

# Global Online Piracy of Films: The Concept of Right to Internet Access vis-à-vis John Doe Orders & Online Censorship

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## *Abstract*

Global technical innovation is allowing copyright infringement to proliferate unchecked over the world, including India. The copyright owners are considered to be vigilant in enforcing their rights against those who infringe on them. Because of this, it might be difficult to identify the actual perpetrators of the crime. How intellectual property rights may be protected in such a setting is a fundamental blunder. Internet and other digital means of communication and publication have reached a new height in recent decades' worth of scientific and technical advancements. Internet and digital media use has increased piracy, reducing profits for IP rights holders in many fields, including cinematography. As such, IP rights holders have seen a decrease in profits from their work.

Judicial authorities use the John Doe order to combat online pirates who are unable to be identified precisely because of the many elements of Rogue Websites and Undisguised Infringing Online Locations. This is a special type of temporary restraining order issued by a court against individuals or companies that the plaintiff does not know their name, address, or any other specifics about. As a result of these directives, the most substantial impact is seen by those who use internet services. Users seeking to visit a legal website or the creator of a legal work who is not affiliated with the site's operation are two examples. Courts are supposed to defend the online community's rights, but these rulings reveal that they do not appear to regard the public interest in judiciously utilizing a power to limit internet access.

The paper addresses the legal issues of Right to Internet Access and John Doe orders, which are still in their infancy in India and will continue to develop as more cases are brought forward. As a matter of fact, there is a pressing need for the judiciary to clarify or write down rules or conduct a certain sort of test to establish the method to be followed in situations of internet blocking/censorship and freedom to access online lawful content.

**Keywords:** Copyright Infringement, Online Piracy, Rogue Websites, John Doe Order

## **INTRODUCTION**

Cyberspace is one of man's most significant developments to date. It is the most rapidly expanding language of operation and has the most significant effect on data dissemination. The mode, quality, and speed of data transfer have been revolutionized. This wavelength enables content to be evaluated, viewed, printed, and downloaded from around the globe. No one controls the web all in all. Therefore, it is often characterized as lawlessness in dialogue with digital technologies.

A new kind of asset has emanated with the growth of the internet and the evolution of knowledge-based industries. Intellectual property is a novel kind of property that arose in this decade. Intellectual property is also known as creations of the human mind, such as literary works, fine art, visual and digital art, architecture, etc. A package of rights that can be bought, sold, or leased is known as a rights package. This protects your copyright, patents, trademarks, and industrial designs. Unlike other types of assets, intellectual property has very unsure values and uses. It is widely accessible, making it relatively easy to rob. Intellect plays a role in its production and is nearly challenging to prevent.

During the last few decades, advancements in science and technology have boosted the digital learning tools methods of information exchange and release to the height of their respective fields. Piracy has increased because of cheap access to electronics and the web, which has contributed to the depleting of profits for creators of intellectual property (IP) rights in different occupations, notably the cinema industry.

When it comes to online piracy, there are numerous nuances to it, including Rogue

Websites, Undisguised Infringing Online Locations, and the legal system invented the methodology of John Doe commands to combat such raiders, whose identities are not defined clearly. It is indeed a one-of-a-kind type of interim injunctive relief sequence court of competent jurisdiction of Court toward individuals or institutions whose genuine identity, address, and other relevant information is not identified to the claimant or their attorneys.

## **CINEMATOGRAPHY IN THE REALM OF COPYRIGHT LAW**

The intellectual property industry, in general, and the film industry, in specific, makes a significant contribution not just to the flow of cash for its legal holders but also to the protection of the labour force employed in the sector. In addition to this, the administration's coffers are replenished through the imposition of an amusement tax. India is habitat to one of the largest global movie industries, with approximately a million films being created in a cumulative total.

### **Cinematograph Film**

"Cinematograph film" means any work of visual recording and includes a sound recording accompanying such graphic recording, and "cinematograph" shall be construed as having any work produced by any process analogous to cinematography, including video films [Section 2 (f)](The Copyright Act, 1957 as amended by The Copyright (Amendment) Act, 2012 (27 OF 2012)). A multimedia film is defined as a work created through a procedure equivalent to cinematic techniques. A live performance, such as a sporting tournament, a sensational

production, or a live band, can be captured on film.

The soundtrack associated with the film is a part of the cinematograph film, which is the subject of copyright. In *Balwinder Singh v. Delhi Administration* (AIR 1984, Delhi 379) and *Tulsidas v. Vasantha Kumari* (1991) 1 LW (Mad) 220 (229), it was held that video and television are both cinematograph films.

In the context of cinematography, copyright refers to the ability to perform or authorize the performance of most of the following events:

- make a duplicate of the movie;
- to permit the film to be seen and heard in public in the case of visual pictures, and in the case of audio, to be audible in public in the case of sound;
- to use such soundtrack to produce any record containing the audio in the segment of the musical score connected with the film;
- to disseminate the film via television;
- in general, copyright protects two types of rights: exploitable and moral rights. Exploitable rights (sometimes known as “economic rights”) are those that the work’s owner can use to make money. The sole freedom to make copies, adaptations, or images of copyrighted content and the right to license these rights to others belongs to the copyright owner (The Copyright Act of 1957). In addition to his ownership of his creation, the author of a work is always guaranteed to maintain his moral rights. Moral rights are rights attached to an individual’s identity as an author. Authors have the right to select when their work will be published, as well as the right to retain authorship and the responsibility to protect their reputation. The fact that many instances both India and the U.K. preserve the author’s individual entitlement to derivative works supports the author’s distinct claim to derivative works. The idea itself (form, style,

and arrangement), but not the representation of that idea, is copyrightable. This means that even though two authors conceive the same idea separately, they are not blocked from publishing their work as long as they use distinct materials.

The ethical benefits granted to the author every time will be with them. This section deals with moral principles, which protect writers’ reputations and names and determine whether or not to publish the assignment. So many lawsuits have been filed in India and the U.K. to maintain the author’s rights to creative works (Narula Ranjan, 2003). The “form, manner and arrangement, and expression of the idea” are the subject matter of copyright protection (J. Narayana P.S., 2002). As a result, various authors can autonomously develop a similar notion, even though their creations share resemblances.

### **FILM INDUSTRY IN THE PERIL OF ONLINE PIRACY**

The movie business has seen significant changes across the globe in the past decade. Until recently, this form of P2P downloading required people to create bootleg copies of copyrighted music, which could only be distributed by making someone else send them. This technological shift with the emergence of broadband networks made it possible to freely download unauthorized copies of previously recorded which was before music tracks employed P2P (peer-to-peer) techniques; customers are able to send the motion pictures in electronic medium to each other using the internet-based “file-sharing” new tech. Intellectual property rights of virtual content may be compromised by widespread illegal downloading. The advent of online media has changed the outlook on the menace of copyright infringement, making it

very difficult to curb the danger to the copyright-based industries. The purchases of genuine CDs have been affected by internet piracy, while illegal streaming has replaced sales of lawful CDs.

Digitalization has posed a severe threat to the entertainment industry. It is manifested in the scheme of Digital Literacy Scheme for rural India. This development has brought in more efficient and successful business practices. 2012 began the digital cable revolution. There has been plenty of planning and forethought put into the project already. The beginning of digital cable technology was hailed by the year 2012, which was a long time in coming. The attempt was made in each stage of development separately.

Significant progress was made in the four metro areas in all stages of implementation. In the near term, industries are hoping to realize benefits like the ability to commercialize material, enhance scrutiny, and equal and fair revenue sharing from across the value stream. Due to various factors, it is expected that the phase 2 digital transformation will share a predictable timeline, though it will be delayed. The entertainment industry is almost 77% digitized, and Indian digital sector is expected to cross 3100 crores by 2020 (Report of Delliote International, 2015).

The quickest increasing mobile device marketplace in 2014 was India (KPMG Report, 2014). The expansion enabled by the Yojana relied heavily on it. India became the first nation to be listed on the Global counterfeiting target list for the first time in 2014 when the United States placed it on the list of four countries that are heavily affected by illegal downloading (The Hollywood Reporter, 2014). The cinema industry has been plagued by illegal downloading, and it appears there is no way to stop it. In 2018, popular films such as 2.0, Simmba and Maari 2 were

robbed of their profits by this problem. After the release of Petta, which was pirated extensively, Rajinikanth's newest project was next. But there is more. Piracy is significantly affecting the sector across the globe.

Texcipio claims that involvement in accessing Hindi movies has grown by about 30% in the last few years, going from 2013 to 2017. In 2018, Padmaavat was most widely shared on P2P networks in 157 days, making it the most popular Hindi film of the year. "SonuKeTitu Ki Sweety" (52.65 lakh) was another Hindi film to see considerable amounts of streaming services and shares in the recent times, which include "Baaghi 2" (52.34 lakh), "Pad Man" (46.03 lakh), "Raid" (45.60 lakh), and others (Fatima Sabaat, 2020).

Bollywood films are widely pirated in countries such as Tanzania and Ireland. According to Texcipio's data, Tanzania saw a 250% increase in Hindi movie downloads over two years, starting in 2013. Regarding Europe, Ireland leads the way with 100% growth (Farooqui Maryam, 2019).

The world wide web and other electronic mediums of expression and release have increased tremendously in the last two decades. While counterfeiting has skyrocketed, alongside the increased use of the internet and other digital media, copyright infringement has become widespread. Thus there is a severe depletion of profits for intellectual property (IP) rights in many work areas, particularly in the cinema industry.

Daily, the media reports new instances of digital piracy's pervasive and life-threatening dangers. Movies and TV shows are pirated in less than hours or days of their launch in order to be downloaded via torrent or watched online. Until an agreed-upon launch date, plot lines for films, Tv programs, and Soap operas can be obtained before their filming has

begun, trying to rob authors/owners of their freedom of first posting.

This is the latest instance of piracy taking ugly turns. Hackers are threatening the production companies with leaks unless they pay up in exchange for keeping the work private (the Game of Thrones fiasco). Online piracy is often impulsive and risky because the proprietors of IP cannot recognize offenders owing to the extensive and highly incremental instinct of electronic media and the vast numbers of raiders.

In the fight against copyright infringement, John Doe or his Indian equivalent, Ashok Kumar, have performed as Lucifer (i.e., as the devil and the morning star). In contrast, these orders have been effective at shutting down pirates and violators who have also been instrumental in bringing light to IP proprietors (Nigam Aprajita, 2017).

### **JOHN DOE AS A TOOL FOR ELIMINATION OF PIRACY**

A prior restraint order for the purpose of protecting the intellectual property rights of the author of artwork, such as films, music, and the like, is an order issued against John Doe. To the best of our knowledge, the name of this John Doe order is also recognized as Rolling Anton Pillar, Anton Pillar, or Ashok Kumar command. An exceptional equitable remedy, in the form of an extraordinary injunction, was developed by the Queen's Bench of the United Kingdom; and this allows the claimant to conduct a detainment of the infringer's venue in order to preserve proof that might be demolished (Sharma Ajay, 2017).

The origins of the John Doe orders can be traced back to the Medieval Period of Britain Kingship, specifically to the reign of King Edward III, who reigned at that time. During his tenure, instructions were issued to

unknown individuals who had committed crimes. The instructions given against the undisclosed people formed and took the form of the instructions, commonly referred to as John Doe Orders, over time (Suman Amitabh Ajay, 2019).

The U.S. District Court issued the John Doe Order in 1980. Billy Joel was a music producer and a composer. When he formed the company Billy Joel and Root Beer Rags, Ltd., he named it after himself as a play on his stage name. Billy Joel is creative. For most of his career, Billy Joel's concerts were very popular. Due to his widespread stardom, numerous people began selling shirts with his initials and pictures that they did not know about. To prevent definite unidentified individuals from promoting products with his title on them, he went to Court for an ex-parte temporary injunction that was later issued. This case drew the attention of the United States District Court for the Eastern District of Wisconsin as Billy Joel and Root Beer Rags, Ltd. v. Various John Does, Jane Does, and ABC Company in the year 1980, known as Billy Joel and Root Beer Rags, Ltd. v. Various John Does, Jane Does, and ABC Company. The Hon'ble District Judge passed injunctions on those who broke the law while no one was looking. The relevant portion of the order is as under (Suman Amitabh Ajay, 2019):

*I believe the injunction should indeed be granted in this case. Given that the appellant faced irreparable harm if the court order is not issued and having a reasonable chance of success on the benefits, they have established that the conventional preconditions to injunctive remedy are present. Since it has been confirmed that prints of the notice to appear, allegation, and criminal conviction will be ordered on all people from whom Billy Joel commodities are seized on the night of the live show, the*

*dilemma of the accused personas has been met. In these stakeholders' names, their names will be included in the litigation so that they are being listed as parties. Informing all parties of the June 15, 1980, deadline to show up in Court if they choose to unveil their names brings to light whether or not they want to make an appearance in trial on July 16, 1980. The plaintiffs have posted a bond for \$20,000 in the event they accrue any harm. These people's legal protections are clearly being violated, and if this injunction is not issued, they will have no legal recourse to stop it. The novel solution to the problem should not hinder its acceptance by the Court. A settlor may take any remedial measures necessary to protect the parties' rights. Accordingly, the velocity for temporary injunctive relief (attached to this restraining order) is awarded.*

In the case of *Taj Television Limited v. Rajan Mandal*(IA NO. 5628/2002 in CS (OS) 1072/2002), a group of broadcast tv providers filed a John Doe complaint in the Delhi High Court, which in turn used its jurisdiction under section 151 to issue a John Doe order that forbade the unlicensed broadcasting of the Football World Cup. To acquire a John Doe order, the party must prove that (1) there is a strong probability of significant harm if the decision is not granted, (2) this is in the interests of justice to grant the decree, and (3) there is a clear imbalance in behalf of the appellant.

In recent years, several incidents have been brought in the judiciary to request an injunction be issued against John Doe. Courts have granted the orders with full enthusiasm. The Delhi High Court awarded a John Doe order to prevent Sony India's unique media and transmitting relief regarding the upcoming VIVO IPL 2017, March.

The bigger problem is that internet service consumers are negatively affected by these measures. For example, someone responsible for the development of actual documents or those seeking access to the site where legal materials are hosted. Although these decisions show that the courts are accused of safeguarding the welfare of the virtual audience and do not care about the implications for the interest of the public in curtailing access to the internet, this reality sadly does not seem to change the decisions they make.

To be specific, there are two primary approaches when it comes to online blockage, one of which has to consider the evolution of John Doe orders. To the west of the High Court of Madras are numerous websites, the vast majority of which are currently inaccessible as a result of orders made by the High Court of Madras, known as John Doe orders, that order broadband service suppliers to deactivate connectivity and access in response to suits filed by Prakash Jha Productions and Red Chillies Entertainment, two movie studios respectively, for the films *Lipstick Under My Burkha* and *When Harry Met Sejal* also. The Court imposed injunctions requiring unauthorized duplication, communication, exhibition, launch, display, update, installation, acquisition, or reception of these films. According to court orders, 2,649 web pages were directly instructed to be obstructed, including online media archives (<http://www.archive.org/>).

On either edge is the Bombay High Court, which has also preferred awarding of restricted John Doe orders, as were the directives in cases against films *Uda Punjab* and *Dishoom*, predicated on tangible and concise information to determine particular URLs and linkages sponsoring pirated content (as opposed to whole internet sites)(Nigam Aprajita, 2017).

Manmohan J. of the Delhi High Court made history when he issued a legal ruling toward “rogue websites” that infringed upon some of the complainant’s protected content. ISPs and various government agencies, like the Ministry of Information and Communications (MofIC) as well as the Ministry of Science, Technology, and Research (MOSTR), have also been told to filter out *‘unscrupulous internet sites’* or even *‘hydra-headed websites’*.

Even when determining a large number of lawsuits ushered by various media corporations and film studios like Twentieth Century Fox Film Corporation, UTV Software Communications Ltd., and many others, most of which produce and distribute information, the judiciary chiefly grants an order to limit copyright violations by virtue of the accused persons trying to communicate the litigants’ original material to the general populace without permission.

Classifying those who were hindered allows for four categories of prosecutors-

1. Individual webpages that are aware of the lawsuit and are unapproved and unauthorisedly distributing the litigants’ copyright material;
2. Until now, unidentified John Doe offenders involved in unlawful information sharing of the litigants’ copyright material, along with the web portal recipients, downloaders, and the webmasters of internet sites that point to and reroute to or reflect the complainants’ copyright material;
3. The ISPs let people control any new website, along with the one in question.; and
4. Department of Telecommunication and Ministry of Electronics and Information Technology.

It was indeed a special case in which critical legal queries of public interest emerged during an ex-parte proceeding. The Court agreed that

general business evidence tends to show that the film industry has been affected by illegal downloading and also people’s ability to go online. While digital distribution has undoubtedly had a genuine and impactful effect on the movie industry and the privileges of copyright holders, there is evidence that it has actually made it harder for many indie filmmakers to make a living. The copyright law of 1957 gives the proprietor of a “work” a compendium of exclusive privileges and offers solutions in the event of an infringement. It was held by the Court that sufficient authority to fashion the relief necessary to safeguard the plaintiff’s legal rights is in the hands of the Court.

The Court explored the appropriate legal topics, including the sections from the Copyright Act referenced above, Sections 2(y), (f) and (ff), 14(d), 51(a)(i) and (ii), 52(1)(c) and 55, and 69-A; and the sections from the Information Technology Act, 2000, debated above. The main points and the conclusions of the Court after proper regard are listed here below in sequential order:

(a) A person who illegally reproduces copyrighted content online will be regarded as a physical violator- according to the theory of online exceptionalism. An ungoverned universe is a ruthless one. Even though the Copyright Act does not create such a differentiation, bodily crime is illegal in the virtual environment, which begs the question, “Why?”.

(b) Asking for a barricade on a webpage devoted to illegal downloading is not an objection to freedom of speech and expression and a free flow of information. The question of how far the proper line should be drawn, how they will be stretched, and how they are enforced is at the core of the matter regarding Internet freedom.

(c) An unsanctioned, or “rogue”, website Counterfeiting in both the digital film and music markets is prevalently related to online sites (called “Flagrantly Infringing Online Locations” or “Rogue Websites”) that aid in facilitating illegal downloading. Such web pages post and upload content that is mainly and mainly copyright violating or illegal work. There is currently no data on the service provider info of these webpages, nor are any credentials visible. Additional illuminating aspects have also been outlined by the Court in their FIOL/rogue web page determination decisions. According to the clarification, facilitators such as these are controlled by the IT Act, granting them legitimate immunity and distinctly handling their work.

(d) Quantitative examination was used because non-infringing or genuine material was found on the web page, so the court order was not released even against the web page. A bit of good news for websites on the whole (*Eros International Media Ltd. &Anr. v. Bharat Sanchar Nigam Ltd. &Ors.*, Suit No. 751/2016). Under the condition that a webpage is determined to be a malicious site only when it contains unsavory or breaching material, every single scoundrel webpage on the internet will have a tiny fraction of useful content. If it is not decided to declare a violating website, it will be free of penalties. As a result, quantitative methods are not always the right strategy to determine if a website is a rogue webpage (*Department of Electronics and Information Technology v. Star India Pvt. Ltd.*, FAO(OS) 57/2015).

(e) The Court made a list of rationales for supporting the conclusion that the accused webpages were rogue websites. Due to their lack of genuine contact information and the cloak of confidentiality they employ, there are several issues with them.

(f) As a result, it is acceptable for the judge to give out instructions to prevent the rogue websites from loading. Web page inhibition, such as the defendant websites, takes into consideration preserving the advantages of an unrestricted and secure Internet while at the same time protecting against the criminal activities of internet piracy. It was also believed that the Court had the authority to order ISPs, the Department of Telecommunications, and the Municipality of Istanbul to take actions to reduce current violations and also to avoid future ones if so deemed necessary.

(g) Designing strategies to fight rogue websites is how the courts should cope with webpages with hydra heads, who, upon being obstructed, keep growing and expanding, reappearing as alpha-numeric or rear view websites, was among the questions under discussion. While the Court has issued the early injunction order, it has permitted rear view websites to exist in a corresponding batch of issues (*Disney Enterprise v. MI Ltd.* 2018 (SGHC) 206).

Despite the fact there is no akin method for granting a “dynamic injunction” as is used by the court system in Singapore or elsewhere, the law, in the exertion of its incredible power under Section 151 CPC, allowed the litigants to implead the rear view webpages under Order 1 Rule 10 CPC as these web pages simply serve to reroute the user to the complainants’ websites. If the Joint Registrar determines that the impugned web page is, in fact, a rear view, reroute, or alpha-numeric webpage of the injuncted malicious website(s) and that it simply offers new means of getting the very same principle violating website, the Joint Registrar will issue instructions to ISPs to deactivate access in India to such viewfinder, redirect, or alpha-numeric

webpages in accordance with the directives issued by the Court (Devika, 2019).

Moreover, due to lack of time, most of the time, the ex-parte orders are issued in the case of John Doe orders because of the nature of the case. Unknown or unidentified defendants in these instances. The aftermath of these orders also results because of a slew of issues; it is possible to restrict freedom of expression on the internet. At first, these instructions are only issued on the grounds of “probability” of illegal downloading, without prior court jurisdiction in place. It takes away the legal rights of the copyright holders, which poses a severe issue of negligence and misuse of the power by the Court.

Additionally, in the event of an e-commerce transaction, these instructions are commonly given based on a little body of proof provided by the complainant and with no examination of the URLs/web pages provided by the Court. Additionally, ISPs and content owners are not obliged to inform those whose material has been taken away why it was obstructed very few options for those whose site or URL may have been obstructed mistakenly. Fourth, ISPs carry the responsibility of hauling out these orders. They will block websites/URLs that appear to be likely copyright infringements to come down on the side of prudence.

Third, if no one notifies the justification for the website/URL blockage, there will be hardly any redress for the users whose material is erroneously obstructed. In addition, the ISPs are the ones who have to undertake these directives by blocking websites or URLs that come down on the side of scepticism (CCG NLU Delhi, 2016).

### **RESTRICTING ONLINE ACCESS**

The last point I’d like to make is how rightsholders and infringers approach each other in back-and-forth legal disputes. Often,

in such disputes, the populace’s freedom to obtain the web is being violated, and the courts do not pay much attention to how these directives are implemented or if they are needed.

The practice of wilfully ordering ISPs and others to take down or stop websites for users because of copyright infringement has the potential to obstruct digital content significantly. An ISP’s plan of action is dictated by economics, and nearly all ISPs are confidential, profit-making companies. The fact that ISPs already have an opportunity to be overly broad in their adherence to copyright protection, in part to escape any possible responsibility, makes copyright holders even more of a reward to follow the law to the letter. When faced with court orders necessitating them to cut off access to web-based internet services, ISPs are not likely to put up much self-defense. Since content owners also benefit from a temporary restraining order as wide as possible, complainants in these instances, the copyright owners, will work to secure the most favorable terms probably, although it is disappointing that the producers of Lipstick under my Burqua, after a massive publicity campaign against censorship, did not choose to be more cautious in asking for online censorship. Such commands have the most significant influence on internet service users, such as when the author of a legal work that is posted online loses their job or when individuals try to access a web page that posts legal information.

There have been efforts to buck the trend and develop the jurisprudence around the Court’s power in issuing blocking injunctions. In particular, Justice Gautam Patel’s judgments from the Bombay High Court, which were circumspect with blocking websites on the asking of the plaintiff, laid

down guidelines on which blocking injunctions should be granted and also introduced a remedy for third parties affected by the order and who may want to challenge it. The Court also recognized the implications to the public interest in these private copyright disputes, noting that (Dishoom Case):

*“It is no longer possible for Plaintiffs to now come and expect to get sweeping orders just for the asking. I expect a far higher standard of care. I understand that the Plaintiffs are anxious to protect their copyright. As against that, there are other public law rights of wider import that Courts must protect. I have very little doubt as to which is the more important.”*

These directives, issued by the Bombay High Court in the *Eros International v. BSNL* case (CS (OS) No 2315/2016) are applicable to all three branches of government: executive authorities, Court, and the complainant. They are designed to confront the unidentified offenders, particularly ISPs and unnamed bloggers who are recognized to be guilty of piracy. All our recommendations are laid out as shown below:

- To report a query to obstruct allegedly unlawful linkages, the copyright owner has to validate and authorize the unlawful linkages.
- Before approving a John Doe order, the courts should revisit the list and make sure that it is accurate. They may also assign an impartial third person to double-check the report.
- In order to allow site visitors to access a website that has been blocked, the ISPs are advised to place a text on the clogged page that explains the situation and the justifications for blockages.
- If an injunction is not obtained before the end of the 21-day barricade, the complainant

would be mandated to go to Court to renew the prohibition.

### **Criticism of John Doe Orders**

Checks on which “John Doe” prohibitions have been criticized exist, even though it provides massive benefits. They are as follows:

- ***Enforcement of John Doe orders:*** Over the past year, there has been a surge in ISPs in India. Even though it has attempted to prevent the spread of copyrighted content like that found on blogs and websites with pirated material or telecasts of indecent substances like kiddie porn, we must examine our regulation methods. What if, despite these directives, the numerous unverified parties are blissfully ignorant of them? If the unnamed defendants demonstrate poor awareness and/or unwillingness to obey court rulings, extra-legal remedies should be explored. For this reason, new orders for Commissioner Piller-“search and seizure” are needed, as well as newly developed copyright violation standards. Additionally, steps must be taken to make people more aware of John Doe orders and encourage all parties to honour them.
- ***Lack of clarity in the enforcement of orders:*** In the lawsuits brought on behalf of John Doe in order to get films like *Singham*, *Thank You*, *SaatKhoonMaaf* blocked from being pirated, makers of these blockbusters have stated that law enforcement officers have been provided by the courts as assistants during the prohibitions without any expectations or guidelines as to how they should be implemented; therefore the courts must come up with detailed expectations in their directives for regulation of John Doe rulings.
- ***Wrongful implementation of orders:*** Despite what many people think, the reasoning underneath John Doe has indeed been misconstrued. Only specific URLs that are

proven to be copyright infringing should be blocked, not the entirety of the webpage and its associated subject matter which does not contain infringing material.

- **Risk of arbitrariness:** In the past, it has been noted that “John Doe” injunctions can contribute to unwarranted and irrational decisions because they do not state what web pages or URLs to obstruct.
- **Carte Blanche:** A possible argument can be made that by requesting an order only from potent copyright holders, the court system has overlooked the interests of others involved in these types of circumstances. This could lead to the claim that courts have given pretty nearly unrestricted discretionary authority to financially well-off rights holders, thus jeopardizing the very objective for which copyright laws have been made: to make absolutely sure there’s no monopoly and optimum dissemination of wisdom in the population.

### **QUESTIONS FOR THE FUTURE**

Unquestionably, it can be validated that the John Doe injunctive relief dictator has a number of benefits, but there is also a problematic facet in the manner in which the action is implemented by the courts. In addition, there can be no denying that the citizens are denied access to specific sites because of obstructing the pirated content. Due to the vast scope of the new discovery, it is now imperative that the Judicial system further refines and perfects its John Doe rule to consider the needs of all parties associated. It is therefore critical that the instructions given in ex-parte meetings are used prudently. Future implementation issues have also arisen. The primary goal of all these efforts is to consolidate the differing advancements in India’s legal systems regarding internet piracy. In addition, there is an apparent necessity for

the court system to become more empathetic towards those who are suffering without knowledge of who John Doe is. The process of growth to confirm an impartial body and a reasonable number of checks in the structure is set up while also bearing in mind the limited time these cases have to go through the courts.

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