

INDIA

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)

2026 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

Special 301 Recommendation: IIPA recommends that India remain on the Priority Watch List in 2026.¹

Executive Summary: In 2025, despite positive developments to combat online piracy through court orders disabling access to piracy sites, the promise of continued growth for the creative industries in the Indian market continues to face threats from a variety of factors. Rampant piracy remains a significant concern and criminal enforcement against Internet piracy continues to be challenging at both the national and state levels. In addition, rights holders continue to face serious concerns from pirate cyberlockers and infrastructure providers that provide Piracy-as-a-Service (PaaS) to pirate operators. While criminal enforcement in India is broadly inconsistent, civil orders to disable access to infringing sites and services by the Delhi High Court, including global domain suspensions, have had some positive impact and should be replicated nationally. However, implementation by the Internet service providers (ISPs) of website blocking orders passed by the Delhi High Court remains a challenge and needs tightening in terms of timelines as some ISPs are not quick in implementing such orders.

India's copyright legal framework is still missing key provisions, including with respect to technological protection measures (TPMs), rights management information (RMI), and a term of copyright protection to match the international standard of at least 70 years. The Government of India should also pursue the necessary legal reforms to fully implement the World Intellectual Property Organization (WIPO) Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) (collectively, the WIPO Internet Treaties).

Finally, among a range of problematic market access barriers under consideration, the Government of India, during the World Trade Organization (WTO) Ministerial in March 2024, threatened to block the renewal of the WTO e-commerce moratorium on customs duties for electronic transmissions and should be discouraged from taking the same position going into the next Ministerial in 2026. Stronger enforcement against piracy, an enhanced copyright legal framework, preventing over-broad copyright exceptions and their misuse to avoid obtaining copyright licenses, and the removal of burdensome market access barriers could transform India into a more attractive business environment for all creative industries.

PRIORITY ACTIONS REQUESTED IN 2026

Enforcement

- Address national intellectual property (IP) enforcement through the Indian Cybercrime Coordination Center (I4C).
- Establish uniform state-level IP enforcement procedures and dedicated IP enforcement entities across the country and strengthen existing state-level IP enforcement entities.
- Ensure the speedy takedown of infringing content through the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 (2021 IT Rules).
- Effectively enforce the Cinematograph (Amendment) Act, 2023 to criminalize camcording and the unauthorized transmission of films online.

Legal Reforms

- Amend the Copyright Act to fully comply with the WIPO Internet Treaties and align with international best practices.

¹ For more details on India's Special 301 history, see previous years' reports, at <https://iipa.org/reports/reports-by-country/>. For the history of India's Special 301 placement, see <https://www.iipa.org/files/uploads/2026/01/Appendix-C-FINAL-2026.pdf>.

- Reform the 2021 IT Rules, particularly if India proceeds with its proposed Digital India Act (DIA), to improve efforts to stop online piracy.
- Ensure legislative proposals related to artificial intelligence (AI) meet the standards set forth by the G7 Hiroshima AI Process and oppose the recommendation for a statutory license and mandatory collective management of copyrights in works and sound recordings used to train AI models.
- Continue to reject any proposals that would extend the Copyright Act Section 31D statutory license to Internet transmissions and consider repealing the statutory license provisions completely.
- Reject any legislative proposal for an additional statutory remuneration right for performers affecting contractual freedom and disrupting well-tested licensing practices.

Market Access

- Eliminate local body entertainment taxes imposed over and above the national Goods and Services Tax.
- Support the permanent extension of the WTO e-commerce moratorium on customs duties for electronic transmissions at the 2026 WTO Ministerial Conference (MC) 14.
- Remove onerous sets of economic regulations on the broadcast sector.
- Provide commercial certainty in the statutory licensing and rate-setting process in India, including Section 31D Royalty Rates.
- Re-register Phonographic Performance Limited India's operating license to ensure the proper collective management of producers' "performance" rights.
- Remove Direct to Home Guidelines that prohibit operators from entering exclusive contracts with any broadcaster.
- Remove foreign ownership restrictions, including foreign direct investment restrictions for Indian news channels.
- Reject calls to mandate providers to pay a network usage fee to ISPs.

ENFORCEMENT

India is hindered by widespread piracy and a challenging enforcement environment. Stream ripping is one of many rampant forms of piracy in India. Another form, downloading pirated music content directly from websites, includes one of the most popular illicit MP3 music download sites, *PagalFree.com*, receiving over 92% of its traffic from India. Other popular unlicensed download sites include *masstamilan.dev* and *pagalnew.com* both of which are receiving the highest levels of traffic from India. In addition to unlicensed user-uploaded content (UUC) applications, mobile application piracy is an issue, with the rising popularity of stream ripping and MP3 download apps appearing in the Indian top charts of the major app stores. Infringing apps are also 'side-loaded' for unauthorized app stores, which can also pose a security risk.

As court orders out of the Delhi High Court have made inroads in traditional movie and TV piracy sites, other forms of piracy, such as those targeted at *anime* and *manga* content, have taken hold in India. Of the top 25 piracy sites available in India today (excluding music), ten (40%) are pirate *anime* sites and another seven are pirate *manga* sites. With two more sites devoted to local content, less than 30% of the top sites are focused on U.S. movies, TV, and streaming content. This can be said to be at least in part attributable to the consistent orders being made by the Delhi High Court to disable access to all the top pirate film, TV, and streaming sites. A positive development appears to be the active enforcement efforts of the Telegu (Hyderabad) authorities, based on evidence dossiers prepared by rights holders and spurred by local calls to action. In one case, the Hyderabad police have arrested several individuals involved in pirate brands like *1TamilMV*, *Tamilblasters*, and *Movierulz*.² In a more recent action, the perpetrator behind a piracy site called *Ibomma* was arrested as soon as he landed at Hyderabad Airport and faces potential criminal charges arising from his piracy and online gambling activities.³ While these promising developments raise hopes that concerted actions can have a positive impact to disrupt the piracy ecosystem, more needs to be done to ensure

² See Mahesh Buddi, Hyderabad: Police Bust Nationwide Movie Piracy Racket Funded by Betting Apps; 5 Arrested, *The Times of India*, September 30, 2025, at <https://timesofindia.indiatimes.com/city/hyderabad/police-bust-nationwide-movie-piracy-racket-funded-by-betting-apps/articleshow/124219785.cms>.

³ See Custody of 'Ibomma' Ravi Ends as Police Firm Up Evidence in ₹20 Crore Piracy Probe, November 24, 2025, at <https://www.thehindu.com/news/national/telangana/custody-of-ibomma-ravi-ends-as-police-firm-up-evidence-in-20-crore-piracy-probe/article70318289.ece>.

deterrence becomes the norm to drive would-be pirates from these damaging activities, which hinder not only rights holders but also negatively impact consumer safety as well.

Further adding to the problem, BitTorrent sites and cyberlockers remain popular. According to *SimilarWeb*, the BitTorrent site *1337x.to* received the second highest level of traffic from India between November 2024 and October 2025, with over 46 million visits during this period, offering users pirated downloads of copyrighted music, film, television, and video games. While cyberlockers such as *Mega* and *1Fichier* received over 98 million and over 22 million visits from users in India, respectively, during the same time period. Mobile device usage and the use of alternative domain name services (DNS) and virtual private networks (VPN) are also in part driving continued piracy in India. Finally, according to the video game industry, in 2024, India ranked third in the world for the number of connections by peers participating in the unauthorized file-sharing of Entertainment Software Association (ESA) member video game titles on public peer-to-peer (P2P) networks. By the same metric, India ranked eighth in the world for unauthorized file-sharing of mobile games, third in the world for PC-based games, and eleventh in the world for console-based games.

Given these significant piracy challenges in India, and that several India-based piracy services have become global exporters of pirated content, IIPA and its members strongly encourage India to take the following priority actions.

- **Address national IP enforcement through the I4C.**

For India to take meaningful action against its growing pirate video hosting and pirate infrastructure services problems, national leadership, backed by strong political will, which can coordinate state-level IP enforcement is needed. This will require a centralized IP enforcement authority that can:

- promote and prioritize inter-state operations of enforcement authorities, including organized crime units, engaged in the investigation of piracy to ensure timely actions and deterrent penalties;
- establish state-level enforcement task forces that are coordinated, systematic, and efficient, including consistent implementation of state-based cybercrime enforcement and related proceedings;
- establish a National Copyright Enforcement Task Force (NCETF), including the Enforcement Directorate and Central Bureau of Investigation (CBI), that is overseen by the Department for Promotion of Industry and Internal Trade (DPIIT) and directed at online copyright infringement, including on mobile devices;
- establish a centralized IP crime unit within the CBI's Cyber Crime Detective Unit;
- train prosecutors and police officers on the seriousness of IP offenses; the sophisticated commercial and technological nature of the pirate criminal enterprises operating notorious piracy sites, and the handling of digital forensic evidence;
- nationally align the penalties for copyright infringement in the Copyright Act with the amended Cinematograph Act;
- enhance cooperation and cross-training between national and state law enforcement agencies and the creative industries; and
- strengthen existing state-level IP crime units, as recommended in the National IPR Policy.

India has shown political will to create strong centralized leadership for criminal enforcement by designating the I4C to serve as the national nodal agency for coordinating cybercrime matters across the country. Recognizing the growing threat of digital piracy, India has included digital piracy as a serious cybercrime. The I4C has appointed nodal officers in each state to act as the primary contacts for reporting cybercrime related referrals to ensure streamlined coordination for investigative and enforcement actions. IIPA and its members have not yet seen concrete action from the I4C but, are closely watching its impact on online piracy in India.

- **Establish uniform state-level IP enforcement procedures and dedicated IP enforcement entities across the country and strengthen existing state-level IP enforcement entities.**

Enforcement against piracy continues to be challenging at the state level: the results are drastically disparate across states, procedures are burdensome for rights holders, and the penalties to date have done little to deter the rampant piracy in India effectively. Certain IP enforcement entities, including some state-level courts, are functioning well, but overall, state-level IP enforcement should be harmonized and enhanced. Namely, the Delhi High Court Intellectual Property Rights Division Rules entered into force in February 2022, followed by similar rules issued in the Madras High Court in April 2023 and in the Kolkata High Court in 2024.⁴ These rules establish an IP Division in the respective High Courts to ensure judges hearing IP cases are well versed in intellectual property (IP) laws and practice.

These IP divisions should provide timely and effective interim relief, meaningful enforcement of Court orders issued, and effective case management to ensure that cases progress in a timely manner. In March 2024, a group of plaintiffs filed a lawsuit against *Doodstream* in the Delhi High Court. *Doodstream*, with at least 40 known associated websites (e.g., *doodstream.com*, *doods.pro*, *dood.yt*), is one of the largest illegal video hosting services in the world, receiving massive traffic of at least 2.69B visitors across the various *Doodstream* domains in 2023. While it was encouraging that in May 2024, the Court granted an interim injunction against the operators of *Doodstream*, the domains are still active, and the Defendants have failed to comply with the court's orders as of this submission. The Plaintiffs applied for sanctions for contempt of court and for the seizure of administrative control of the *Doodstream* domains in May 2024 but, these applications have been repeatedly hampered by delays. The case illustrates the importance of granting prompt interim relief as well as effective, meaningful enforcement of the Court's orders once granted to stem ongoing infringement. In cases like *Doodstream*, there needs to be an effective case management system to ensure that cases progress in a timely manner and are not bogged down by repeated postponements. Costs should be awarded against a party that repeatedly engages in delaying tactics. Indian Courts should fully utilize available procedures (such as contempt procedures) to ensure that interim injunctions against piracy service operators are swiftly and fully complied with and that such piracy services do not continue to operate pending the final resolution of a case. Otherwise, interim relief would not be meaningful.

On the other hand, civil actions at the Delhi High Court to disable access to "rogue" infringing online locations continued to pay dividends in India in 2025, with research proving that these court actions cause users to migrate to legal offerings and showing massive drop-offs in traffic to the sites for which access is disabled. Building on precedent set in *Universal City Studios LLC & Ors v Dotmovies.baby & Ors* (CS(COMM) 514 OF 2023), rights holders now regularly obtain orders that require domain name registrars (DNRs) to "lock" and "suspend" domains as well as provide "details" about the operators. Some 500 domains to date have been suspended or locked, resulting in billions of piracy visits being removed from the Internet. These orders have also been unusually disruptive for pirate operators, e.g., an order from September 2025 and subsequent actions resulted in notorious piracy sites/services like *gimy.ai* (at the time the most popular site in Taiwan) and certain *vidsrc* domains (a PaaS that is responsible for multiple highly popular piracy sites operating worldwide) temporarily going offline (and leading to operator disruptions); these are being followed up by further actions to disrupt these and other major piracy sites.

In another recent example, a long pending application for a site blocking order against *Sci-Hub* (brought in 2020) finally saw positive development in August 2025, when the Delhi High Court, in connection with a Contempt Application filed because of defendant operator's willful disregard for its undertaking with the court, ordered that access to *Sci-Hub* (some of its mirror sites as well as *Sci-Net* be blocked. The court noted that the remedy "is a necessary and proportionate enforcement measure failure of which may embolden further violations of the plaintiffs' copyright." Unfortunately, the speed with which ISPs have complied with the order greatly varied. Publishers continue to monitor compliance with the order. Additionally, *Saregama*, a leading Indian entertainment IP company, successfully obtained a preliminary injunction targeting over 20 stream-ripping sites in November 2025.

Rights holders have also obtained orders that have the potential to allow for real-time blocking of unauthorized feeds of live sporting events through a combination of blocking and domain suspension and further obtained orders to

⁴ The High Courts of Karnataka and Himachal Pradesh are also taking steps to adopt similar rules in their respective High Courts.

block backend domains of piracy apps often used on illicit streaming devices (ISDs). While court fees are high, the establishment of the IP Division of the Delhi High Court can be viewed as a major success for site blocking jurisprudence, buttressing positive precedents even while expert judges rotate in and out of the IP Division.

In relation to intermediaries other than registrars, courts have granted orders against intermediaries which facilitate piracy operations, including e-commerce platforms and application stores. In *Reliance Industries Limited v Pawan Kumar Gupta & Ors.*, (CS(COMM) 675 of 2025), the Court granted Reliance an order that allowed it to request e-commerce platforms to delist future trademark infringements without repeated court intervention. In *Star India Pvt. Ltd. v. IPTV Smarters Pro & Ors.*, (CS(COMM) 108 of 2025), the Indian Court extended blocking relief from rogue websites to rogue mobile applications and their associated domains which are found to be predominantly and flagrantly violating IP rights. These are positive developments, and it remains to be seen what other intermediaries the Courts would be prepared to grant orders against, to disrupt piracy operations. For example, implementation by the ISPs of website blocking orders passed by the Delhi High Court remains a challenge and needs tightening in terms of timelines as ISPs are not quick in implementing such orders. For instance, a judicial website blocking order obtained by Indian Music Industry (IMI) members on 12th January 2023 was only implemented in its entirety by telecommunications companies *Jio* and *Airtel* in July 2023 and May 2023, respectively.

Unfortunately, the positive outcomes mentioned above are rare outside the Delhi High Court. IIPA strongly recommends that similar rules and precedents are emulated in all states, where rights holders continue to have significant challenges. On civil enforcement specifically, these IP divisions should provide (i) timely and effective interim relief; (ii) meaningful enforcement of Court orders issued; and (iii) effective case management to ensure that cases progress in a timely manner. IIPA continues to await further details of how these IP divisions will function.

Additionally, while IIPA commends the establishment of several state-level dedicated IP and cybercrime enforcement entities, such as the Maharashtra IP Crime Unit (MIPCU) active since 2017, their level of engagement is inconsistent, and in some cases have effectively ceased operating. For example, MIPCU's first enforcement action in July 2021 against a pirate service called *Thop TV* remains the Unit's only known significant criminal enforcement action to date. Additionally, the Indian Music Industry (IMI) and other rights holders recently formed a public-private coalition with MIPCU intended to take action against infringing apps, including user-uploaded content (UUC) shortform video apps (a critical form of piracy facing the recorded music industry), but to date has not taken measurable actions.. With the designation of I4C as the national nodal agency for cybercrime, IIPA hopes to see increased coordination and action at the state level.

- **Ensure the speedy takedown of infringing content through the 2021 IT Rules.**

While court directed injunctive relief is having a measurable impact on piracy operations and on driving consumers to legal content, Indian courts have admitted they alone are not the solution to India's rampant piracy. For example, in 2023, the Delhi High Court granted an interim injunction restraining over 12,000 websites on the grounds of unauthorized streaming and broadcasting of cricket matches.⁵ Apart from the successful outcome, the Court opined in the judgment that it may be useful for the legislature to formulate a policy to handle such disputes in a manner that does not take up the court's time.⁶

The 2021 IT Rules, updated in April 2023, might have addressed the Court's concerns by making it theoretically possible for pirated content distributed via an intermediary to be removed at an administrative level, without requiring rights holders to involve the courts. However, its implementation in practice and potential impact on piracy levels remains unclear. For example, the 2021 IT Rules require all intermediaries to appoint "Grievance Officers" to

⁵ See *Star India Pvt. Ltd v Live4wap.click & Ors.*, Delhi High Court, November 1, 2023, available at https://delhihighcourt.nic.in/app/showlogo/975703201699507870374_97025_2023.pdf/2023 ("This Court finds itself inundated with such suits, which keep cropping up every now and then. It may be useful for the Legislature to formulate some kind of a policy by which such disputes can avoid being taking up the time of the courts.")

⁶ *Id.*

whom any person, including a user or a rights holder, may make a complaint against certain content being hosted on the respective intermediary, including against infringing content. Upon receiving the complaint, the grievance officer must acknowledge the complaint within 24 hours and address and dispose of the complaint within 15 days, which rights holders report has not been swift enough to prevent damage from piracy and unhelpful for rights holders.⁷ IIPA strongly recommends the 2021 IT Rules instead be implemented in a way that encourages the speedy takedown of infringing content.

- **Effectively enforce the Cinematograph (Amendment) Act, 2023 to criminalize camcording and the unauthorized transmission of films online.**

Unauthorized camcording of films is an ongoing challenge for rights holders in India, and criminal referrals to date against suspects have unfortunately not resulted in meaningful steps to deter such activities. The passage of the Cinematograph Bill in 2023 amended the Cinematograph Act of 1952 explicitly criminalizing camcording and the unauthorized transmission of films online.⁸ The Parliamentary Standing Committee on Communications and Information Technology, which identified weak enforcement at the state level as the major reason for the proliferation of camcording in India, recommended this change. IIPA urges the Government of India to enforce the Cinematograph Act to address the problem of camcording in cinemas and the unauthorized transmission of films online.

LEGAL REFORMS

- **Amend the Copyright Act to fully comply with the WIPO Internet Treaties and align with international best practices.**

India is a member of the WIPO Internet Treaties but has failed to fully implement its obligations. To fully implement the WIPO Internet Treaties and to align with international best practices, key changes to the Copyright Act of 1957, last amended in 2012, are needed, including:

- While confirmed in recent court decisions, India should codify in its legislation the legal mechanisms that ensure ISPs can impose effective relief to remove infringement, including, where applicable, to disrupt or disable access to structurally infringing websites on a no-fault basis, upon rights holders' applications to appropriate authorities.
- Amend Copyright Rule 75 sub-rule (3), (Chapter XIV) giving intermediaries 36 hours to take down content in line with recommendations to more effectively address the speed of distribution of illegitimate content online.
- Narrow Section 52(1)(c)—This section establishes that “transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration, where such links, access or integration has not been expressly prohibited by the rights holder, unless the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy” is not an infringement of copyright. Instead, the provision should be amended as follows:
 - Eliminate the requirement that rights holders obtain an injunctive court order to prevent infringing content from being reinstated within 21 days of submitting a notice of infringement; and
 - Clarify that service providers mentioned in Section 52(1)(c) must remove or disable access to the copyright infringing content or links to such content expeditiously when (i) the material has previously

⁷ See PIB Delhi, Ministry of Electronics & IT, *Three Grievance Appellate Committees (GACs) Notified on the recently amended “IT Rules 2021*, January 28, 2023, available at <https://pib.gov.in/PressReleasePage.aspx?PRID=1894258>.

⁸ The Cinematograph Act, 1952 explicitly criminalizes camcording and makes it unlawful to use an audiovisual recording device to make or transmit an unauthorized copy of a motion picture (in whole or in part, audio or video) while it is being performed in a motion picture exhibition facility and introduced penalties against camcording. This law is a step in the right direction to deter content theft. The Cinematograph (Amendment) Act also imposes penalties higher than those specified in the Copyright Act, 1957. Camcording will now be punishable by imprisonment of between three months to three years and a fine of between INR 3 lakhs (US\$3,640) to up to 5% of the audited gross production cost.

been removed from the originating site or access to it has been disabled; and (ii) the party giving the notification includes a statement confirming that the material has been removed from the originating site or access to it has been disabled, not only when a court orders it.

- Regarding Section 65A—Article 11 of the WCT and companion language in, Article 18 of the WPPT require Contracting Parties to provide “adequate legal protection and effective legal remedies against the circumvention of effective technological measures.” These articles establish a right against unauthorized access that is independent from acts of traditional copyright infringement. To fully comply with these requirements, the following amendments are necessary:
 - Define the phrase “effective technological measure” to expressly cover common TPMs, including access and copy controls;
 - Expressly prohibit the manufacturing, importing, trafficking, and dealing in circumvention devices and software, as well as the provision of circumvention services and devices;
 - Establish civil and criminal sanctions for acts of circumvention, trafficking in circumvention devices and software, and offering circumvention services; and
 - Lower the burden of proof on rights holders to prove malicious intent of the person circumventing TPMs in order to establish a nexus between an act of circumvention and copyright infringement.
- Provide deterrent level civil and criminal penalties for violating TPM provisions and for the unauthorized removal of RMI.
- Provide legal remedies against PaaS, including clarifying that enabling, with knowledge, piracy sites and services is actionable. This is especially important because India is home to several pirate infrastructure providers that provide the backbone for piracy turn-key solutions that are used worldwide, such as *WHMCS Smarters*.
- Narrow the scope of the overbroad and vague exception in Section 65A(2)(a), namely “doing anything referred to therein for a purpose not expressly prohibited by this Act.”
- Section 52(1)(b), which establishes that the transient or incidental storage of a work in the technical process of an electronic transmission or communication to the public is not an infringement of copyright should be narrowed to ensure it is limited to lawful sources.
- Regarding Chapter V—As applicable, increase the standard term of protection from life of the author plus 60 years, to life of the author plus 70 years to meet contemporary international standards of protection, and increase the term of protection for sound recordings and films from 60 to at least 70 years accordingly (The current 60 years is shorter than the term of protection in the United States, the EU, and at least 73 countries worldwide).
- Regarding Section 39A—This section appears to impose contractual limitations for authors established in Sections 18 and 19 on the ability of performers to decide the terms on which to license or transfer their exclusive rights in sound recording agreements. These limitations result in unreasonable changes to established practices in the recording industry. Section 39A does make clear that Sections 18 and 19 shall be applied to performers’ rights “with necessary adaptations and modifications.” India should eliminate the over-regulation of private contracts involving sound recordings.
- Regarding Section 52(1)(a)—Ensure the private use exception is compatible with the three-step test codified in the Berne and WTO TRIPS agreements and the WIPO Internet Treaties.

- Repeal the unjustifiable exception in Section 52(1)(za) of the Copyright Act, which provides for an exception to sound recording producers' and other rights holders' right of public performance in respect of "the performance of a literary, dramatic or musical work or the communication to the public of such work or of a sound recording in the course of any bona fide religious ceremony or an official ceremony held by the Central government or the State government or any local authority" (i.e., "social festivities associated with a marriage"). Although it is common for national laws to include limited exceptions for the use of certain copyrighted works in religious ceremonies, this exception extends to purely social festivities associated with a marriage ceremony, which are customarily subject to the public performance right. Importantly, the issuance of government circulars falsely interpreting Section 52(1)(za) has been misused by users to avoid obtaining permission from rights holders for the public performance of music.

IIPA urges the Government of India to amend the Copyright Act to fully comply with the WIPO Internet Treaties and to ensure that any ongoing review of copyright law and legislation relating to online liability is used as an opportunity to bolster, not weaken, existing IP protections.

- **Reform the 2021 IT Rules, particularly if India proceeds with its proposed DIA, to improve efforts to stop online piracy.**

On February 25, 2021, the Ministry of Electronics and Information Technology (MeitY) introduced the 2021 IT Rules, extending the scope of accountability and obligations on intermediary platforms. Unfortunately, the Rules did not improve India's inefficient notice and takedown regime. For example, Rule 3(1) of the 2021 IT Rules directs ISPs to take down infringing content upon being notified by an appropriate government authority. Unfortunately, the 2021 IT Rules also provide a 36-hour deadline for removal, which is too long for infringing content to remain on the Internet, particularly if the content is unlawfully made available prior to its official release date. There is a clear need for the introduction of a faster procedure to address copyright infringement and online piracy.

To resolve the situation with the online liability regime, the Indian government should use the ongoing introduction of the DIA to amend Section 79 of the IT Act and corresponding IT Rules to ensure that Indian content creators and content owners are fairly rewarded and that the legal framework in India supports the sustainable growth of the digital content market, instead of shielding copyright infringing services in India. In doing so, the Indian government should (i) limit safe harbor protection to passive and neutral intermediaries that do not contribute to infringing activity; (ii) implement measures demonstrated effective in preventing or restraining infringement; (iii) require marketplaces and encourage all relevant intermediaries to implement "know your business customers" (KYBC) policies to ensure they keep up to date and accurate information about high-volume third-party sellers and to allow rights holders to obtain accurate information to protect their rights against direct infringers; and (iv) enable consultation among industry stakeholders, including creative industries, to make determinations on "Trusted Entities" (whose complaints are resolved on a priority basis by ISPs) rather than leaving such decisions to the sole discretion of ISPs as provided under the existing draft..

- **Ensure legislative proposals related to AI meet the standards set forth by the G7 Hiroshima AI Process and oppose the recommendation for a statutory license and mandatory collective management of copyrights in works and sound recordings used to train AI models.**

India has neither a specific exception in its copyright framework for AI training nor an open-ended U.S.-style 'fair use' exception. Instead, it has a closed list of specific copyright exceptions, considered to fall within its "fair dealing" framework. On this basis, India's copyright framework requires authorization for use of copyright works for training, although AI companies are trying to expand the scope of existing exceptions (e.g., by claiming that AI training falls under the fair dealing research exception). Recently, DPIIT established a committee working group to consider AI and copyright issues and propose recommendations. On December 8, 2025, that committee issued a Working Paper on Generative AI and Copyright Part 1 entitled *One Nation, One License, One Payment; Balancing AI Innovation and Copyright*, which recommended a deeply problematic statutory license, combined with mandatory collective

management of rights, on copyrighted works and sound recordings for use in the training of AI models. There is no need to make this drastic change to the copyright framework in India. That framework is already well-equipped to accommodate the development of new technologies such as generative AI. As India looks to possibly regulate AI, IIPA strongly encourages the Government of India to look to the G7 Hiroshima AI Process, which has set forth important rules of the road for the development of AI systems.

For example, the International Code of Conduct for Organizations Developing Advanced AI Systems includes the following: “Organizations are encouraged to implement appropriate safeguards, to respect rights related to privacy and intellectual property, including copyright-protected content.”⁹ The International Guiding Principles for Organizations Developing Advanced AI Systems includes the following principle: “Implement appropriate data input measures and protections for personal data and intellectual property.”¹⁰ In the June 17, 2025, G7 Leaders’ Statement on AI for Prosperity, the G7 Leaders indicated they would “leverage the outcomes of the Hiroshima AI Process (HAIP) to foster trust.”¹¹ The Leaders further committed to “[p]romote economic prosperity by supporting SMEs to adopt and develop AI that respects personal data and intellectual property rights, and strengthen their readiness, efficiency, productivity and competitiveness” and stated, “We recognize the need to respect intellectual property rights in enabling these efforts.”¹² India should also provide meaningful stakeholder engagement and due process regarding this type of work, including by affording adequate opportunity to review and comment on legislative and regulatory proposals governing copyright and AI.

- **Continue to reject any proposals that would extend the Copyright Act Section 31D statutory license to Internet transmissions and consider repealing the statutory license provisions completely.**

Following the 2012 revision to the Copyright Act which created a statutory license for the use of musical works and sound recordings for radio and television broadcasting, DPIIT drafted a 2016 Office Memorandum that sought to extend the Section 31D statutory license to Internet transmissions. Uncertainty about the scope of Section 31D remained even after two Bombay High Court decisions clarifying that Section 31D applies only to television and radio broadcasting and not Internet transmissions. On August 21, 2024, DPIIT officially withdrew its 2016 Memorandum, lifting significant uncertainty on this issue. However, a 2021 report titled “*Review of the Intellectual Property Rights Regime in India*” published by the Parliamentary Standing Committee on Commerce still recommends the Indian government amend Section 31D of the Copyright Act 1957 to incorporate ‘Internet or digital broadcasters’ under statutory license. IIPA encourages the Government of India to continue to reject any proposals that would extend the Section 31D statutory license to Internet transmissions and consider repealing the statutory license provisions completely as their objective was to nurture the nascent private FM radio industry, which has now matured with 388 private radio channels across the country.

- **Reject any legislative proposal for an additional statutory remuneration right for performers affecting contractual freedom and disrupting well-tested licensing practices.**

The Indian Singers and Musicians Rights Association (“ISAMRA”), a collective management organization (CMO), has long claimed an additional right to remuneration for performers from end-users despite rights assigned to the producers. After a ten-year period of litigation and negotiation, the Indian Music Industry reached an agreement with ISAMRA, through which ISAMRA will receive a share of industry public performance revenue and ISAMRA will drop all existing claims against users and refrain from making new ones, for any use of their performances recorded

⁹ See Hiroshima Process International Code of Conduct for Organizations Developing Advanced AI Systems, p. 8, available at <https://www.mofa.go.jp/files/100573473.pdf>.

¹⁰ See Hiroshima Process International Guiding Principles for Organizations Developing Advanced AI System, p. 5, available at <https://www.mofa.go.jp/files/100573471.pdf>.

¹¹ See G7 Leaders’ Statement on AI for Prosperity, June 17, 2025, available at <https://g7.canada.ca/assets/ea689367/Attachments/NewItems/pdf/g7-summit-statements/ai-en.pdf>.

¹² See G7 Leaders’ Statement on AI for Prosperity, June 17, 2025, available at <https://g7.canada.ca/assets/ea689367/Attachments/NewItems/pdf/g7-summit-statements/ai-en.pdf>.

by the signatory labels. ISAMRA will indemnify the signatories against claims by individual performers, ISAMRA members as well as non-members. At the end of April 2023, Trade and Industry Minister Goyal issued a press statement supporting the accord. However, discussions about additional remuneration rights continue, including at the WIPO Standing Committee for Copyright and Related Rights (SCCR). IIPA encourages the Government of India, including its delegation to the WIPO SCCR, to not adopt WIPO proposals that seek to support work on additional remuneration rights.

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- **Eliminate local body entertainment taxes imposed over and above national Goods and Services Tax.**

In 2017, India rolled out a unified Goods and Services Tax (GST) nationwide. Cinema tickets are subject to a GST rate of between 12% and 18%, depending on ticket price. Effective October 1, 2021, the GST rate for “content licensing, right to broadcast and show original films” is taxed at a single rate of 18%. However, Local Body Entertainment Taxes (LBETs) collected by state governments have been left out of the GST, prompting state governments (e.g., Tamil Nadu and Kerala) to attempt to tax entertainment products (particularly cinema tickets) on top of GST. LBETs significantly increase the tax cost for exhibitors and work against the principle of “One Nation, One Tax” and the intent of the GST model (i.e., to remove a patchwork of high, differing tax regimes). Most recently, in July 2024, despite opposition from local industry, the State Government of Karnataka unanimously passed the Cine and Cultural Activists (Welfare) Bill, 2024 which imposes a 2% excess tax levied over and above the base tax liability of a taxpayer on all movie tickets and over-the-top (OTT) subscriptions in the state. The Karnataka Bill has been notified, although it has not been implemented as of December 2025. IIPA urges India to subsume all local taxes on cinema tickets into the national GST system.

- **Support the permanent extension of the WTO e-commerce moratorium on customs duties for electronic transmissions at the 2026 WTO MC 14.**

The Government of India has consistently expressed reservations regarding the renewal of the WTO e-commerce moratorium on customs duties for electronic transmissions. In April 2025, Minister for Commerce and Industry Piyush Goyal said that India was not against the renewal “per se,” but was pushing for greater clarity around the definitions of e-commerce. Without this moratorium, customs duties would likely raise prices for consumers, placing India out of step with regional and international best practices and stifling the growth of India’s expansive market for creative digital content and related services. IIPA urges the Government of India to support a permanent extension of the WTO e-commerce moratorium going into the next WTO MC 14 in 2026.

- **Remove onerous sets of economic regulations on the broadcast sector.**

The Government of India regulates the uplink and downlink of satellite signals beaming into India. Foreign broadcasters are required to set up offices in India licensed by the government and must pay prescribed fees per channel beaming into India. More generally, India’s Telecom Regulatory Authority (TRAI) imposes an onerous set of economic regulations on the broadcast sector, thus stifling innovation and hindering competition. For example, TRAI has issued tariff orders that prescribe price ceilings for channels that broadcasters bundle into bouquets and then charge to consumers (these orders were upheld by India’s Supreme Court in 2018), creating regulatory uncertainty around pricing of pay-TV channels. Despite some helpful moves in late 2022, TRAI has not done away with prescriptive pricing and packaging restrictions and has not moved towards forbearance despite several requests from content providers and broadcasters. Despite the lifting of many foreign direct investment restrictions in 2015, the government’s attempt at price controls and prescriptive economic regulations reduces the sector’s competitiveness to attract foreign direct investment (FDI). IIPA urges the Indian government to remove these regulations.

IIPA also encourages the Government of India to carefully consider the impact of forthcoming bills, such as the DIA, the National Broadcasting Policy, and the Broadcasting Services (Regulation) Bill, on the industry, as well as the interaction between these bills. If industry and other relevant stakeholders, including within government, are not consulted widely, such bills could create ambiguity for industry, impede ease of doing business, and stymie the development of a dynamic and durable broadcast sector and creative economy.

- **Provide commercial certainty in the statutory licensing and rate-setting process in India, including Copyright Act Section 31D Royalty Rates for Radio Broadcasts.**

On December 31, 2020, the Indian Intellectual Property Appellate Board (IPAB) handed down its decision on the Copyright Act Section 31D royalty rate to be paid by commercial radio stations for the broadcasting of sound recordings and the underlying works. While the decision set new “needle hour” rates that increased the rate from the existing rate of 2% of the net advertising revenue rate, it still undervalues the rights in question. In February 2021, various tribunals in India were dissolved, including the IPAB, and its powers and duties were transferred to the High Courts and Commercial Courts (including related to copyright matters). The IPAB’s decision was therefore appealed to the New Delhi High Court where the case remains pending. The process highlights a fundamental problem with the speed and lack of commercial certainty related to the statutory licensing and the rate-setting process in India. The recording industry’s priority is to secure a rate that represents the economic value of the use of sound recordings to broadcasters.

- **Re-register Phonographic Performance Limited India’s operating license to ensure the proper collective management of music producers’ “performance” rights.**

Phonographic Performance Limited (PPL) India has been seeking to be re-registered as a CMO since 2018, following a fundamental reform of its governance and management structures. The lack of accreditation for PPL as a registered CMO in India is causing confusion in the market and, worse, encourages users to avoid seeking licenses for their uses of recorded music. In the meantime, the Recorded Music Performance Ltd. (RMPL) remains the only registered copyright society for sound recording works and has been in operation for almost two years. However, RMPL still constitutes less than one percent of the total sound recording repertoire in the Indian recorded music market. Following the initial and unexpected denial of its registration by DPIIT, PPL has approached the Delhi High Court asking the court to vacate the DPIIT decision. The case remains pending; however, DPIIT should reconsider its decision on its own initiative and re-register PPL, which represents the majority of domestic and international music rights in India.

- **Remove Direct to Home Guidelines that prohibit operators from entering exclusive contracts with any broadcaster.**

The Direct to Home (DTH) guidelines, issued by TRAI, prohibit DTH operators from entering exclusive contracts with any broadcaster. The rules also prohibit DTH operators from carrying signals of any broadcaster who has entered any exclusive contracts with any distribution medium, and/or against whom any litigation is pending in such regard. These regulations limit choice and undermine competition laws.

- **Remove foreign ownership restrictions, including foreign direct investment restrictions for Indian news channels.**

Although India in recent years has raised the FDI cap for Indian news channels from 26% to 49%, foreign investments above 49% for news channels require government approval. Further, FDI in digital news sites is restricted to the earlier 26% limit. Helpfully, the Indian government has since clarified that the 26% cap does not apply to OTT platforms, so those platforms can carry news from any news channel that has uplinking/downlinking permission, eliminating the need for FDI approval for hosting news feeds.

- **Reject calls to mandate providers to pay a network usage fee to ISPs.**

ISPs in India have publicly called for content providers to pay them a network usage fee. The 2023 Telecommunications Act does not expressly include content providers (e.g., OTT/VOD service providers) within its scope, leaving the commercial relationship between content providers and ISPs to market dynamics. However, some ISPs and trusted service providers continue to call for network usage fees and the Department of Telecommunications/TRAI's intervention in the OTT market, even though such proposals would restrict trade and freedom of contract; these calls continue as of November 2025. Rather than pursue such harmful policies, a balanced approach would instead safeguard consumer choice and foster innovation.