

## STREAMING PLATFORM AND COPYRIGHT INFRINGEMENT: A LEGAL OVERVIEW

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### ABSTRACT

In our digital world, streaming platforms have completely changed how we watch movies and listen to music. But this convenience comes with a major legal headache: copyright infringement. This article breaks down the complex relationship between streaming services and copyright law. Essentially, it's illegal to stream copyrighted material without permission from the people who own it, as this violates their exclusive rights.

The article explores the legal duty streaming services have to stop this unauthorized use. A big part of this is through licensing agreements, which are legal contracts that give a platform the right to show content and ensure creators get paid. The piece also looks at enforcement tools like DMCA takedown notices, which force sites to remove pirated content, and court orders that can block access to pirate websites altogether. We also examine the role of anti-piracy technology, like digital locks (DRM) and automated systems that scan for stolen content.

The legal challenges don't stop at copyright. They spill over into issues of user privacy and market competition, creating a complicated web of rules for platforms to follow. A key tension is balancing the protection of creators with "fair use" exceptions, which is especially tricky online. By looking at real court cases, the article shows how judges are handling these new disputes.

Ultimately, streaming platforms must walk a tightrope. They need to encourage innovation and provide easy access for users, all while firmly protecting the intellectual property that makes their libraries possible. This overview concludes by considering how both laws and technology are evolving to create a fairer digital ecosystem for everyone involved.

### Core concept of copyright protection

At its heart, copyright law is the legal framework that protects creators and their original work. Think of it as an automatic "ownership title" you receive the moment you write a story, compose a song, or make a film. This law gives creators a set of exclusive rights, primarily the right to control how their work is copied, shared, publicly performed, and adapted.

For streaming platforms, navigating copyright isn't just a legal formality—it's the very foundation of their business. These platforms operate in one of two ways:

1. Creating Original Content: They produce their own shows and movies, effectively becoming the copyright owner.
2. Licensing Content: They act as a digital library, paying for the rights to stream movies and TV shows created by others.

This is where licensing agreements become critical. These are complex contracts that specify the rules: How long can the platform stream the content? In which countries is it available? Is it exclusive to one platform? A clear and documented "chain of title"—tracing the rights from the original creator all the way to

the platform—is essential to avoid legal disputes.

The challenge is that a single movie or show is a bundle of different copyrights. The script, the music, the director's cut, and the actors' performances can all be owned by different people or companies. A streaming service must secure the rights for all these layers before they can legally offer the content to viewers.

To protect this content, platforms use technology like Digital Rights Management (DRM), which prevents illegal downloading and copying, and automated systems that scan for pirated material.

In essence, a solid grasp of copyright allows streaming services to be both innovative and lawful. By respecting these rules, they ensure that creators are fairly compensated, which in turn fuels the creation of more content, creating a healthy and sustainable entertainment ecosystem for everyone.

### Legal Challenges for streaming platforms

For streaming platforms, the promise of delivering unlimited entertainment to a global audience comes with a formidable array of legal hurdles. These companies operate at the intersection of technology, media, and law, where every movie streamed and every song played is governed by a complex web of rights and regulations. The core challenge is balancing seamless user access with rigorous legal compliance. Here's a detailed look at the primary legal obstacles they face.

#### 1. The Endless Battle Against Piracy and Unauthorized Access

Perhaps the most direct legal threat is the unauthorized distribution of copyrighted material. This isn't just about shadowy, illegal streaming sites; it also happens on mainstream platforms when users upload content they don't own. Platforms are in a constant state of vigilance, needing to monitor their vast libraries and respond quickly to claims of infringement. Complicating this is the global nature of the internet. Even when content is legally restricted

to certain countries, tech-savvy users can bypass these digital fences using VPNs, creating a whack-a-mole problem for enforcement teams.

#### 2. The Labyrinth of Content Licensing

Before a platform can legally offer a film or series, it must secure permission—a license—from everyone who holds a right to it. This can include production studios, music composers, actors, and even book authors if the content is an adaptation. The process is like assembling a chain where every link must be perfectly connected; if the ownership of a single element is unclear or disputed, it can derail the entire deal. Vague or outdated licensing agreements can lead to costly lawsuits, forcing platforms to pull content unexpectedly and damaging their relationships with both creators and subscribers.

#### 3. The Jurisdictional Jigsaw Puzzle

A streaming platform based in one country can be accessed from almost anywhere in the world, but copyright laws are not universal. A platform must comply with the Digital Millennium Copyright Act (DMCA) in the United States, the Copyright Directive in the European Union, and a unique set of rules in nearly every other market. This creates a compliance nightmare. A piece of content that is perfectly legal under "fair use" in one country might be considered infringement in another. Pursuing legal action against infringers in different legal systems is often a slow, expensive, and frustrating process.

#### 4. The "Safe Harbor" Tightrope

Laws like the DMCA offer platforms a crucial protection known as "safe harbor." This means they are generally not held liable for copyright-infringing content uploaded by their users, provided they promptly remove it when notified by the rights holder. However, this protection is not absolute. Courts often scrutinize whether a platform is genuinely a neutral host or if it actively benefits from or encourages infringement. This legal gray area forces

platforms to walk a fine line, as being too passive can lead to losing safe harbor status, while being overly aggressive in content removal can stifle legitimate user expression.

#### 5. The Clash of Technology, Copyright, and Privacy

To protect content, platforms deploy sophisticated technology like digital fingerprinting (which automatically identifies and blocks unauthorized uploads) and Digital Rights Management (DRM) (which prevents the copying of streams). While effective, these tools raise their own legal questions. Aggressive monitoring and data collection to enforce copyright can conflict with growing user privacy regulations like the GDPR in Europe. Platforms must therefore engineer a delicate balance: protecting copyrighted material without encroaching on the digital rights and trust of their users.

#### 6. The Gray Area of "Fair Use" and User-Generated Content

Not every use of copyrighted material is infringement. Laws often allow for exceptions for purposes like criticism, commentary, news reporting, or parody. The problem is that these concepts are inherently subjective. A movie review that uses clips under "fair use" can be automatically flagged by a rights holder's detection system. This puts the platform in the middle of disputes, forced to make judgment calls on legally ambiguous content. Erring on the side of removal can anger creators and users, while leaving it up can provoke lawsuits from rights holders.

#### Legal Mechanisms for enforcement

To protect the value of creative work in the digital age, a multi-layered system of enforcement has been developed. This system combines laws, technology, and court actions to uphold creators' rights and hold both infringers and platforms accountable.

#### 1. The Foundation: Laws and Regulations

The entire enforcement structure is built on a legal foundation. Key laws like India's Copyright Act, 1957 and the U.S. Digital Millennium Copyright Act (DMCA) grant creator exclusive rights and define what constitutes an infringement. Crucially, these laws also establish rules for online platforms, treating them as "intermediaries."

In India, for instance, the IT Act, 2000, and its associated rules offer platforms a "safe harbor." This means they are generally not liable for user-uploaded content, but only if they comply with certain duties. A primary duty is to act swiftly—often within 36 hours—to remove infringing content once they are officially notified. Failure to do so can strip them of this legal protection and make them liable.

#### 2. The Day-to-Day Tool: Notice and Takedown

The most commonly used enforcement mechanism is the notice-and-takedown system. This is a streamlined process where a rights holder (or their representative) identifies unauthorized content on a platform and

sends a formal legal notice. Upon receiving a valid notice, the platform is legally obligated to remove the content quickly.

To facilitate this, major streaming services have built specialized systems like YouTube's Content ID and Meta's Rights Manager. These tools help rights holders identify and manage their content at scale, making the notice-and-takedown process more efficient and proactive.

#### 3. Escalation to the Courts: Judicial Action

When the notice-and-takedown process is insufficient, rights holders can turn to the courts. They can file lawsuits seeking various remedies, including:

- Monetary Damages: To compensate for losses.
- Injunctions: Court orders to stop the infringing activity.

Indian courts have been particularly innovative in dealing with online piracy. They often issue

dynamic injunctions that not only block known pirated websites but can also be extended to new "mirror" sites that pop up to circumvent the initial order. Another powerful tool is the John Doe order (or Ashok Kumar order), which allows rights holders to take action against unnamed defendants, useful for launching raids against unknown entities selling illegal streams.

#### 4. The Technical Shield: Tech-Driven Protection

Beyond legal paperwork, technology itself is a first line of defense. Platforms and creators use sophisticated tools to protect content automatically:

- Digital Rights Management (DRM): This is the digital equivalent of a lock and key, preventing unauthorized copying and redistribution of media files.
- Content Identification Algorithms: These automated systems, powered by AI, constantly scan new uploads and compare them against a database of copyrighted material, flagging or blocking matches before they even become publicly available.

#### 5. The Global Dimension: Cross-Border Cooperation

Digital piracy is a global problem that doesn't respect national borders. Therefore, effective enforcement often requires international collaboration. Governments, platforms, and law enforcement agencies work together through international agreements and organizations to tackle offshore piracy networks and shut down rogue websites operating from other jurisdictions.

### Licensing and agreements

Think of a licensing agreement as the rulebook that allows a streaming service to legally show a movie or TV show. It's a formal deal between the content owner (like a studio or producer) and the platform (like Netflix or Hulu) that spells out exactly how the content can be used.

These agreements are crucial because they protect the creator's ownership while letting

platforms offer a vast library of content to their subscribers.

#### Key Types of Deals

Streaming platforms typically secure one of two kinds of licenses:

- Exclusive License: This is like renting a house to a single tenant. The platform gets the sole right to stream that title in a specific region for a set time. The owner can't turn around and license it to a competing service during that period.
- Non-Exclusive License: This is more like listing a room on Airbnb, where multiple guests can book it. The content owner can license the same show or movie to several different platforms at once, which gives them more flexibility but means no single service has unique access to it.

#### What's in the Fine Print?

A thorough licensing agreement covers several important areas:

- Where and For How Long: It defines the geographic territory where the content can be shown and the length of the license (e.g., two years in North America).
- How It's Shown: It specifies the business model, such as whether it's for a subscription service (SVOD), a free ad-supported service (AVOD), or a rental/purchase model (TVOD).
- The Money: The agreement details the financial terms, which could be a flat fee paid upfront or a share of the revenue generated from subscriptions or ads.
- Guarantees and Protection: The content owner usually guarantees they actually own the rights and that the material doesn't violate any laws. The contract also includes confidentiality clauses to protect any sensitive information shared during the process.

Because a single film involves many layers of rights—from the script and music to the actors' performances—streaming services must ensure their licenses are comprehensive. A well-written agreement is the best defense against legal disputes, ensuring that creators are fairly

compensated, platforms can operate smoothly, and viewers around the world can enjoy their favorite content.

### Fair use and Your role as a user

In the world of streaming, there's an important concept that tries to balance two things: protecting the people who make movies and shows, and allowing the public to use that content in new and creative ways. This concept is called "Fair Use."

What is Fair Use?

Think of Fair Use as a set of guardrails that allows you to use small bits of copyrighted material without getting sued, but only for specific purposes like:

- Creating a review or critique of a show.
- Making a parody or satire.
- Using a clip for educational purposes in a classroom or online lesson.
- Reporting on the content in news coverage.

The key idea is that your use must be "transformative"—meaning you're adding new meaning, message, or expression to it, not just copying it. This principle is what allows for a vibrant culture of online criticism, analysis, and creativity.

Your Responsibilities as a Streamer

As a viewer, you have a dual role:

1. You Have Rights: You are protected by Fair Use. You can legally create that video essay analyzing the cinematography of a popular series or make a reaction video with your commentary.
2. You Have Responsibilities: Fair Use is not a free pass to pirate content. Simply re-uploading an entire episode, sharing your friend's login to bypass a paywall, or distributing a movie on a torrent site is copyright infringement. These actions directly harm the creators and platforms that produce the content you love.

Streaming platforms walk a tightrope here. They use technology to automatically flag and block

outright piracy, but these systems aren't perfect and can sometimes mistakenly take down a legitimate Fair Use video. That's why it's important for platforms to have clear appeals processes.

Ultimately, a healthy streaming ecosystem depends on an informed community. When viewers understand the difference between being inspired by content (Fair Use) and stealing it (piracy), everyone benefits. Creators get paid for their work, platforms can keep investing in new content, and viewers get to enjoy a richer, more creative online world.

### Conclusion: Navigating the New Rules of the Stream

The world of streaming is a vibrant digital marketplace, but it's built on a delicate legal foundation. At its heart, this ecosystem is a continuous effort to balance two powerful forces: the rightful protection of creators and the public's desire for access and innovation.

Copyright provides the essential starting point, giving creators the control and incentive to bring stories to life. Licensing agreements are the bridges that allow these stories to travel, translating creative ownership into the vast, global libraries we enjoy on our screens. These carefully negotiated deals determine what we can watch, where, and for how long.

To protect this system, platforms deploy a suite of enforcement tools, from automated Content ID systems to legal actions against piracy. These measures are the guardrails that prevent the ecosystem from collapsing into chaos, ensuring that investment in new content remains viable.

Yet, this framework isn't solely about restriction. The doctrine of Fair Use acts as a crucial pressure valve, ensuring that the law also makes room for creativity, critique, and education. It's what allows for the rich culture of reviews, parodies, and video essays that surround our favorite shows, proving that protection doesn't have to mean silence.

Finally, we, the consumers, are not just passive viewers in this landscape. We are active participants. Our choices—to respect subscription terms, to understand the line between inspiration and theft, and to advocate for our fair use rights—directly shape the health of the streaming world. When we choose legal access over piracy, we vote for a future where creators are paid and platforms can keep taking creative risks.

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