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MEDIA AND ENTERTAINMENT UNDER THE LENS OF INTELLECTUAL PROPERTY: ISSUES AND CHALLENGES AND THE NEED OF REGULATORY REFORMS

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I. ABSTRACT

Intellectual Property Rights serve as the backbone of the media and entertainment sector, protecting creative works and rewarding innovation. In the digital age characterized by rapid technological change, globalization, and an explosion of online content the effective enforcement and evolution of IPR have become increasingly complex yet essential. This article examines the role of intellectual property law in safeguarding creative works such as films, music, literature, digital media, television programs, animation, and broadcast material from unauthorized use. It further analyzes emerging legal challenges including copyright piracy, digital streaming infringements, deepfake technology, artificial intelligence-generated content, and user-generated media within contemporary regulatory frameworks. It also discusses legal uncertainty, jurisdictional boundaries, and enforcement problems in various markets. It also addresses the relative efficacy of existing regulatory schemes and complexities fueled by the borderless nature of the internet, which renders national law inadequate in dealing with cross-judicial infringements and require reform, highlighting the need for harmonized global policy, digital rights management and evolving legal interpretations to strike a balance between the interests of creators, consumers and intermediaries. And particularly the evolution of user-generated content and remix-culture pose new challenges to originality, authorship and fair use. The paper concludes by proposing strategic reforms, including strengthened cross-border cooperation, simplified copyright licensing mechanisms, enhanced digital rights education, and the modernization of outdated laws to address evolving technological realities. There should be a balanced, adaptable, and vision-oriented IPR

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regime to support creativity, safeguard rights, and promote balanced growth in the world media and entertainment sector.

II. KEYWORDS

Copyright, media, IP protection, entertainment, content, regulatory reform, artificial intelligence.

III. INTRODUCTION AND RESEARCH PROBLEM

The media and entertainment industry has undergone unprecedented transformation with the rise of digital technologies, online streaming platforms, artificial intelligence, and user-generated content ecosystems. These developments have expanded the reach of creative industries while simultaneously intensifying challenges related to intellectual property protection. Copyright piracy, unauthorized digital reproduction, deepfake technology, and AI-generated content have created complex legal issues that traditional intellectual property regimes were not originally designed to address.

In India, the legal framework governing intellectual property rights is primarily anchored in the Copyright Act, 1957, the Trademarks Act, 1999, and the Information Technology Act, 2000. While these statutes provide foundational protection for creative works, the rapid technological transformation of media distribution has exposed regulatory gaps, particularly in relation to cross-border digital infringement, platform liability, and the ownership of AI-generated content. The proliferation of online streaming services, social media platforms, and digital content marketplaces has further complicated enforcement mechanisms.

The central research problem addressed in this study is the inadequacy of existing intellectual property regulations to effectively protect creative works in the evolving digital media ecosystem. The lack of specialized regulatory provisions for emerging technologies such as artificial intelligence, deepfakes, and large-scale digital distribution systems has resulted in uncertainty regarding authorship, liability, and enforcement. This paper therefore examines the legal challenges faced by the media and entertainment sector and explores the need for comprehensive regulatory reforms to ensure effective protection of intellectual property rights in the digital era.

A. Research Objectives

The present research aims to achieve the following objectives:

1. To examine the role of intellectual property rights in protecting creative works within the media and entertainment industry.
2. To analyze the legal challenges posed by emerging technologies such as artificial intelligence, deepfakes, and digital streaming platforms.
3. To evaluate the effectiveness of the existing intellectual property framework in India, particularly the Copyright Act, 1957 and related regulatory mechanisms.
4. To identify regulatory gaps in the protection and enforcement of intellectual property rights in the digital media environment.
5. To propose legal and policy reforms aimed at strengthening intellectual property protection for creators and stakeholders in the media and entertainment sector.

B. Research Questions

The research is guided by the following questions:

1. How do intellectual property rights function as a legal safeguard for the media and entertainment industry?
2. What challenges do emerging digital technologies pose to the enforcement of intellectual property rights?
3. To what extent does the current Indian legal framework effectively address copyright piracy, digital infringement, and AI-generated content?
4. What regulatory gaps exist in the governance of intellectual property rights in the digital media ecosystem?
5. What reforms can be implemented to strengthen intellectual property protection in the media and entertainment sector?

C. Research Methodology

This research adopts a doctrinal and analytical legal research methodology. The study primarily relies on the examination of statutory provisions, judicial decisions, academic literature, and international legal frameworks relevant to intellectual property rights in the media and entertainment sector.

Primary sources include statutory instruments such as the Copyright Act, 1957, the Information Technology Act, 2000, and relevant amendments governing digital copyright protection. Judicial interpretations and landmark case laws relating to copyright infringement, personality rights, and digital content protection are also analysed.

Secondary sources include scholarly articles, legal commentaries, research papers, policy reports, and international intellectual property instruments. Comparative references to international practices and treaties such as the WIPO Copyright Treaty and other global regulatory approaches are incorporated to assess emerging trends in intellectual property governance. The methodology also involves a critical analytical approach, evaluating the effectiveness of existing legal mechanisms and identifying regulatory gaps in the protection of creative works within the evolving digital media landscape.

D. Research and Analysis

This section critically examines the evolving challenges of intellectual property protection within the media and entertainment sector.

- 1. Copyright Enforcement in the Digital Media Environment:** The proliferation of online streaming services and digital distribution platforms has significantly increased instances of unauthorized reproduction and distribution of copyrighted works. Although the Copyright (Amendment) Act, 2012 introduced provisions such as Digital Rights Management protections under Sections 65A and 65B, enforcement remains challenging due to the borderless nature of digital platforms.

2. **Artificial Intelligence and Ownership of Creative Content:** AI-generated content raises complex legal questions regarding authorship and ownership. Indian copyright law currently recognizes only human authorship, leaving uncertainty regarding the protection of AI-generated works. This regulatory gap has significant implications for industries increasingly relying on automated creative technologies.
3. **Deepfakes and Personality Rights:** Deepfake technologies have created new risks of identity misuse and reputational harm. The absence of explicit statutory regulation addressing deepfakes makes enforcement dependent on fragmented legal provisions such as copyright law, privacy principles, and criminal law provisions.
4. **Platform Liability and Intermediary Regulation:** Digital platforms play a central role in the dissemination of creative content. The intermediary liability framework under Section 79 of the IT Act attempts to balance innovation with accountability, yet enforcement challenges persist when copyrighted material spreads rapidly across multiple jurisdictions.

E. Literature Review

1. Deepfakes in India: A legal labyrinth of copyright and IPR

There is no legislation that deals with deepfake technology per se in India. The increasing use of deepfake technology in India has raised serious legal and regulatory issues, particularly in the area of copyright law, privacy, and intellectual property rights. The following laws are referred to in older legislation such as Information Technology (IT) Act, 2000, Indian Penal Code, 1860, and the Copyright Act, 1957. Laws, although providing limited relief, are inadequate to meet the sophisticated legal issues arising out of AI generated content. A civil law approach, deepfakes tend to use copyrighted material- images, video clips and sound, without permission, which will constitute copyright infringement under sec. 14 and 51 of the Copyright Act. "Indian copyright law does not recognize non-human authorship, which creates uncertainty regarding the legal status of AI-generated content. Under Section 2(d) of the Copyright Act, 1957, the term 'author' is defined with reference to natural persons

responsible for the creation of literary, dramatic, musical, or artistic works, thereby excluding purely machine-generated outputs. The doctrine of fair dealing, under definition in Section 52, includes only limited exceptions for criticism, review, or private study and never applies to manipulated or malicious works. The uncertainty about authorship and originality requirement creators creates a serious challenge in establishing liability or ownership of deepfakes. Section 57 moral rights shield creators from distortion of their work but provide scant means of redress when the deepfake abuses an individual's image without implicating a subject work protected by the moral rights. Scholars and legal commentators have pointed to the practical challenges of identifying and prosecuting deepfake offenses. Law enforcement agencies do not necessarily have the technical competency or forensic equipment to confirm manipulated media, and courts struggle with evidentiary requirements, particularly when content authenticity is an issue. Famed events, like the deepfake video of actress Rashmika Mandanna, have shown the extent of reputational damage and public interest. Such occurrences highlight the need for targeted legislation addressing not just the abuse of personal identity and likeness but also implications in terms of media trust, political manipulation, and violence against women.

2. INTELLECTUAL PROPERTY RIGHTS AND INDIAN ENTERTAINMENT INDUSTRY: AN OVERVIEW

India's entertainment industry, world famous for its vibrant creativity and cultural heterogeneity, is dependent in essence on intellectual property rights (IPR) as the foundation of its economic sustainability and artistic purity. The Copyright Act, 1957, together with the significant reforms introduced through the Copyright (Amendment) Act, 2012, provides essential safeguards for creative expressions ranging from cinema, music, and scripts to choreography and visual arts.

The 2012 amendment strengthened digital copyright protection, introduced provisions relating to technological protection measures, and enhanced performers' rights within the entertainment industry. Trademarks under the Trademarks Act, 1999 protect production house and artist branding, and media titles, albeit with India's first to use system prevailing predominantly sometimes making enforcement challenging.

Patent protection is comparatively underutilized in the industry, especially for entertainment-related tech innovations like audio processing, VFX, and gaming software. Even against this statutory backdrop, the industry continues to face enduring challenges: pervasive piracy, underenforcement capacity, expensive litigation, and a pervasive lack of knowledge among creators regarding pre-emptive registration and licensing methods.

In the past, ad hoc oral contracts and permissive documentation in the movie industry has generated disputed chain-of-title issues, although in recent years there has been a shift towards written contracts and active legal action underpinned by strong judicial support. In addition, IPR in the entertainment industry not only plays commercial but also cultural-preservation functions: preserving traditional art forms, local cinema, and folk creativity as well as allowing creators to capitalize on and have rights over the use of their creation within and outside their country.

The literature finally emphasizes that while India does possess an extensive range of legal safeguards, there is a need for substantive reform in the form of more effective enforcement tools, better creator education, more efficient litigation procedures, and revised statutory regimes to properly realize the potential of IPR is undergirding in India's vibrant and internationally growing entertainment economy.

3. A PROFOUND ANALYSIS OF INTELLECTUAL PROPERTY RIGHTS OF SOCIAL MEDIA INFLUENCERS AND CONTENT CREATORS

In recent years, there has been increased focus in legal and academic literature on the rising significance of intellectual property rights (IPR) for social media influencers and content creators, who increasingly exist as independent businesspeople. As outlined in the cited analysis, these individuals create original content—ranging from videos to photography, writing, and audio—that requires strong IP protection under the auspices of copyright and trademark. Copyright law protects original creative content, but influencers are commonly facing rampant infringements like unauthorized re-posting, re-use of music or video, and misappropriation of branded content without direct permission.

Trademark protection is essential for allowing creators to protect their usernames, channel names, logos, and taglines, as long as they are commercially used; registered trademarks also assist in protecting influencers from copying and enhancing discoverability. In spite of this framework, there are challenges: lots of influencers don't know they have IP rights, enforcement across jurisdictions is poor, and content disseminates without licensing or attribution. Legal commentators also point to risks on the horizon: influencers face risks of infringing third-party IP by including unauthorized brand features in sponsored posts and could be liable under the Consumer Protection Act for deceptive endorsements if disclosure standards are not adhered to.

Further, copyright infringement is taken seriously under Indian law—Section 51 defines infringement, and Section 63 provides criminal penalties including fines and imprisonment for wilful violation. Together, the literature emphasizes how although fundamental legal frameworks are available, influencers need to actively register and assert IP rights, employ proper contractual language with brands, comply with required disclosure rules (like ASCI guidelines and the "Endorsement Know How's" under the Consumer Protection Act), and be proactively complaint in terms of law to guard their creative investments and business interests.

4. INTELLECTUAL PROPERTY RIGHTS IN THE DIGITAL ERA: EXPLORING THE LEGAL ASPECTS OF COPYRIGHT IN THE CONTEXT OF DIGITAL CONTENT SHARING AND ONLINE PLATFORM

In the cyber age, conventional copyright law has been overhauled largely by the spread of internet platforms, user-generated content, and novel technologies, presenting intricate intellectual property right enforcement challenges. Scholarly literature examining digital copyright governance highlights how the character of copyright law has evolved in response to online content distribution and digital platforms highlighting the dramatic increase in illicit copying and distribution of content and the inability of old laws to stem such infringement in cyberspace.

The pioneering Copyright (Amendment) Act, 2012, filled some of these loopholes by including Digital Rights Management (DRM) provisions (Sections 65A and 65B) to prohibit circumvention of technological protection measures, with the aim of limiting piracy and exercising control over digital works. Enforceability is still a problem since digital material can be reproduced and shared immediately on different platforms – presenting substantial difficulties for rights owners in the identification of infringers and the obtaining of remedies.

The literature also highlights the need for creators' rights to be balanced against public access and innovation, especially through fair use regimes and open takedown procedures embedded within intermediary liability regimes like Section 79 of the IT Act and the IT Rules, 2021.

The literature also identifies global pressures with international treaties like the WIPO Copyright Treaty and jurisprudence from the EU shaping India's legal development while raising gaps particularly regarding AI-generated works, ownership of data sets, and the roles of blockchain based DRM systems. Lastly, this corpus of studies depicts how although India's legislative reforms and global obligations signify improvement, the cyber world calls for ongoing legal acclimatization, technological facilitation, and sophisticated frameworks that can safeguard creative expression within a globally networked system.

5. EXAMINING LEGAL AND ETHICAL FRAMEWORKS FOR PROTECTING INTELLECTUAL PROPERTY RIGHTS IN AI-GENERATED CONTENT ACROSS CREATIVE INDUSTRIES

Academic and policy writing increasingly emphasizes that conventional intellectual property regimes are not fit to respond regimes not fit to respond to the unique challenges presented by AI-created content creative economies. Key issues are specifying authorship, determining originality, assigning ownership, and allocating liability points of contact where heritage legislation grounded inhuman ingenuity fails.

Emphasizing this, Lu (2023) advocates for legislative changes that attribute de facto authorship rights to the owners of AI systems and set a threshold of human-

introduced originality in establishing copyrightability. In the Indian context, commentators point towards a lack of express legal recognition of non-human authorship under the Copyright Act, 1957, with courts having to battle cases on an adhocacy; such has resulted in piecemeal jurisprudence and widespread uncertainty regarding liability, with neither the user nor developer being considered an author.

Jurisprudence in other jurisdictions lends perspective: while the U.S. permits only work created by natural persons as authors, China's courts if human prompt-control is demonstrable have granted copyright to AI-assisted creators, emphasizing the role of human intentionality. Adding to these difficulties, cross-border variations in doctrine such as the EU's opt-in/opt-out regimes for text- and data-mining exemptions under its Digital Single Market Directive have created controversy regarding fair use, markets for licensing, and proportionate remuneration for creators whose works power AI training.

Both technical and ethical issues are equally important: research into watermarking, provenance tracking, and model accountability shows that existing technical interventions are frequently too weak to vest enforceable rights, especially over training datasets and transparency in generative content. Legal analysts also contend that an integrated strategy covering transparent legislative reform, ethical standards, licensing markets, and creator education – is required to achieve a balanced approach that encourages innovation but protects creative labour.

6. WHO OWNS AI?

Throughout jurisdictions, current copyright systems are significantly undermined by deepfakes and AI content. Authors such as Neeraja Seshadri and Sindhu A. note that long-standing doctrines fair use in the U.S., for example, or fair dealing under Indian and British law are frequently left insufficiently accommodating of deepfakes; particularly, U.S. courts can declare many deepfakes "transformative," and therefore potentially within protection, even if they were produced with malicious intent.

Contrary to this, Indian law calls for human authorship to protect and does not cover AI-generated media alone and considers deepfakes derivative works, thus eliminating them from copyright protection unless significant human intervention is established.

Also, jurisdictions without clear image or likeness rights e.g., the U.K., have to fall back on torts like passing off or copyright of pre-existing material (e.g. photographs) to fight deepfake abuse, which tends to be murky and problematic. Indian courts have applied personality/ publicity rights (e.g., Jackie Shroff's case), but the existing system is disjointed and doesn't have special statutes for AI impersonation.

Technologically, research such as DFA CON and GAI IP Infringement suggest machine learning architectures to identify and prevent copyright infringement within AI generated artwork and deepfakes through pattern recognition of unauthorized copying of protected works. Lastly, experts like Pamela Samuelson have predicted increasing controversy about who owns AI-produced outputs. She believes rights should attributed to the human who enables or owns the model, but not the AI and has written about the legal issues surrounding using copyrighted content in training models, consider its presumable fair-use nature.

7. THE SHEER 'FILM' OF PROTECTION- AN EXERCISE IN EXHAUSTION

In "The Sheer 'Film' of Protection - An Exercise in Exhaustion, author analyzes the intricate dance between the doctrines of patent and trademark exhaustion – also called as the "first-sale" doctrine and its real-world implications under Indian intellectual property law. The article states itself in the midst of a rich literature debating IP exhaustion's scope and boundaries, comparing international scholars have examined exhaustion rights in regard to parallel imports and downstream consumer access, bringing about conflict between IP holders' territorial and public interest in competition within markets.

Author makes a contribution to the debate by examining Indian legal precedent and statutory law, shedding on how exhaustion as a doctrine can either promote consumer-smart or subvert market regulation when not adjudicated with caution. By combining analysis with an evolution of seminal Indian court rulings, the author draws emphasis to regulatory gaps in clarity- asserting that a more sensible exhaustion policy can both reduce distribution channels and maintain IP holder incentives. This would be consistent with earlier international research calling for the

harmonization of exhaustion standards but also indicating India-specific law reform and more transparent judicial guidance.

8. CINEMATOGRAPHIC LYRICISTS RIGHT TO ROYALTY: MYTH OR REALITY?

The question of cinematographic lyricists' right to royalties in the Indian film industry has been subject to wide-ranging legal and academic analysis, something that represents wider anxieties regarding proper payment for creative content providers in the entertainment industry. Dahiya (2011) gives a full analysis of the historical and legislative backdrop to lyricists' copyright assignments in the Indian Copyright Act, 1957.

In the past, lyricists have been forced to assign their copyrights in favour of film producers in return for a one-time lump sum payment, thus surrendering all right to future royalties or economic gains arising from the exploitation of their work. This practice, frequently supported by power imbalances between producers and lyricists, has generated critical arguments concerning the fairness and sufficiency of creative artists' remuneration frameworks.

The author places this phenomenon into the broader context of authors' moral and economic rights and draws parallels with international copyright regimes that focus on fair remuneration and creators' interests beyond original assignments. Dahiya critically analyzes the Copyright (Amendment) Bill, 2010, which seeks to limit the free transfer of copyrights by lyricists to producers, rather than favouring vesting of rights in copyright societies or lyricists' legal heirs. This change in law attempts to redress current disparities by providing continuous streams of royalty and protecting lyricists' economic rights in perpetuity.

However, Dahiya also recognizes there being limitations in the amendment, bringing out the possible implementation issues and requirements of strong institutional mechanisms to ensure royalty payments convincingly. Through judicial interpretations, industry practices, and legislative reforms, the article brings out some pertinent insights into the long-running struggle for recognition and compensation by lyricists and situates their case in the larger context of intellectual property rights and

cultural policy. This critical reflection emphasizes the need for an equitable strategy that reconciles producers' economic interests with the rights and dignity of lyricists, ultimately calling for systemic changes that guarantee transparency, accountability, and justice in the creative industry.

9. PROTECTION OF NEIGHBOURING RIGHTS (RIGHTS OF PERFORMERS, PRODUCERS OF PHONOGRAMS AND BROADCASTING ORGANISATIONS): INTERNATIONAL CONVENTIONS IN THE FIELD OF NEIGHBOURING RIGHTS

The International Bureau of the World Intellectual Property Organisation (WIPO), *Journal of the Indian Law Institute*. The safeguarding of neighbouring rights—i.e., rights of performers, producers of phonograms, and broadcasting organizations—has increasingly gained prominence in the context of India's developing entertainment sector. These rights, which are different from conventional copyright, are critical in the protection of the economic and moral rights of entities that contribute to the public dissemination of creative work. International treaties, including the Rome Convention and the TRIPS Agreement, have established a foundation for enforcing and recognizing these rights on a worldwide basis.

The Indian legal system has been slow to catch up with these, though, creating issues with protection and enforcement. The Indian Copyright Act, 1957, itself has faced numerous amendments in order to meet these needs, but loopholes persist, especially in the digital space where piracy and unauthorized use are widespread. Practitioners and scholars have emphasized the necessity for a stronger and more explicit legal regime to safeguard performers' and producers' rights, making them entitled to equitable remuneration for their works' use.

In addition, the advent of digital platforms has created new issues of unauthorized reproduction and transmission of phonograms and broadcasts, requiring immediate reforms in legislation and enforcement mechanisms. It is important to resolve these issues to promote an equitable and sustainable entertainment sector in India.

10. RESEARCH ON INTELLECTUAL PROPERTY REFORM AND COUNTERNESS IN THE NEW MEDIA ENTERTAINMENT

Modern scholarship underlines that conventional intellectual property constructs tend to be slow to catch up with the swift pace of developing new media—ranging from user-generated content, social networks, and AI-generated outputs—posing mass challenges such as unauthorized reposting, remixing, and industrial-scale infringement. Digital-era IP reform literature uniformly calls for a multi-faceted strategy: legislative protection updating to explicitly cover new forms of media and AI-created works; faster, more agile enforcement systems (e.g. punitive damages, platform takedowns by mandate, specialized IP courts); technical measures such as watermarking, DRM, blockchain provenance, and deep-learning-detection-based systems; and hardening soft law regulation through platform co regulation and rights-holder educational campaigns. Meta-analyses show that whereas more robust IP regimes can spur innovation and foreign direct investment in advanced economies, excessively strict protection can discourage domestic innovation in emerging ones—demonstrating the necessity for context-specific.

IV. SUGGESTIONS AND RECOMMENDATIONS

1. **Legislative Reform for AI-Generated Content:** Specific statutory provisions should be introduced to clarify authorship and ownership of AI-generated works.
2. **Regulation of Deepfake Technologies:** India should adopt targeted legislation addressing the misuse of deepfake technology and protecting personality rights.
3. **Strengthening Digital Enforcement Mechanisms:** Improved technological tools, including watermarking and blockchain-based rights management systems, should be encouraged.
4. **International Cooperation in IP Enforcement:** Given the global nature of digital infringement, cross-border cooperation and harmonized intellectual property standards are essential.

5. **Awareness and Education for Creators:** Educational initiatives should be developed to inform creators about intellectual property protection, licensing mechanisms, and enforcement procedures.

V. CONCLUSION

The transformation of the media and entertainment industry through digital technologies has significantly altered the landscape of intellectual property protection. While the existing legal framework in India provides foundational safeguards for creative works, emerging challenges such as digital piracy, artificial intelligence-generated content, deepfakes, and cross-border infringement expose critical regulatory gaps.

This study demonstrates that effective intellectual property governance in the digital era requires both legislative modernization and stronger enforcement mechanisms. By integrating technological solutions, improving regulatory clarity, and promoting international cooperation, policymakers can ensure a balanced intellectual property regime that protects creators while fostering innovation and access.

Ultimately, strengthening intellectual property protection is essential not only for safeguarding creative labour but also for sustaining the economic and cultural growth of the global media and entertainment industry.

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