ALGORITHMIC GOVERNANCE AND THE ENFORCEMENT GAP IN INDIAN COPYRIGHT LAW

Arnav Tiwari, Gujarat National Law University (Alumni)

ABSTRACT

India's digital media landscape has undergone a quiet but consequential shift: copyright enforcement on major platforms is now, for all practical purposes, algorithmic. YouTube's Content ID infrastructure processes claims at a volume no court or human moderator could match, issuing binding decisions on demonetisation, restriction, and removal before any human being has examined a single frame of the disputed content. Despite this operational reality, neither the Copyright Act, 1957 nor the Information Technology Rules, 2021 imposes any procedural standard governing how such automated systems must actually function. This article maps that regulatory void by examining two recent episodes — the Ziiki Media copyright strikes of 2024 and the ongoing ANI–YouTube dispute — and asks whether India's current legislative direction is adequate to confront the underlying structural problem. Drawing on the European Union's Digital Services Act as a comparative reference, the article assesses the prospects of transplanting its systemic risk and transparency architecture into the Indian context. It concludes by advancing three reform proposals: the introduction of Algorithmic Copyright Enforcement Obligations under the IT Rules, a fair dealing encoding obligation within the Copyright Act itself, and the creation of a specialist copyright tribunal satisfying the constitutional requirements the Supreme Court articulated in the Madras Bar Association line of decisions.

Keywords: Content ID; algorithmic governance; copyright enforcement; IT Rules 2021; Digital Services Act; fair dealing; intermediary liability; India; European Union

I. Introduction

Picture a journalist in Bengaluru who uploads a short documentary on electoral politics. Within moments, twelve seconds of background music trigger an automated copyright claim. The video is demonetised before a single viewer watches it. Nobody reviewed the claim before it took effect. No prior notice was given. Nobody paused to ask whether those twelve seconds might qualify as fair dealing for the reporting of current events under section 52 of the Copyright Act, 1957. A privately designed algorithm has, in everything but name, performed a regulatory function — and the entire burden of reversing that outcome falls on the creator who uploaded the content.

This is not invented. It describes the everyday operation of Content ID, YouTube's automated copyright enforcement infrastructure. Scholars including Elkin-Koren and Keller have traced how dominant digital platforms have grown into parallel regulatory regimes, operating alongside formal law yet answerable to entirely different principals. The Indian context sharpens this concern considerably. India hosts the world's largest YouTube audience, and a rapidly expanding segment of independent journalists, educators, and public commentators depends on platform access for both income and civic reach. When algorithmic enforcement operates without legal oversight, it is precisely this constituency that bears the primary cost.[1]

The July 2024 Ziiki Media episode pushed this structural problem into public view. A coordinated wave of automated copyright strikes, filed through Content ID on behalf of Ziiki Media Entertainment, swept across dozens of Indian news and commentary channels. Much of the challenged content involved ambient or incidental audio that, on any candid reading of section 52, would have attracted fair dealing protection. The automated system was never positioned to reach that conclusion. It matched audio fingerprints and applied a pre-configured enforcement policy — which, by design, is all it ever does.[2]

This article treats Ziiki as illustrative rather than exceptional. Part II surveys India's statutory and judicial framework, including the regulatory amendments that came into force through early 2026. Part III evaluates the European Union's Digital Services Act as a comparative

[1] Niva Elkin-Koren, 'Copyright in a Digital Ecosystem' in Ruth Okediji (ed), *Copyright Law in an Age of Limitations and Exceptions* (Cambridge University Press 2017) ch 5; Daphne Keller, 'Who Do You Sue? State and Platform Hybrid Power Over Online Speech' (2019) Hoover Institution Aegis Series Paper No 1902, 3–7.
[2] 'From Fair Use to AI Abuse: The Copyright Drama Unfolding on Indian YouTube' (Mondaq, 22 August 2024) <https://www.mondaq.com/india/copyright/1509084> accessed 15 May 2026.

model, though not uncritically. Part IV identifies three structural deficits within the Indian framework and advances a corresponding set of reform proposals.

II. India's Legal Framework and the Enforcement Gap

A. Content ID and the Absence of Legal Process

Content ID works by scanning every uploaded video against a library of audio and visual fingerprints that registered rights holders have submitted. On detecting a match, the system applies whichever enforcement policy the rights holder selected in advance — block, demonetise, or track — without any initial human review. The creator finds out only after enforcement has taken effect, leaving them to shoulder the procedural burden of initiating a counter-claim.[3]

The doctrinal difficulty is not obscure. Any genuine determination of copyright infringement demands contextual analysis: whether a use is de minimis, whether fair dealing applies, whether the claimant holds the relevant territorial rights. Content ID performs none of this. It cannot determine whether ten seconds of music in a political commentary constitutes fair dealing for reporting current events under section 52(1)(a) of the Copyright Act, 1957. The statute exists on paper. It simply has no practical presence at the moment enforcement actually occurs.[4]

Section 65A of the Copyright Act, inserted by the 2012 amendments, is sometimes mentioned here, but it deals with something else entirely. It prohibits circumvention of technological protection measures used to control access to works. It says nothing about automated systems that resolve copyright status at the moment of upload. The regulatory gap is not a drafting accident — it reflects the complete absence of any statutory provision governing this category of enforcement activity.[5]

---

[3] YouTube, 'How Content ID Works' (Google Support, 2024) <https://support.google.com/youtube/answer/2797370> accessed 15 May 2026. Content ID has processed over 800 million copyright claims since its 2007 launch.

[4] Copyright Act 1957 (Act 14 of 1957) s 52(1)(a) (as amended by Copyright (Amendment) Act 2012 (Act 27 of 2012)).

[5] Copyright Act 1957 (Act 14 of 1957) s 65A (as inserted by Copyright (Amendment) Act 2012 (Act 27 of 2012)).

B. Safe Harbour and the Incentive to Enforce Privately

Section 79 of the Information Technology Act, 2000, as read by the Supreme Court in Shreya Singhal v Union of India, extends intermediary immunity to user-generated content provided the platform lacks actual knowledge of unlawfulness — knowledge that requires a court order to establish. The standard was calibrated to stop platforms from bearing liability for all user content. On its own terms, it has broadly worked.[6]

The structural consequence, though, is significant. By tying liability to judicial determination, section 79 gives platforms a strong incentive to handle copyright disputes through private mechanisms — Content ID being the most consequential — that operate entirely outside the formal legal order. The Bombay High Court in TIPS Industries Ltd v Wynk Music Ltd distinguished passive conduits from commercial intermediaries who actively exploit content, and the Delhi High Court in Super Cassettes Industries Ltd v Myspace Inc confirmed that established actual knowledge ends safe harbour protection. Neither court examined the specific question of algorithmic enforcement: the decisions automated systems make before any human being or judge can intervene. Whether the accuracy and procedural fairness of automated copyright enforcement tools are themselves matters of legal obligation is a question Indian courts have simply not yet been asked to answer.[7][8]

C. The 2025 and 2026 Amendments: Progress and Its Limits

The October 2025 amendments to the IT Rules represent the most substantive procedural discipline India has so far imposed on platform enforcement. The revised Rule 3(1)(d) requires government directed takedowns to be authorised by an officer of at least Joint Secretary rank, to identify the specific statutory provision being invoked, and to name the exact URL or content identifier targeted. These are meaningful constraints, bringing governmental use of platform takedown mechanisms within the proportionality framework the Supreme Court has developed.[9]

---

[6] Shreya Singhal v Union of India (2015) 5 SCC 1 [119]–[125]. The Court held that actual knowledge for the purposes of s 79 of the Information Technology Act 2000 requires a court order; mere notification by a private party does not suffice.
[7] TIPS Industries Ltd v Wynk Music Ltd 2019 SCC OnLine Bom 13286 [74]–[82].
[8] Super Cassettes Industries Ltd v Myspace Inc 2011 (47) PTC 49 (Del) [42]–[50].
[9] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2025, Ministry of Electronics and Information Technology, notified 22 October 2025, r 3(1)(d).

The problem is their scope: they govern only state-directed removals. Private enforcement actions by rights holders through Content ID — substantially more numerous than any government takedown — remain entirely without legal regulation. The February 2026 amendments pushed further along the same line, compressing government takedown timelines to three hours and introducing a mandatory labelling obligation for AI-generated content. The definition of 'synthetically generated information' is broad enough to capture digital art, parody, and political satire. A creator producing transformative commentary using AI tools could find themselves simultaneously facing an automated Content ID copyright strike and a disclosure obligation under the deepfake labelling regime — two independently operating enforcement mechanisms with no statutory coordination between them.[10]

D. The ANI–YouTube Controversy: The Governance Gap in Operation

The prolonged dispute involving Asian News International's use of Content ID across 2024 and 2025 gave the governance gap visible and documented form. An investigation published in May 2025 by the Reporters' Collective detailed ANI's practice of issuing copyright strikes against independent YouTube channels for uses of news footage that, on any honest application of section 52, fell well outside the scope of infringement. Channels contesting these strikes were reportedly asked to pay between Rs 15 lakh and Rs 45 lakh for their withdrawal — conduct that legal commentators described as 'copyfraud': deploying copyright machinery to suppress perfectly lawful expression rather than to protect any genuine right.[11]

The proceedings commenced in Mohak Mangal v Asian News International (ANI) before the Delhi High Court exposed a further complication: evidence emerged of selective internal review by YouTube on undisclosed criteria, which sat awkwardly alongside the platform's stated position that it did not adjudicate copyright claims. The Internet Freedom Foundation called on YouTube to publish fair dealing standards specific to Indian law and to align its counter-notice procedure with Rule 75 of the Copyright Rules 2013, which requires reinstatement within twenty-one days of a valid counter-notice absent a court order. Published error-rate data from YouTube's own takedown webform shows that over six per cent of removals in 2024 were reversed on review — and there is no principled reason to think the

[10] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2026, Ministry of Electronics and Information Technology, effective 10 February 2026, r 2(1)(w).
[11] The Reporters' Collective, 'ANI Finds Business Niche in Copyright Claims Against YouTubers' (19 May 2025) <https://www.reporters-collective.in> accessed 15 May 2026. The term 'copyfraud' was examined extensively in Jason Mazzone, 'Copyfraud' (2006) 81 *New York University Law Review* 1026, 1028–1033.

error rate for automated Content ID enforcement, operating at vastly greater volume and with far less scrutiny, is any lower.[12][13][14]

III. The EU Digital Services Act: Architecture and Lessons

A. Structure and Scope

The Digital Services Act, which entered into force across all in-scope EU services on 17 February 2024, represents the most developed regulatory response any jurisdiction has produced to the question of platform accountability for automated enforcement systems. Its connection to copyright is procedural rather than substantive — the EU Copyright Directive governs the substantive rights — but the DSA creates a horizontal framework applicable to any content moderation decision, including removal or restriction of material on copyright grounds.[15]

The DSA's obligations are tiered by platform size. All hosting services must give affected users a statement of reasons when content is removed, demonetised, or restricted, and must maintain an accessible internal redress mechanism. Platforms designated as Very Large Online Platforms — those with at least 45 million average monthly active recipients in the EU — carry further obligations: annual independent compliance audits, published risk assessments examining how algorithmic systems affect fundamental rights, and disclosure of error rates in automated enforcement tools.[16]

B. Systemic Risk and the Turn to Proactive Accountability

The DSA's most consequential innovation is its departure from reactive, complaint-driven governance. Articles 34 and 35 require Very Large Online Platforms to identify systemic risks

---

[12] Mohak Mangal v Asian News International (ANI) Delhi High Court CS(COMM) 337/2025 (proceedings pending as of May 2026); The Reporters' Collective, 'YouTube Says it Doesn't Judge Claims of Copyright Violation. We Found it Does' (27 May 2025) <https://www.reporters-collective.in> accessed 15 May 2026.

[13] Internet Freedom Foundation, 'Striking Silence: How YouTube's Broken Copyright System Threatens Free Speech' (1 August 2025) <https://internetfreedom.in> accessed 15 May 2026; Copyright Rules 2013, r 75 (requiring reinstatement within twenty-one days of a valid counter-notice absent an intervening court order).

[14] Jennifer M Urban, Joe Karaganis and Brianna Schofield, 'Notice and Takedown in Everyday Practice' (2017) 64 *UCLA Law Review* 1198, 1204 (analysing 4.2 million of 108 million DMCA notices to Google that targeted noninfringing content).

[15] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (Digital Services Act) [2022] OJ L277/1 (DSA) arts 17, 20, 21.

[16] DSA (n 15) art 33 (threshold definition of 'very large online platform'). The 45 million threshold is calculated as average monthly active recipients over a six-month period.

their services generate — including risks to freedom of expression flowing from how content moderation systems are designed — and to take proportionate mitigation steps. This is a fundamentally different obligation from notice-and-takedown: it asks a platform to account for the structural properties of its enforcement infrastructure, not merely to respond when individual complaints survive long enough to reach a reviewer. Article 40 operationalises external accountability by giving vetted researchers access to non-public platform data, reflecting the view that credible oversight of opaque algorithmic systems demands structured independent verification rather than self-reporting.[17]

C. Early Enforcement and the Limits of the Model

The DSA's enforcement record has already produced significant decisions. The European Commission imposed a fine of EUR 120 million on X (formerly Twitter) in December 2025 for violations relating to interface design, advertising transparency, and researcher data access. Formal proceedings against Meta and TikTok have been opened on the ground that their algorithmic design choices constitute systemic risks neither company has adequately assessed.[18]

The model's limitations are, however, directly relevant to any proposal to adapt it for India. Research evaluating the first year of the DSA Transparency Database found that platforms retain substantial discretion in characterising the grounds for moderation decisions, reducing the reliability of cross-platform comparison and meaningful audit. The anticipated 'Brussels effect' — by which EU standards spread globally through multinational compliance decisions — has proved weaker than expected, with platforms showing little inclination to extend DSA-level obligations voluntarily to non-EU users. Critically for present purposes, the DSA has not resolved the technical problem of encoding copyright exceptions into automated enforcement systems. European regulators have not succeeded in requiring that Content ID-type tools algorithmically apply the EU's own copyright exceptions. Any Indian reform attempting the same for section 52 should approach that challenge with clear-eyed caution.[19]

---

[17] DSA (n 15) arts 27, 40; European Centre for Algorithmic Transparency, established by the European Commission to audit VLOP compliance. The delegated act under art 40 entered into force on 29 October 2025.
[18] European Commission, Decision imposing EUR 120 million fine on X (formerly Twitter) for DSA breaches (5 December 2025); formal proceedings initiated against Meta and TikTok for systemic risk assessment failures under DSA (n 15) arts 34–35.
[19] Martin Husovec and Jennifer Urban, 'The DSA's Brussels Effect: Modest Prospects for Voluntary Global

IV. Comparative Analysis and Reform Proposals

A. Three Structural Deficits

Placing the Indian and EU frameworks alongside each other exposes three structural absences in India's current approach. The first is the absence of systemic accountability. The IT Rules 2021 require significant social media intermediaries to maintain grievance officers and publish monthly compliance reports, but these mechanisms are complaint-driven: they respond to problems that users have already identified and formally raised. No obligation exists to examine, report on, or mitigate the systemic effects of automated enforcement infrastructure. No Indian body currently holds the mandate to audit Content ID for compliance with Indian law.[20]

The second deficit is transparency. Indian law places no obligation on platforms to disclose how Content ID reaches its decisions, what error rates it generates, which categories of Indian content it most frequently flags, or whether section 52's exceptions are engaged at any stage of the automated enforcement process. Without this information, courts, Parliament, and affected creators cannot reliably assess the scale of the problem or determine how targeted any remedial intervention needs to be.

The third and most fundamental deficit is the functional inaccessibility of fair dealing. Section 52 of the Copyright Act lists India's fair dealing protections — for the reporting of current events, for criticism and review, for education and research — as an exhaustive statutory catalogue. Content ID has no awareness of these provisions. It runs on global logic calibrated to global settings, and its enforcement decisions are made before any Indian legal standard can be applied. The practical result is that section 52 exists in statute while being systematically unavailable at the precise point where copyright is actually enforced.

B. Constitutional Constraints and the Risks of Over-Transplantation

Any adaptation of the DSA model to India must be built around India's constitutional framework rather than grafted onto it from outside. The proportionality doctrine developed in

Compliance' (2024) LSE Working Paper; ITIF, 'EU Should Improve Transparency in the Digital Services Act' (20 October 2025) <https://itif.org> accessed 15 May 2026.

[20] Bar and Bench, 'YouTubers in Peril? Why India's Fair Use Laws Need Urgent Clarification' (5 June 2025) <https://www.barandbench.com> accessed 15 May 2026.

K S Puttaswamy v Union of India and Shreya Singhal requires that restrictions on fundamental rights pursue a legitimate aim, employ the least restrictive available means, and maintain a proportionate balance between individual rights and public interest. Regulatory obligations introduced under the banner of copyright governance must not be structured in a way that creates the opposite perverse incentive — pushing platforms to over-remove content proactively to avoid liability, rather than engaging carefully with the merits of individual claims.[21]

Netanel's account of copyright's democratic function is instructive here: the platforms on which algorithmic enforcement operates are today the principal channels through which independent journalism, political commentary, and creative criticism reach Indian audiences. Automated systems that routinely suppress this content — because an audio fingerprint was detected and a pre-configured policy fired — are not simply malfunctioning copyright tools. They are mechanisms that distort public discourse, and they do so asymmetrically: rights holders with institutional access to enforcement infrastructure are systematically advantaged over individual creators who must navigate dispute procedures designed around legal norms from another jurisdiction entirely.[22]

C. Three Proposed Reforms

The analysis above points toward three specific interventions, each directed at one of the structural deficits identified.

The first reform is amendment of the IT Rules 2021 to introduce Algorithmic Copyright Enforcement Obligations (ACEOs) applicable to significant social media intermediaries that operate automated copyright enforcement systems in India. These obligations should require: annual publication of system performance data, including claim volumes, error rates measured by successful creator disputes, and the categories of Indian content most frequently affected; disclosure of whether section 52's exceptions are applied at the automated enforcement stage; and quarterly reporting to the Ministry of Electronics and Information Technology on

[21] K S Puttaswamy v Union of India (2017) 10 SCC 1 (nine-judge bench). The proportionality doctrine requires that restrictions on fundamental rights pursue a legitimate aim, employ the least restrictive means, and balance individual rights against public interest. See also Shreya Singhal (n 6).

[22] Neil Weinstock Netanel, 'Copyright and a Democratic Civil Society' (1996) 106 *Yale Law Journal* 283, 285–290. Netanel argues that copyright's democratic function depends on preserving expressive space for criticism, commentary, and journalism.

enforcement and dispute outcomes. Transparency of this kind is a precondition for any serious regulatory response and for informed parliamentary and judicial engagement.

The second reform is an amendment to the Copyright Act 1957 imposing a statutory obligation on automated copyright enforcement systems operating in India to apply India's fair dealing exceptions at the point of decision-making, with civil liability attaching to systematic noncompliance. The precedent lies in Lenz v Universal Music Corp, where the Ninth Circuit held that rights holders must subjectively consider fair use before issuing a DMCA takedown notice. An Indian provision on analogous terms would not immediately resolve the technical complexity of building algorithmic fair dealing assessment into automated systems — it would be naive to pretend otherwise — but it would establish a legal incentive structure that currently does not exist. Basheer and Reddy's analysis of TRIPS flexibilities supports this direction: India's section 52 exceptions are TRIPS-compliant flexibilities that the regulatory framework should treat as functional obligations rather than nominal concessions.[23][24]

The third reform is the establishment of a Digital Media Copyright Disputes Tribunal with jurisdiction over claims arising from automated enforcement decisions. The constitutional requirements for any such body are settled by the Madras Bar Association line of cases: members drawn from the judicial and legal services; appointment committees predominantly judicial in composition with the casting vote assigned to the Chief Justice of India; tenure arrangements shielding members from executive pressure; and preserved High Court supervisory jurisdiction.

The abolition of the Intellectual Property Appellate Board under the Tribunals Reforms Act 2021 illustrates simultaneously the persistent need for specialist IP adjudication and the particular hazard of executive-dominated tribunal design. A properly constituted body — empowered to order content reinstatement, impose costs on abusive claimants, and issue advisory rulings on the application of section 52 to defined enforcement contexts — would

[23] Lenz v Universal Music Corp 801 F.3d 1126 (9th Cir 2015). The court held that rights holders must subjectively consider fair use before sending a DMCA takedown notice, and that a failure to do so may support a claim of material misrepresentation under 17 USC § 512(f).

[24] Shamnad Basheer and Prashant T Reddy, 'The "Flexibilities" of TRIPS: An Uptake Analysis' (2008) 4 *I/S: A Journal of Law and Policy* 1, 14–19. The authors demonstrate that India's s 52 exceptions are structured as legitimate TRIPScompliant flexibilities that states are entitled to give full operative effect.

address a gap that High Court litigation cannot practically fill for the overwhelming majority of affected creators.[25]

V. Conclusion

The enforcement gap documented in this article is not an abstract regulatory concern. It has concrete, recurring consequences: journalists whose reporting is removed, educators whose teaching materials vanish, independent commentators whose work is demonetised for weeks on the basis of automated claims that no honest reading of section 52 would sustain. The Ziiki Media and ANI episodes did not create this situation; they gave it a recognisable face. The 2025 and 2026 IT Amendments, whatever their individual merits, have left the structural problem entirely intact.

The EU's Digital Services Act does not translate cleanly into Indian law, but the logic animating it does: platforms should be held accountable for the systemic properties of their enforcement infrastructure, not only for those individual decisions that happen to survive long enough to be contested. India possesses the regulatory instruments and the constitutional framework to act on that logic without wholesale transplantation. Pairing ACEOs under the IT Rules with a fair dealing encoding obligation in the Copyright Act and a constitutionally sound specialist tribunal would close the enforcement gap while leaving the existing statutory architecture intact. Copyright enforcement and freedom of expression are not competing constitutional values; in a healthy democratic society, they ultimately serve the same underlying purpose. India's framework for governing platforms should be built to reflect that relationship.

[25] Madras Bar Association v Union of India (2021) 8 SCC 209. The Court laid down that tribunal members must enjoy security of tenure comparable to High Court judges, selection committees must be predominantly judicial with the Chief Justice of India holding the casting vote, and supervisory High Court jurisdiction must be preserved. The Intellectual Property Appellate Board was subsequently abolished by the Tribunals Reforms Act 2021 (Act 33 of 2021).

Bibliography

A. Primary Sources

Statutes and Rules — India

Copyright Act 1957 (Act 14 of 1957), as amended by Copyright (Amendment) Act 2012 (Act 27 of 2012).

Information Technology Act 2000 (Act 21 of 2000).

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, GSR 139(E).

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2025, Ministry of Electronics and Information Technology, notified 22 October 2025.

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2026, Ministry of Electronics and Information Technology, effective 10 February 2026.

Copyright Rules 2013.

Tribunals Reforms Act 2021 (Act 33 of 2021).

Legislation — European Union

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (Digital Services Act) [2022] OJ L277/1.

Cases — India

K S Puttaswamy v Union of India (2017) 10 SCC 1.

Madras Bar Association v Union of India (2021) 8 SCC 209.

Mohak Mangal v Asian News International (ANI), Delhi High Court CS(COMM) 337/2025 (proceedings pending).

Shreya Singhal v Union of India (2015) 5 SCC 1.

Super Cassettes Industries Ltd v Myspace Inc 2011 (47) PTC 49 (Del).

TIPS Industries Ltd v Wynk Music Ltd 2019 SCC OnLine Bom 13286.

Cases — United States

Lenz v Universal Music Corp, 801 F.3d 1126 (9th Cir 2015).

B. Secondary Sources

Books

Bradford A, The Brussels Effect: How the European Union Rules the World (Oxford University Press 2020).

Elkin-Koren N, 'Copyright in a Digital Ecosystem' in Ruth Okediji (ed), *Copyright Law in an Age of Limitations and Exceptions* (Cambridge University Press 2017) ch 5.

Pasquale F, *The Black Box Society: The Secret Algorithms That Control Money and Information* (Harvard University Press 2015).

Journal Articles

Basheer S and Reddy TP, 'The "Flexibilities" of TRIPS: An Uptake Analysis' (2008) 4 *I/S: A Journal of Law and Policy* 1.

Husovec M and Urban J, 'The DSA's Brussels Effect: Modest Prospects for Voluntary Global Compliance' (2024) LSE Working Paper.

Keller D, 'Who Do You Sue? State and Platform Hybrid Power Over Online Speech' (2019) Hoover Institution Aegis Series Paper No 1902.

Mazzone J, 'Copyfraud' (2006) 81 *New York University Law Review* 1026.

Netanel NW, 'Copyright and a Democratic Civil Society' (1996) 106 *Yale Law Journal* 283.

Urban JM, Karaganis J and Schofield B, 'Notice and Takedown in Everyday Practice' (2017) 64 *UCLA Law Review* 1198.

Online Sources

Bar and Bench, 'YouTubers in Peril? Why India's Fair Use Laws Need Urgent Clarification' (5 June 2025) <https://www.barandbench.com> accessed 15 May 2026.

Internet Freedom Foundation, 'Striking Silence: How YouTube's Broken Copyright System Threatens Free Speech' (1 August 2025) <https://internetfreedom.in> accessed 15 May 2026.

ITIF, 'EU Should Improve Transparency in the Digital Services Act' (20 October 2025) <https://itif.org> accessed 15 May 2026.

Mondaq, 'From Fair Use to AI Abuse: The Copyright Drama Unfolding on Indian YouTube' (22 August 2024) <https://www.mondaq.com/india/copyright/1509084> accessed 15 May 2026.

TechPolicy Press, 'India's New IT Rules on Deepfakes Threaten to Entrench Online Censorship' (7 November 2025) <https://www.techpolicy.press> accessed 15 May 2026.

The Reporters' Collective, 'ANI Finds Business Niche in Copyright Claims Against YouTubers' (19 May 2025) <https://www.reporters-collective.in> accessed 15 May 2026.

The Reporters' Collective, 'YouTube Says it Doesn't Judge Claims of Copyright Violation. We Found it Does' (27 May 2025) <https://www.reporters-collective.in> accessed 15 May 2026.