

**DYNAMIC INJUNCTIONS IN DIGITAL PIRACY CASES**- Saloni Shekhar Mangale<sup>1</sup>**Abstract:**

Given the current technologically driven world this paper analysis the increase of pirated websites which causes a serious concern regarding copyright infringement of the intellectual property (IP). The actions taken by the High court of Delhi in order to address the issue of such web addresses providing free access to copyrighted content without the necessary authorisations. In order to resolve the issue at hand the court has ordered a 'dynamic+ injunction' in cases where strict actions were required to be taken. Wherein the service providers are to block the URL's (Uniform Resource Locator) of the particular websites mentioned under the order but after blocking the sites, its mirror sites are consistently getting generated. The court again has to authorised further blocking these mirror websites as well. This paper will explore dynamic injunction in detail, the challenges faced while protecting copyright and constant efforts taken by the courts to avoid infringements. Whether the measures taken by the Indian courts are sufficient to combat the issue of digital. Further analysing the sudden surge of users visiting the pirated website. What are the most probable consequences for doing so, with regard to both, the users of the websites and the copyright owner.

**KEYWORDS:** Piracy, copyright, unauthorised reproduction, block URL, websites, dynamic+ injunction,

**Introduction:**

The rapid spread of digital platforms has led to an increase in the number of websites that engage in digital piracy along with cyber threats and AI warfare. Such websites by providing access infringes the rights held by the owners and cause them financial loss, deprivation of credits and fair compensation. Digital piracy is the illegal reproduction of copyrighted digital

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material without the required authorization. It may be done of various content such as music, cinematography, electronic books, audio, software, games et cetera.

Initially copyright was introduced with an idea to protect the creators and give them exclusive rights to do certain acts themselves or authorise a third party to enact certain acts with respect to their work. Prevent the unlawful infringement of certain rights by reproduction or exploitations by others. The utilitarian theory emphasized on the fact defining “when the creators benefit financially from their intellectual work it would create incentive towards innovation, creation etc. in the society”. But in the recent times during the significant spike when it comes to piracy, various studio giants are facing huge losses not just them but the production house, authors, editors, actors etc are bearing the brunt of heavy fiscal deficits. These pirated websites provide the intellectual work of the creators which have been copyrighted for free to the audiences, which is an infringement of copyright. This paper examines the sudden surge of piracy, the challenges faced, risks, the judicial measures taken to face these difficulties which is the courts' attempts in order to prevent them. The paper will further analyse how the advancement in technology has affected the consumption of content and resulted in an increase in pirated content causing economic backlash. The ease of content sharing also made the availability of unauthorised content accessible to the consumers ordinary. While the content is available free, why would an ordinary person choose to pay for the same content (eg. Netflix, Amazon prime videos, Disney Hotstar etc). Luckily the Indian courts have recognised the problem regarding digital piracy and have attempted to take measures in order to prevent it any further through the copyright amendments act 2012<sup>2</sup> and granting dynamic injunctions in the cases where it's required. Digital piracy does not just affect the intellectual property holder's industry but also poses various risks to the consumers of such content making them the subject of cyberattacks.

### **Increased digital consumption:**

Since 2020 there has been a massive digital transformation, where an individual can easily trade online from just about anywhere in the world with an internet connection, attending academic courses and even degrees through the screen, travelling to space, AI, collaborating on projects internationally.... Which fits perfectly as the consequence of people exponentially

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<sup>2</sup>The Copyright (amendment) Act, 2012 (Act No 27 of 2012) [https://copyright.gov.in/Documents/Notification/Copyright\\_Amendment\\_2012.pdf](https://copyright.gov.in/Documents/Notification/Copyright_Amendment_2012.pdf)  
Accessed 5<sup>th</sup> February 2026.

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relying on technology in the course of time. According to the survey conducted by the World Bank called the World Development Report 2021<sup>3</sup> there has been significant increase of the digital platforms to an extent that population prefers conducting day to day activities through the internet online such as grocery shopping which earlier was done by visiting the local grocery store and purchasing the required products meanwhile it has become generic to use platforms that deliver the same products within a matter of minutes. Through various apps addressing the consumers with alternatives to mundane tasks digitally it tends to make an individual handicapped. High speed internet has become easily available to the normal public. This digital transformation has resulted in a significant increase in the daily use of OTT platforms such as Netflix along with it unfortunately there has also been an increase in pirated websites where the operators record the copyrighted content from such OTT platforms and make it available to the public without the authorization to distribute the content. Under section 14 of the Copyright Act 1957<sup>4</sup> which states “that the creator of the original work holds the exclusive rights to their work, here in the digital piracy cases they are liable for infringement of these exclusive rights of the copyright holder.” Section 51 further confirms it by stating “reproduction of such work without authorization aka unlicensed usage is infringement of the copyright”. Earlier the copyright act was not properly equipped to deal with digital piracy cases but as the technology advancement happened rapidly the Copyright Amendment act 2012 was introduced which included section 65. Section 65(A) and 66 of Information Technology act 2000<sup>5</sup>.

### **Content sharing:**

Increase in the use and knowledge in terms of technology has resulted in the ease of content sharing, such unauthorised sharing of content for the purposes of education, personal or private use, judicial procedure and so on is permissible under section 52 of the copyright act 1957. But doing so for commercial purposes is prohibited under section 65(a). Increased ease of content sharing has proved to be extremely difficult to control hence the surge of pirated

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<sup>3</sup>World Bank, *How COVID-19 increased Data Consumption and highlighted the digital divide* (World Development Report 2021 Spotlight, 2021) <https://wdr2021.worldbank.org/spotlights/how-covid-19-increased-data-consumption-and-highlighted-the-digital-divide/> accessed 5 February 2026.

<sup>4</sup>*The Copyright Act, 1957* (Act no 14 of 1957) <https://www.copyright.gov.in/Documents/Copyrightrules1957.pdf> accessed 5th February 2026.

<sup>5</sup>The Information Technology Act, 2000 (Act No 21 of 2000) [https://www.indiacode.nic.in/bitstream/123456789/13116/1/it\\_act\\_2000\\_updated.pdf](https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf) accessed 5th February 2026.

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websites. These pirated websites use techniques such as VPN, creating multiple mirror websites and operate across borders which makes it difficult to trace the origin and shut down their URL. Due to which it has proven to be a huge challenge to protect and enforce of copyright laws internationally. High speed internet makes it easy for people to transfer large files of content, availability of internet to nooks and corners of the world has increased the consumption of pirated content. The consumers of the such content view with an intention of an 'unharmful wrong' where no one shall be affected while they fail to realise the consequences of their action because it poses high risk of cyber security which range from unconsented installation of malware that harms the device to theft of identity and credit information where the money from one's account is transferred and it eventually becomes untraceable causing severe financial loss to the aggrieved party. It has recoiled the streaming platforms and discouraged the industry for making large investments further for the production of content.

#### **Measures taken in order to prevent piracy:**

The copyright amendment 2012 was introduced in order to keep up with the ever-evolving technology and introduced laws to protect the copyright holders while addressing digital piracy and the constant increase in the streaming, downloading of copyrighted digital material online. It introduced statutory licensing where certain use of copyrighted content is allowed such as broadcasting and content performed publicly while providing royalties to the copyright holder. The definition of 'communication to public' was expanded including digital transmission and providing copyrighted content digitally is covered under the copyright protection. Certain performers rights are granted where the performers are entitled to receive royalties when their work is used commercially. This amendment added Section 65A and 65B. It was necessary to do in order to comply with the international standards of copyright.

*Star india private limites v. crichd-live.top and ors, 2025.*<sup>6</sup>

This judgement was passed by the High Court of Delhi, the case revolves around the illegal streaming of live matches by the defendant who is unauthorised to do so. The main issue began with the India tour of Australia 2024-25 and the big bash league 2024-45 which consists of various sports such as football, cricket (T20), badminton, hockey etc taking place in Australia. The plaintiff holds the rights to telecast the beforementioned event on channels

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<sup>6</sup>*Star India (P) Ltd. v. CRICHD* 2023 SCC OnLine Del 8623 (Del HC)

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owned by him which were Starplus, Starsports including the online streaming platform named Hotstar. The plaintiff's agreement grants him the exclusive rights along with a certificate of reproduction rights and to telecast and the events held in Australia for 7 years in the Asian nations in respect to both the men's and women's competitions. The plaintiff had invested a significant amount to obtain the rights and was expecting to generate a significant revenue through broadcasting and live streaming of the events. HE became aware of certain websites streaming the matches from the same event directly infringing his right making them the defendants, numbers 1-6 are the names of those websites, 7-12 domain name registrars hosting the websites, 13-21 the internet service providers and the telecom service providers and lastly 22 and 23 being the department of telecommunications and ministry of electronics and information technology respectively. The plaintiff contended that 1-6 websites along with other rogue websites are most likely from past incidents to engage in telecasting the sporting event illegally as it is one of the most popular and awaited international sporting events. The plaintiff expressed the habit of such websites on being blocked to create mirror websites and continue the illegal broadcast. The plaintiff emphasised on the urgent need to restrain such rogue websites to protect the rights of the copyright holders. After consideration the High court of Delhi passed a Dynamic+ injunction against these websites and further permitted to block any mirror websites created. A similar judgement was passed in the case of Universal City Studios LLC v. Dotmovies.baby<sup>7</sup>

### **Assignment and Licencing:**

The certain rights vested in the owner of the copyright to permit a third party to use his/her copyrighted work (IP), based on pre-decided conditions and in exchange of royalties or fee as a means for the owner to generate revenue. Here the owner still holds the rights to his property after licencing he is just extending or transferring the rights on the work. On the other hand, assignment is when the owner of a copyright transfers his rights of an already existing work or also of a future work but the contract shall be enforceable after the work comes into existence. The rights may also be assigned entirely or partially by implementing certain limitations and conditions on the rights being assigned. Where the contract would be enforceable when that certain criteria is met and the limitations may even include the consent of the assignor before. It is assumed to be a permanent contract unless stated otherwise for a period of 5 years if not mentioned earlier which is regulated under sections 18 and 19 of the

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<sup>7</sup>Universal City Studios LLC v. Dotmovies Baby 2023 SCC OnLine Del 4955 (Del HC)

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Copyright Act 1976. For the assignment agreement between the parties to be enforceable under the court of law it is required that such an agreement be in writing and signed by the authorised parties which shall also mention the duration, conditions, terms, compensation or consideration and further their territorial limitation of its application. Both namely, assignment and licencing<sup>8</sup> are considered under fair use of the copyrighted material. Major streaming giants like Netflix, Prime videos and Disney+ hotstar use licensing to reproduce movies and shows on their platforms geologically and as soon as the term expires the content is taken down. Through Netflix and amazon have started producing Netflix originals and amazon originals where they finance the production and the licencing and copyright remains along with such platforms, yet most of the content hosted is based on licensing agreements.

### **Risks and challenges:**

Digital piracy not only does infringe the rights of the intellectual property holders but also exposes the consumers of pirated content to risks such as corruption of data, when the consumers excess such websites that harbour malware, viruses, spyware etc may infect the device. The consumers are at flight risk of data theft in regard to personal and sensitive information like credit details, passwords of social media accounts, banking details etc which causes identity theft and severe losses. They can monitor a person's online activity, record information and further steal sensitive data and use it to their benefit. Viruses cause serious damage to the device, delete important files and information, cause the device to malfunction, affect the device's performance, crashing of the device. The consumers are also at the risk of cyberattack when they access illegitimate sites hosting pirated content which is not easy to detect. The creators, producers, editors and everyone involved in the process of creating content are drastically affected due to the availability of pirated content digitally. When it comes to creation of intellectual property it revolves around creativity, originality and a huge investment of not only money but also time and effort, making such copyrighted digital material available causes immense loss and demotivates the creators to invest further in creating content when they are deprived of the due credit they deserve. Copyright law is basically protecting the interest of the creators and providing them with the incentive to further continue to produce content.

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<sup>8</sup>World Intellectual Property Organization (WIPO), *IP Assignment and licencing(WIPO)* <https://www.wipo.int/en/web/business/assignment-licensing> accessed 5th February 2026.

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In the year 2017 just like any other Bollywood movie the release was scheduled for film 'udtapunjab'<sup>9</sup> but only two days before its 1<sup>st</sup> screening in the theatres for the public the movie was leaked by unknown individuals online. The production houses instantly filed a complaint in the cyber police as it infringed the information technology act and the copyright act at large. The links were taken down, even after doing so there were still downloaded copies available. It was alleged that the quality was quite exceptional. It would generally be understood that such a situation would cause the studio and production loss but on the contrary as it highlighted by the media that the CBFC demanded 93 cuts in total, including 13 pointers despite the filmmakers having applied for an "Adult" certification by the board. The filmmakers aggrieved went to the Bombay High court. *Phantom Films Pvt. Ltd. And Anr v. The Central Board of Certification*<sup>10</sup> became a landmark judgement as the judgement was passed in June 2016 stating that the board's function is to provide certification and not only to censor films completely however tempting that maybe, while protecting the right to expression and creative spectrum by directing the Board to issue certificate with mere 1 cut. Due to which the movie became a success albeit leaked online remained in the public eye.

#### **Application on an International scale:**

On a broader scale Belgium as of June 2024 adapted to include dynamic injunction in its legislation Code of Economic Law (CEL)<sup>11</sup> in order to block access to such pirated and its mirror websites along with online gambling sites<sup>12</sup>. In the case of *Eros International Media Ltd. v. BSNL*<sup>13</sup> the Bombay High Court directed Internet service providers (ISPs) to actively block access to 134 URL of the infringing sites immediately, making them essential intermediaries. Any person trying to access such sites would show an error message along with a text containing the reasons written by the plaintiff's attorney as it would be in the public interest. The most recent controversy on a global level being whether the large bulk of data being fed to AI infringes copyright, as the data consumption by the AI models contains copyrighted data and those that are in the public domain. Would such use be qualified under

<sup>9</sup>Sonil Dedhia, "After Censor woes, 'Uda Punjab' under piracy attack" (Times of India, 28<sup>th</sup> January 2017)

<https://timesofindia.indiatimes.com/entertainment/hindi/bollywood/news/after-censor-woes-udta-punjab-under-piracy-attack/articleshow/52778367.cms> 5th February 2026.

<sup>10</sup>*Phantom Films (P) Ltd. v. CBFC* 2016 SCC OnLine Bom 3862 (Bom HC)

<sup>11</sup>Belgium- Book VI: Economic Law Code (G-Regs, Version 01, 1 May 2015) <https://www.g-regs.com/downloads/BEEconomicCodeBookVI.pdf> accessed 5th February 5, 2026.

<sup>12</sup>European Audiovisual Observatory, *Mapping on National Remedies Against Online Piracy of Sports Content* (Council of Europe 2021) <https://rm.coe.int/mapping-report-on-national-remedies-against-online-piracy-of-sports-co/1680aed58b> accessed February 2026.

<sup>13</sup>*Eros International Media Limited v. Bharat Sanchar Nigam Limited* 2016 SCC OnLine Bom 10459 (Bom HC)

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fair use. There have been arguments on both the sides and the speculation in search of the answer continues.

### **Sudden surge of users visiting pirated sites:**

The year 2020 has been formally recognised as the turning point towards the decline of piracy, marking a complete integration of streaming platforms and steady disappearance of cable TV. As the platforms such as Disney plus Hotstar started at the rate of Rs.399 in the year 2019 and currently in the year 2025 it is worth Rs.499 making a 25% increase. Similarly in the case of Amazon prime videos the prices hiked from Rs.999 to Rs. 1499 making it expensive for the general population in India. There existed an astonishing 216 billion visits to pirated websites in 2024<sup>14</sup> just 4 years after the decline. There are multiple factors present for users to prefer pirated sites as this ecosystem relies on exclusive licensing agreements and proprietary content creation where certain content is available only on a particular streaming until the agreement expires. It is not possible for a common man to buy subscriptions to all such streaming platforms in order to get access to the content making him/ her inclined to get free access because specific content is available on singular platform. Resulting to even the subscribers visiting such sites to access the desired shows and movies. Initially in the year 2017 Netflix promoted sharing Netflix account with friends and family and later on in 2023 put restrictions on the number of devices which can login as per the subscription plans chosen, inciting public dissatisfaction, basically charging more for the same thing they promoted. Due to such reasons the public was left with no other alternative but to resort to unethical ways to gain access.

### **Conclusion:**

The courts have made a direct effort to eliminate challenges of digital piracy but such a problem has to be eradicated from its foundation. It is practically impossible for the courts to issue Dynamic+ injunction for all the sites hosting pirated content as they tend to create mirror websites and also due to the vast number of such sites present on the current date. When the legitimate streaming sites were available at an affordable and reasonable rate the piracy was at its lowest ever, it needs to be reimplemented. In order to get access to majority of the content ethically, if it were available through rental services at a minimal price for a

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<sup>14</sup>MUSO, 2024 *Piracy Trends and Insights* (2024) <https://www.muso.com/hubfs/MUSO%202024%20Piracy%20Trends%20and%20Insights.pdf> accessed 5<sup>th</sup> February 2026.

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temporary period would help solve the issue. Which would result in the rightful owners gaining their deserved credit and share.

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