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## DIGITAL COPYRIGHT INFRINGEMENT: ANALYSIS OF FAIR DEALING IN CYBERSPACE

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**BEST CITATION –** ARISIA & AMARTYA SAHASTRANSHU SINGH, DIGITAL COPYRIGHT INFRINGEMENT: ANALYSIS OF FAIR DEALING IN CYBERSPACE, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (1) OF 2026, PG. 216-222, APIS – 3920 – 0001 & ISSN – 2583-2344. DOI – <https://doi.org/10.65393/GWXG9355>

### ABSTRACT

There is a doctrine of fair dealing/ fair use that exists in different legal systems under various names. It has seen a lot of ebb and flow in the material world but a uniform trend in the jurisprudence has been observed including in India. The application of fair dealing in cyberspace, however, leaves a lot to be desired specifically with respect to cases regarding fanfictions and YouTube videos using copyrighted material in a transformative way. Secondly, there is a lot of focus on educational material and little on other uses of copyrighted works such as parodies under fair usage. There is no consensus on the issue of profiting from certain transformative works, and the status of certain digital works as being infringing or being fair use. This paper shall thus, attempt to create a consensus regarding the aforementioned points using secondary sources and analytical methodology.

**KEYWORDS:** Copyright, Fair Dealing, Cyberspace, Derivative works

### I. INTRODUCTION

The importance of copyright has been long debated and with the rise of cyberspace and AI it has become even more of a controversial topic. While the dawn of cyberspace and the internet marked a call for more stringent use of copyright somehow as AI has developed there have been calls to liberalize copyright laws. Has the shift in the application of copyright laws always seen a linear pattern? Or has there been an unequal application of the laws?

The illustrations of this can be found in abundance. The beloved author Anne Rice would not allow any fanworks to evade copyright, even if the works were not monetized, and did not intend to falsely portray themselves as the owners or authors of the works, they

could not escape using that defense<sup>551</sup>. Similarly, there have been instances such as digital artists showing their disapproval of AI art because of accusations of theft of the artworks by the AI<sup>552</sup>. Both of these situations showcase the importance of a uniform stand on the application of copyright laws. Rather than arguing about ethics, the argument should be made about each person being subject to similar obligations or just a less vague application of copyright laws.

The objective of copyright has been to support and encourage creativity rather than to stifle it for profit purposes. Corporations have always

<sup>551</sup> ANNE RICE THE OFFICIAL SITE, Anne's Message To Fans, 8 April 2000 <https://www.annerice.com/ReaderInteraction-MessagesToFans.html#:~:text=IMPORTANT%20MESSAGE%20FROM,re spect%20my%20wishes.%22> (last visited Jan. 5, 2026); Kelly Foster, *From Pariah To Prize-Winner: The Laborious Legal Journey Of Fanworks* THE DELTA STATEMENT <https://deltastatement.com/7037/archives/spring-2021/from-pariah-to-prize-winner-the-laborious-legal-journey-of-fanworks/> (last visited Jan. 11, 2026)

<sup>552</sup> Georgina Findlay, *The Digital Artists Fighting Back Against AI* HUCK <https://www.huckmag.com/article/the-digital-artists-fighting-back-against-ai> (last visited Jan. 13, 2026)

avored as much exploitation of intellectual property as possible<sup>553</sup> which has led to creation of laws that do not favor the independent creator at all. There is a possibility that not even a relaxation of copyright laws but simply a better application and understanding of the fair dealing defense can create a better atmosphere for fostering creativity, innovation and fulfilling the objectives of copyright laws.

The same, however, has to be examined scientifically instead of guessing wildly.

The literature on fair dealing/fair exemption has a focus on access to educational materials and digital libraries. The papers have a consensus on the fact that educational material counts as an exception under the fair dealing doctrine. Ashwini Bansal in his paper<sup>554</sup> points out that even though there is a right to make course packs, publishers still coerced the universities into paying for a license for access to study material. It was even pointed out that course packs are a consequence of technology and hence can't exactly be termed as an infringement of copyright. What Bansal terms as coercive and restrictive business practice, Alka Chawla sees as a solution to striking a balance between the author's rights and the community interests, i.e., the license conferred by the IRRO.<sup>555</sup>

The papers on non-educational materials such as YouTube videos and gaming mods also hint towards the fact that fair dealing is not working as well as it is made out to be working. The mechanism of YouTube to deal with copyright infringement has been seen to be harmful to the spirit of the copyright laws<sup>556</sup>. Modified games exist without any concrete protection under the copyright laws despite being well under the dimensions of the objective of fair

dealing but then again there aren't any cases that actually reach the courts.<sup>557</sup>

Certain arguments have been made about how public interest and freedom of speech need to be taken into consideration while discussing copyright laws. Carys J Craig<sup>558</sup> argues that the courts interpreting copyright as individual property can go against freedom of speech and expression and thereby defeats the objective of intellectual property legislation as a whole. Bansal also points out that judiciary and policy makers should defend and pursue to the public interest and the interest of the users.

There are also issues regarding the term of copyright protection. There have been arguments that it is already too long and unnecessary<sup>559</sup>. It is economically non-beneficial to have content remain out of the public domain for very long.<sup>560</sup>

The issue of protection of copyright in cyberspace is a topic that has been debated at length, including the application of fair dealing. However, the topic of derivative works is little explored with respect to the doctrine of fair dealing because of how little of the cases see the light of the courtrooms. Thus, jurisprudence in these cases is not as developed as is required. Fanfiction, YouTube videos using copyrighted material to create parodies or think pieces, etc. face a lot of issues from the owners of copyrighted material despite the existence of fair dealing because of the vagueness of fair dealing in this aspect. Thus, this paper shall attempt to bridge these gaps.

Broadly, two questions are touched upon by the authors in this paper. First, whether digital works such as gaming mods, YouTube videos, or fanworks should be considered as fair use of copyright? And second, whether there is a need

<sup>553</sup> Catherine Seville, *Copyright Term: Who's Taking The Mickey?* 63 THE CAMBRIDGE LAW JOURNAL 291 (2004) <http://www.jstor.org/stable/4509097> (last visited Jan. 6, 2026)

<sup>554</sup> Ashwani Kumar Bansal, *Public Interest In Intellectual Property Laws* 55 JOURNAL OF THE INDIAN LAW INSTITUTE 476 (2013)

<sup>555</sup> Alka Chawla, *Photostatting In Institutes Of Higher Education - Curse For Copyright Owners Or A Boon For The Researchers?* 54 JOURNAL OF THE INDIAN LAW INSTITUTE 520 (2012)

<sup>556</sup> Taylor B. Bartholomew, *The Death Of Fair Use In Cyberspace: YouTube And The Problem With Content ID* 13 DUKE LAW AND TECHNOLOGY R. 66 (2015) <https://scholarship.law.duke.edu/dltr/vol13/iss1/3/>

<sup>557</sup> *Spare The Mod: In Support Of Total-Conversion Modified Video Games* 125 HARVARD LAW REVIEW 789 (2012) <https://www.jstor.org/stable/41349887>

<sup>558</sup> Carys J. Craig, *Putting the Community in Communication: Dissolving the Conflict between Freedom of Expression and Copyright* 56 THE UNIVERSITY OF TORONTO LAW JOURNAL, Winter 75 (2006)

<sup>559</sup> *ibid.*

<sup>560</sup> Jonathan Boymal & Sinclair Davidson, *Extending Copyright Duration in Australia*. 11 (3) AGENDA: A JOURNAL OF POLICY ANALYSIS AND REFORM 235 (2004)

to modify the fair dealing defense? To realize these questions, the paper will first deal with the meaning and scope of fair dealing defense. Then touch upon whether parodies and fan work actually benefit from the fair dealing defense. Finally, it will examine the need for encouraging transformative and derivative works through protection under copyright laws.

## II. FAIR DEALING: A BRIEF

The doctrine of fair dealing in India is incorporated in copyright laws through Section 52 of the Copyright Act, 1957. This section exempts certain works from being labelled as infringement.

The fair dealing doctrine is ever-present whenever any argument regarding the application of copyright laws crops up. The fair dealing exception aims to provide a safe haven to people who may otherwise be prosecuted under copyright laws if they are using copyrighted material under very specific circumstances or for very limited reasons. However, when we talk of fanworks or media inspired by the original work, the line becomes a little murky as there have been little cases that have explicitly dealt with this question, first. Secondly, fair dealing sees a case by case application and hence blanket statements cannot be made about certain type of content falling under the exception or not.

Consider the judgment of the Kerala High Court in the case of *Civic Chandran v. Ammini Amma*<sup>561</sup>, wherein it has been held in categorical terms that it may be reasonable to hold that the reproduction of an entire work (or even a substantial portion of it) cannot be afforded the protection of Fair Dealing, but extracts from such work may be permitted to come under the ambit of Fair Dealing.

Content that is non-educational but uses copyrighted material cannot be concretely said to be an infringement in every case. The copyright legislation must also keep the public

interest in mind while deciding the fate of these fan made materials<sup>562</sup>

Thus, keeping in mind these facts let us analyse the application of fair dealing in various spheres of cyberspace:

### A. Youtube

Let us begin this segment with an example. The YouTube channel TwoSetViolin<sup>563</sup> showcased how the recordings of classical music get copyrighted without any valid reason. Classical music repositories on the internet will consist of the pieces played by and recorded by different people, however, where YouTube fails is when it refuses to acknowledge these nuances and ultimately makes it harder to be a creator on the internet. The same piece played by different musicians can still get flagged on the content ID of YouTube despite not being copyrighted material. To use one's own recording of a classical music piece, no license is required and yet there have been copyright strikes over it.

Parodies and satire pieces are given very little protection under fair dealing if we talk of the cyberspace. Although India has seen cases where parodies have come under the review or criticism exception part of fair dealing.<sup>564</sup> Kerala High Court's decision regarding the "counter play" to "You made me a Communist" follows the principle that the parody highlighted the authors own views and opinions and did not aim to copy the original. Hence, it was not held to be an infringement of the copyright rather a fair use of the copyrighted material.

However, is that still the case inside cyberspace? There has been a creator who has won a Grammy purely on parodied songs<sup>565</sup> but even he explicitly sought permission from the owners of the copyright before he actually did it

<sup>562</sup> *Supra Note* at 8

<sup>563</sup> TwoSetViolin, *This Has Gone Too Far...* TwoSetViolin (2022) <https://www.youtube.com/watch?v=TsMMG0EQoyI> (last visited Jan. 12, 2026)

<sup>564</sup> Catherine Seville, *The Space Needed For Parody Within Copyright Law: Reflections Following Deckmyn* 27 NATIONAL LAW SCHOOL OF INDIA REVIEW 1 (2015)

<sup>565</sup> Tim McPhate, *Pigging Out On "Weird Al"* GRAMMY AWARDS (2014) <https://www.grammy.com/news/pigging-out-on-weird-al> (last visited Jan. 4, 2026)

<sup>561</sup> *Civic Chandran v. C. Ammini Amma*, 1996 SCC OnLine Ker 63

despite the presence of fair dealing. Even if a video is demonetized, still, a person is subject to a copyright strike if he is not very cautious. The issue with YouTube is that most cases end before they will ever reach a court of law. YouTube's policy becomes the law and most creators are not inclined to take the copyright holder to the court. Even if a video is considered fair use, in the end, its YouTube's policy that decides that usually in a very haphazard manner. YouTube help states that the even if something that is fair use is flagged by the Content ID<sup>566</sup>, through a dispute procedure this error can be corrected and the video can be monetized again however parodies are plainly demonetized. Most importantly, if a channel gets three copyright strikes it is even subject to termination. It's as if YouTube itself cannot decide what exactly is fair and simply takes the best way possible to avoid any suits. That is again not the objective they should be driven by, they are allowed to do this, but this is just an illustration of how the home of creativity is also severely restricted by the fear of the copyright owners.

The real kick in the teeth is that despite such a strict and rather annoying copyright policy plagiarism is still very rampant on YouTube but most of the content is stolen from obscure artists or news articles, blog posts that can do little to protect their own content from being copied. The plagiarizers are usually big name youtubers and influencers whose illegal acts have to be brought out in an extremely public manner for them to face any sort of repercussions to their actions.<sup>567</sup>

In the end, the result of all of this is the suppression of creativity. Plagiarism gets rewarded because it is not caught<sup>568</sup> and the actual original content of the YouTubers is

<sup>566</sup> Frequently Asked Questions About Fair Use, YOUTUBE HELP <https://support.google.com/youtube/answer/6396261?hl=en#zippy=%2Chow-does-fair-use-work%2Cwhat-constitutes-fair-use%2Cwhen-does-fair-use-apply%2Cchow-does-content-id-work-with-fair-use> (last visited Jan. 7, 2026)

<sup>567</sup> hbombguy, *Plagiarism And You(Tube)*, HBOMBERGUY (2023) <https://www.youtube.com/watch?v=yDp3cB5fHXQ> (last visited Jan. 11, 2026)

<sup>568</sup> Internet Historian, *Man In Cave (Reupload)* INTERNET HISTORIAN (2023) <https://www.youtube.com/watch?v=bNm-JIAKADw> (last visited Jan. 8, 2026)

riddled with so much caution that sometimes it just loses all character.

## B. Fanworks

Fair use of a copyright may not only not harm but also bring better publicity and access to the original content.<sup>569</sup>

Fanworks and fan-made material are huge examples of that. Internet culture brings in a lot of consumers of the original content given the nature of the social networking culture. Sites such as Reddit and Tumblr are some of the biggest creators of fanworks and the same as now extended to Instagram as well. A shift in the norms can be seen where once Anne Rice was nuking the fanworks, there are now reposts and collaborations with fans and their works now that people recognize how much they influence the masses. Every fan-made video still has the fair use clause mentioned in its description although that does little to protect it but it does show the mental status of the creators.

What Anne Rice's cease and desist orders did was not only cause a deterrence in the inflow of fanfiction but it also led to the creation of Archive of Our Own, and it caused the deletion of all the fanfiction of Anne Rice's characters from the internet<sup>570</sup>. Yet again, there wasn't a suit that reached the courts for it to be decided as fair dealing or not. Thus, whatever happened happened on the basis of the author's personal opinions entirely.

The diverse views of the authors regarding the fanworks do not deter all of the people from making these fanmade videos and art of course however, the system outlines that rather than the fair dealing exception making the creators confident with their innovations, they are still at the mercy of corporations deciding or not deciding to sue them. Giant corporations such as Disney and thus by extension, Marvel, etc have been seen to crackdown on these fan

<sup>569</sup> *Author's Guild v. Google, Inc.*, 804 F.3d 202

<sup>570</sup> Priya Shridhar, *Speaking of The Dead And The Undead: Anne Rice's Double-Edged Impact* MEDIUM (2021), <https://medium.com/permanent-nerd-network/speaking-of-the-dead-and-the-undead-anne-rices-double-edged-impact-4fedee435c7> (last visited Jan. 12, 2026)

materials harder than other individual creators. There have been instances where Marvel attempted to sue a Norse imitation of Loki rather than the one owned by Marvel. Another huge complication of copyright laws is also the fact that characters such as Snow White (and other fairy tale characters) are supposedly in the public domain and yet because of the versions owned by Disney their use is severely restricted due to Disney's harsh reactions to any copyright infringements.<sup>571</sup>

In a way, it hardly matters if you're right or wrong because the verdict is made when a corporation as large as Disney sues you. Whether something counts as fair use or not would only be decided by the court if it actually reaches the courts. The fear of such a large corporation and you fate hanging on your capability of fighting a courtroom battle does not exactly encourage innovation or creativity.

What is more flabbergasting is that there is more of a hue and cry about the ownership of AI art and labelling it as intellectual property of the person that generated the picture<sup>572</sup> rather than the art actually created by real artists.

### C. Gaming Mods

Video game modifications are very common. However, the mods remain under the copyright of the original owner. There have been arguments that the completely original mods are non-derivative works and the mods based on original should still be allowed the fair dealing exemption<sup>573</sup>.

Gaming mods are modifications made upon the original games by the players themselves. They are not commercialized and are largely allowed by the copyright owners. However, they cannot be commercialized by the person who makes the mods, even if the entire data of the

game is erased and another game is built upon the previous game's engine from scratch. The logic here is a little murky since the copyright would ideally intend to protect the story and characters rather than the game engine. There have been arguments made in the favor of allowing non-derivative and completely original mods to be commercialized<sup>574</sup>. However, the point to be noted in this matter is that the owner company of the game still benefits from these mods.<sup>575</sup>

### D. Comparison with Educational Material

Using and photocopying copyrighted material for classroom purposes or educational purposes comes under fair use.<sup>576</sup> However, despite a concrete law on the material in material world, it is not as easy in cyberspace to utilize this doctrine. Most of the material present on the internet is paywalled not only for the readers but it doesn't even benefit the authors themselves.<sup>577</sup>

The photocopy issue stemmed from the fact that the royalties that were owed to the authors or publishers were being bypassed because of the unauthorized photocopies being made and the photocopiers were profiting off of the photocopies<sup>578</sup>. However, in a Madras High Court case<sup>579</sup>, it was held that the hosting of educational material online showed a commercial activity with a profit-making intent and hence could not come under fair use exemption.

The nature of online repositories is however such that the access is still hard than it was in the non-digital era. In such a situation what then remains the point of fair dealing with

<sup>571</sup> Heather Greene, *Disney Trademarked Loki, The Marvel Movie Character. Some Fans Of The Norse God Were Not Happy*, WASHINGTON POST (2021) [https://www.washingtonpost.com/religion/disney-loki-redbubble-trademark/2021/07/02/d59908ec-d9c0-11eb-8fb8-aea56b785b00\\_story.html](https://www.washingtonpost.com/religion/disney-loki-redbubble-trademark/2021/07/02/d59908ec-d9c0-11eb-8fb8-aea56b785b00_story.html) (last visited Jan. 6, 2026)

<sup>572</sup> Kate Nibbs, *Why This Award-Winning Piece Of AI Art Can't Be Copyrighted* WIRED (2023), <https://www.wired.com/story/ai-art-copyright-matthew-allen/> (last visited Jan. 14, 2026)

<sup>573</sup> *Supra Note at 7*

<sup>574</sup> *Supra Note at 4*

<sup>575</sup> 'Blizzard End User Agreement' (2024) Blizzard <https://www.blizzard.com/en-us/legal/fba4d00f-c7e4-4883-b8b9-1b4500a402ea/blizzard-end-user-license-agreement> (last visited Jan. 10, 2026); *See also Supra Note at 6*

<sup>576</sup> *Masters & Scholars of University of Oxford v. Rameshwari Photocopy Services*, 2016 SCC OnLine Del 6229

<sup>577</sup> Anna Fazackerley, *'Too Greedy': Mass Walkout At Global Science Journal Over 'Unethical' Fees* THE GUARDIAN (2023) <https://www.theguardian.com/science/2023/may/07/too-greedy-mass-walkout-at-global-science-journal-over-unethical-fees> (last visited Jan. 11, 2026)

<sup>578</sup> *Supra Note at 5*

<sup>579</sup> *Sorting Hat Technologies Private Limited v. Fermat Education*, 2019 SCC OnLine Mad 33436

respect to educational purposes? This topic however has been discussed to death. Educational purposes have the advantage of being an altruistic and acceptable reason for the relaxation of copyright norms. There is a percentage that will see it as being exploitative of the author's rights but most people who are familiar with college education would be empathetic with the plight of the students and hence understand why it is acceptable and most of the time necessary.

The reason fanworks, parodies, gaming mods and digital art needs to be discussed is because these are specific niches that are not understood that well and perhaps are not exactly "altruistic" in the same way educational purpose can be called altruistic.

This isn't Dead Poets Society and no Professor Keating is going to come through the door emphasising the value of poetry and art. That is upon us to realize. Encouraging art and creation in a fear-free atmosphere is a necessity of life as much as education is.

### III. NEED FOR FAIR DEALING FOR FANWORKS

Rather than just fair dealing why is there a need to encourage a better atmosphere for innovation in artistic spheres?

An illustration can be seen from the case of 'Counter-Strike'. The game was entirely modded from another game called 'Half-Life'. The mod however became so popular that the company that owned Half-Life hired the people who made the game and started assisting in the development of the game properly. That was back in 2000. Counter-Strike, even today, 24 years later, remains one of the most prominent first-person shooter games ever. The longevity and the success are almost unprecedented. That all stemmed from a mod. A fair use of a copyrighted game engine. Yet, there are still consistent suits over gaming mods

Blizzard even goes to the extent of making users waive off any moral rights to any derivative work they may make

*"In the event you upload or otherwise transmit to Blizzard any concepts, ideas, or feedback relating to the Platform, you shall not be entitled to any compensation[...], and Blizzard may freely use any such submission in any manner it deems appropriate[...], you hereby waive the benefit of any provision of law known as "moral rights" or "droit moral" or any similar law in any country of the world."<sup>580</sup>*

Then there's the company known as Take Two which is insistent on waging a war against people who mod games.<sup>581</sup> Professionals hold the opinion that the free work done by these modders is inevitably only making the game more attractive potential buyers so this move does not make a lot of sense but this only highlights how much of fair dealing is also on the whims of the owners.<sup>582</sup> Whether this use actually is fair dealing or not can only be answered by a court, where this case will most likely never reach.

Then in the area of fanworks and parodies, Disney has been infamously suing people with a peak in 2005 and then moved onto takedown notices<sup>583</sup>. Disney was also responsible for the extension of the copyright term in the USA which why the Act that made it possible is also often referred to as the Mickey Mouse Protection Act.<sup>584</sup>

<sup>580</sup> *Supra* Note at 25

<sup>581</sup> Wilson Sonsini Goodrich & Rosati, *Are Gaming Companies Maddened by Mods or Embracing Them?* JD SUPRA (2020) <https://www.jdsupra.com/legalnews/are-gaming-companies-maddened-by-mods-51053/#17> (last visited Jan. 7, 2026)

<sup>582</sup> Timothy Geigner, *Take-Two's War On Its Own Modding Community Continues, Harming Take-Two* TECHDIRT (2022) <https://www.techdirt.com/2022/07/12/take-twos-war-on-its-own-modding-community-continues-harming-take-two/> (last visited Jan. 13, 2026); "In fact, his work — done for free, by the way — actually only makes the company's games more attractive and valuable to more potential buyers, namely those that want to play the game in VR."

<sup>583</sup> Gene Maddaus, *Mickey Mouse, Long A Symbol In Copyright Wars, To Enter Public Domain: 'It's Finally Happening'* VARIETY (2023) <https://variety.com/2023/biz/news/mickey-mouse-public-domain-disney-copyright-lawsuits-1235844322/> (last visited Jan. 10, 2026)

<sup>584</sup> Alex Dudok De Wit, *Disney's Legal Battle Over Marvel Superhero Rights: What You Need To Know* CARTOON BREW (2021) <https://www.cartoonbrew.com/law/disneys-legal-battle-over-marvel-superhero-rights-what-you-need-to-know-209030.html> (last visited Jan. 8, 2026); *See also Supra* Note at 3

Even though the copyright term was already long enough for the material to be satisfactorily exploited by the owner.<sup>585</sup>

Every single thing about the present system tilts things in favour of the copyright owners which would be fine if the copyright legislation was something that intended to give the authors complete control or monopoly over their works.<sup>586</sup> But this is not true. Copyright legislation has been made with the objective on encouraging creativity.

The fact that copyright notices are not fought out in court is known.<sup>587</sup> Disney will file millions of takedown notices and ensure they are followed through<sup>588</sup>

The application of fair dealing does very little to protect these creators. They may even be exploited as is seen in the case of Blizzard's end-user agreement. Whatever the status of these works maybe under fair use, they are not actually benefiting from the doctrine. The lack of certainty does in the end cause a chilling effect in the creation of certain works and if the objective of copyright was to do the opposite then there can't be a need for another reason to modify the laws to solve the current situation.

#### IV. CONCLUSION

It has been admitted that copyright is not just to protect the author's rights over the works he has created. The fair dealing exception is given to allow people to engage with the copyrighted material and create their own material.<sup>589</sup> It exists to encourage creativity. Their jurisprudence is clear on these things and yet the implication is failing. In the Author's Guild<sup>590</sup> case it has been stated that the use of the entire copyrighted work may still be granted an exemption under fair dealing implying strongly

that the fair dealing must be seen in a case-by-case basis and not just on the whims of the author. The author must also be subject to the objectives of copyright laws.

Secondly, the notion of individual property rights cannot be placed on a higher pedestal than the rights of the community to express themselves. Copyright is not an individual right and hence does not make sense as a right that opposes the freedom of expression.<sup>591</sup> In actuality it is in consonance with the purpose of providing the right of freedom expression. If copyright is turned into a system that opposes this value, then copyright goes against its genesis, its actual purpose.

Thus, keeping in mind both the fact that copyright must encourage creativity and secondly that it is not an airtight legislation on personal property law, it is thus, concluded that even works that are simply engagement by fans with a source material in a way that uses their effort and showcases their creativity should be given more freedom under the copyright laws. For this reason, the use of fair dealing doctrine must be done liberally.

<sup>585</sup> Rachel Reed, *No Mickey Mouse Operation*, HARVARD LAW TODAY (2023) <https://hls.harvard.edu/today/harvard-law-i-p-expert-explains-how-disney-has-influenced-u-s-copyright-law-to-protect-mickey-mouse-and-winnie-the-pooh/> (last visited Jan. 2, 2026)

<sup>586</sup> *Supra Note* at 5

<sup>587</sup> Studios have become more concerned with online piracy, which they typically don't fight in court.

<sup>588</sup> *Supra Note* at 33

<sup>589</sup> *Supra Note* at 4

<sup>590</sup> *Supra Note* at 14

<sup>591</sup> *Supra Note* at 8