formidable issue with the current Copyright regime is that Copyright Act provides narrow definition to the copyrighted work. Thus, copyrighted work is not provided with any kind of online protection nor does copyrighted work is being provided online protection through judicial pronouncements.

Therefore, if left unresolved, these issues will subvert the intellectual property system.

## Digital Technology: An impetus to change:

As nothing is concrete and is subject to change, technology have also came a long way from analog technology to digital technology. Thus, with the advent of the digital era, users of the digital technology are being provided with more and more options, to record, download and transmit data of higher quality in less time, as compared to the analog system which requires lot of time to download and transmit data. Thus, the result would be that more and more copyrighted work would be prone to infringement, at less cost and it will be more difficult to prevent.

## History of the Technological Advancement and hindrance to Copyright Law

Analog technology was mainly replaced with the digital technology back in the 1980s. The sales of the analog photographic albums were starting to show downward trend and the Compact Disks sale was on its record high. Thus, digital form of transmission of data was becoming more common as compared to the analog log of transmission in the form of television, radio and fiber optic cable.

And the major reason for such drastic change form analog transmission to digital transmission was mainly due to quality improvement, low cost of transmission and high speed of data transmission and recording.

## Failures of the Copyright Law in the existing regime

- **Enforcement:**

The major issue with the Copyright Law in digital era is its enforcement. When Copyright Act was being framed by the legislature, digital era was not at its peak and thus, remedies pertaining to digital infringement were not kept in mind. Furthermore, with the advancement and introduction of Virtual Portable Network, tracing the infringement roots have become even more difficult.

Another major issue with the enforcement of Copyright Law is the Right of Privacy being given the status of fundamental right. Thus, tracing infringement roots without violating the privacy rights have become next to impossible as recording and transmitting of the copyrighted work will mostly be done within the four

walls of one's house, privacy interest will interfere with fair investigation, thus causing hindrance to the Copyright Law.

- **Public Attitude towards Copyright infringement:**

Public behavior towards piracy and copying of the copyrighted work goes hand in hand with the investigation. Co-operation of the public thus, becomes of utmost importance while dealing with the copyright infringement cases. However, on the contrary, public attitude can also become an obstacle to dealing with copyright infringement.

Public all across the world have become more and more accustomed to taping copyrighted work and material. Furthermore, some polls conducted disclose that most of the public believes that unauthorized copying is acceptable to a large extent. This is mainly because these pirated works are available to the public at minimal cost and sometimes even for free. And this behavior is prevalent from analog era and is certainly not going to change in digital era as well.

- **Private Use:**

As every right has its pros and cons, right to privacy also comes with the same scenario. Private use, as defined in various studies refer to use of all copyrighted materials that are non-commercial and non-competitive. However, once copied for private use, gaining commercial benefit from such copied work is very likely and in such scenario, Copyright Act would not prove to be beneficial to owner of the Copyrighted work.

And with the entrance into digital era, new opportunities have emerged for the general public to copy the copyrighted work.

- **Defining the protected work:**

Existing copyright framework does not expressly define what is protected under its regime? Copyright Act simple provides protection to the original work, the work not being defined anywhere. Thus, it becomes extremely difficult for the courts to determine the extent of such work, whether one's work is included or not and if included, whether copying of the work amounts to Copyright infringement or not?

## Alternative solutions to Copyright problems in digital era

- **Anti-theft Technology and Contract:**

With the technological advances, it becomes extremely difficult for the market to alone protect the copyrighted work without proper legal due course. And with the technology ever expanding and evolution made in every sector, protecting such work becomes even more important. However, one such software known as software protection devices, which prevents users from copying software and data into blank disks, can prove to be useful and can go a far way in protecting the digital piracy.

- **Contractual Agreements:**

It have been observed that when two companies enter into a contract, they have to share their confidential data with the other. In such scenarios, contractual agreements obligating the other party to delete and destroy such confidential information after their contractual obligation is over, can prove to be very helpful in preventing copyright infringement.

### Conclusion

Copyright Law is a complex law to frame. However, with the technology ever advancing, legislation has to amend the law with the current requirements. If such amendments are not done within the stipulated time frame, Copyright Law provisions will not be able to protect the interest of owner of the work, provided that such work is being infringed in digital era or analog era