The changing scenario of Intellectual Property Rights and the way forward

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PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN CYBERSPACE

Mr. Jagadish A. T* & Dr. Priya A Jagadish**

ABSTRACT

With the proliferation of e-commerce on the internet and related aspects such as electronic payments and taxation have taken pace, thereby increase in the infringement of Intellectual Property Rights (IPR) in cyberspace. In cyberspace, one person makes a profit by using another person's creation without the owner's consent which has become rampant. This is a violation of privacy, and it is protected by IPR. We have certain laws to avoid violation of IPR in cyberspace and when it is violated, then additionally we have several remedies in law. There is a need to protect the IPR effectively in the cyberspace thereby encouraging the new inventions. Copyright infringement, software piracy, cybersquatting, etc. in the information technology age, the protection of IPR requires even greater attention and dedicated strategy for its protection. Various theories discuss the need to protect the intellectual property and the India's new Intellectual Property Rights Policy also focus the on protection of IPR. This paper attempts to discuss the challenges in protecting IPR in cyberspace.

Keywords: *Intellectual Property Rights, Cyberspace, e-commerce,*

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Copyright, Trademark, Cybersquatting.

INTRODUCTION

Intellectual Property Rights (IPR) is a bundle of rights which accrues to an individual or an organization for the creative work. Basically, this right is a creation of intellect i.e., human mind. In fiction it is a property which is quite different from real property or a formal property. Intellectual property is an asset like other forms of tangible property. The important feature of this property is that it is incorporeal or intangible property which cannot be defied or identified by its own physical parameter. However, like the other forms of tangible property it can be transferred i.e., sold, bought, assigned, Mortgaged, licenced by applying law[1].With the technological advancements and innovations in cyber world the global markets have benefitted the copyright or patent owners. However, every good innovation has its own pitfalls as violation of IPR has become one of the major concerns because of the growth of cyber technology. The IPR and Cyber law go hand in hand and cannot be kept in different compartments and the online content needs to be protected[2].The ever-increasing and evolving cybercrimes are not confined to cyber stalking, frauds, cyber bullying, phishing, or spamming but are also infringement of IPR- copyright, trademark, trade secrets of businesses carried online, audios, videos, service marks by illegal practices like hyper linking, framing, meta-tagging, and many more.

Intellectual property is a broad categorical description for the set of

[1] Dr, Jyothi Rathan, *Cyberlaws and Information Technology*, (2nd edition published 2011) 309

[2] Ashwin, *Role of Intellectual Property in Cyber Law* (1 September, 2021) https://enhelion.com/blogs/2022/09/01/role-of-intellectual-property-in-cyber-law/#:~:text=INTERNATIONAL%20LAWS%20FOR%20PROTECTION%20OF%20IP%20IN%20CYBER%20WORLD&text=Berne%20Convention%20(1886)%20protects%20the,physical%20indicators%20of%20intellectual%20property. accessed on 8 July 2023

intangible assets owned and legally protected by a company or individual from outside use or implementation without consent. An intangible asset is a non-physical asset that a company or person owns. Intellectual Property can be defined as inventions of the mind, innovations, literary and artistic work, symbols, names and images used in commerce. The objective of intellectual property protection is to encourage the creativity of the human mind for the benefit of all and to ensure that the benefits arising from exploiting a creation benefit the creator. This will encourage creative activity and give investors a reasonable return on their investment in research and development. IP empowers individuals, enterprises, or other entities to exclude others from the use of their creations. Intellectual Property empowers individuals, enterprises, or other entities to exclude others from the use of their creations without their consent.

According to Article 2 of the WIPO[3] (World Intellectual Property Organisation) – Central Organisation for the protection of Intellectual Property Laws and the expert organization of the UN, Intellectual Property shall include the rights relating to literary, artistic and scientific works, inventions in all fields of human endeavour, scientific discoveries, industrial designs, trademarks, service marks and commercial names and designations, protection against unfair competition, and all the other rights resulting from intellectual activity in the industrial, scientific, literary or scientific fields.

CHALLENGES FACED IN PROTECTION OF IPR IN CYBER LAW

New varieties of hybrid IP Infringements

On the internet, apart from conventional infringements of intellectual property, hybrid infringements such as framing, deep linking, inlining,

[3] https://www.wipo.int/wipolex/en/text/283854#:~:text=(2)%20Amendments%20shall%20be%20adopted,of%20any%20Union%20shall%20vote. accessed on 8 July 2023

sale of pirated products poses a high challenge to the law enforcement authorities. Many websites today offer freeware installations, sell pirated software copies and engage in other criminal activities. Despite technological measures and legal framework, combating copyright infringements continues to be a major challenge in cyberspace[4].

How does one protect digital content when technology, by its nature, encourages copying? New international laws such as the WIPO Internet Treaties, adapt the intellectual property laws to facilitate the dissemination of protected material over the Internet. Technological tools such as encryption and watermarking provide practical solutions and, together with digital rights management initiatives, contribute to meeting this concern. However, many creators and rights holders remain apprehensive.

The first cum first served principle of domain name registration has led to the misuse of trademarks on the Internet. How to stop this abuse is the paramount task of trademark owners and international legal community. Trademark owners expend vast resources, engaging automated 'web crawling' software and cyber surveillance firms, to monitor the billions of Web pages and protect their intellectual property rights.

Search engines have come to acquire a unique position in the cyberspace. If you are not indexed by a search engine you simply do not exist. But in order to be indexed and to achieve a good rating on any search engine, businesses have adopted all kinds of ethical and unethical practices. The unethical practices in the overall search engine optimization are known as spamdexing which involves the abuse of someone else's trademark. Another legal challenge is to streamline the working of search engines so that their abuse is minimized leading to

[4] Dr Karnika Seth, *Computers, internet and New Technology Laws*, (3rd Edition published 2022) 267

the overall confidence enhancement of the consumers[5].

Copyright Infringement

"Copyright protection is given to the owner of any published artistic, literary, dramatic, or scientific work over his work to exclude everyone else from using that work on his own name and thereby gain profit from it."

The infringement of these copyrights includes the usage without the permission of the owner, making and distributing copies of software and unauthorized sale of the same, and illegitimate copying from websites or blogs.

- ***Linking*:**

Linking refers to directing a user of a website to another webpage by action of clicking on a text or image without leaving the current page. It poses a threat to rights and interests of the owner of the website and the owner can lose the income as it related to the number of users visiting the websites. It may lead users to believe that the two websites are linked and are under same domain and ownership.

In Shetland Times, Ltd. v. Jonathan Wills and Another[6], it was held to be an act of copyright infringement under British law and an injunction was issued as the Shetland News's deep link was supposed to be with the embedded pages of the Shetland Times's web site, but they were also linked to the Times' website.

With digitisation there is a threat to copyright ownership and rights over their own innovation as it has become easy to mould various components of copyright elements into variety of forms by the process of linking, in-linking, and framing. This requires no permissions to be

[5] https://egyankosh.ac.in/bitstream/123456789/7669/1/Unit-8.pdf accessed on 8 July 2023

[6] *Shetland Times Ltd. v. Dr. Jonathan Wills and Zetnews Ltd.* [1996] (Court of Session, Edinburgh)

accorded.

Deep linking is challenging to manage as there are no clear-cut laws at both national and international level and this ambiguity becomes advantageous for cybercriminals who try to breach the copyrights. The rights of the owner of copyrights on one hand and free availability of information on another is needed to be balanced to ensure smooth working of online resources and businesses. Reading Sections 14 and 51, Indian Copyright Act, 1957, a legal issue emerges whereby it is not clear as to the exact stage when the reproduction of the copyrighted work is being committed[7]. The ambiguity lies in tracing the copyright infringement that is it at the stage of formation of deep link without the disclaimer of accessing a link which needs no approval or at the time when a user accesses the link at his will.

Another challenge is with the in-linking links. On a browser visited by a user accessing the link is created with map to navigate and fetch images from various sources, these images are copied by final user who is clueless that he is retrieving those from different websites. Like deep linking, the problem of tracing the infringement remains the same as it is difficult to track the exact phase of reproduction of the copyrighted images. The in-line link creator is guilty of copyright infringement though not directly distributing it but giving way to facilitate making of unauthorized copies of the original website content thereby falling under the purview of Section 14 Copyright Act, 1957. However, the final user has no mens rea or knowledge of any violation of copyright and is thus caught off-guard.

- ***Framing:***

Framing is another challenge and becomes a legal issue and debate subject over the interpretation of derivation and adaptation under

[7] Banerjee, S., 2021. Intellectual property rights law in cyberspace. [Blog] *https://blog.ipleaders.in/*,<https://blog.ipleaders.in/intellectual-property-rights-law-in-cyberspace/> Accessed 17 July 2023.

Section 14 Copyrights Act, 1957. The framer only provides users the modus operandi to access copyrighted content which is retrieved from a website to browser the user is accessing so they cannot be held responsible for copying, communicating, or distributing the copyrighted content. The question arises whether getting the copyrighted content from a website and combining with some more to create one's own will amount to adaptation or interpretation under law or not.

- ***Software Piracy:***

Software piracy refers to making unauthorized copies of computer software which are protected under the Copyright Act, 1957.

Piracy can be of following types[8]:

- Soft lifting – this means that sharing a program with an unauthorized person without a licence agreement to use it.
- Software Counterfeiting – Counterfeiting means producing fake copies of a software, imitating the original and is priced less than the original software. This involves providing the box, CDs, and manuals, all tailored to look as close to original as possible.
- Renting – it involves someone renting a copy of software for temporary use, without the permission of the copyright holder which violates the license agreement of software.

CYBERSQUATTING AND TRADEMARK INFRINGEMENT

Trademark means a unique identifier mark which can be represented by a graph and main idea is to differentiate the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours.

[8] Legalserviceindia.com. 2022. Intellectual Property Issues in Cyberspace. [online] <https://www.legalserviceindia.com/legal/article-3233-intellectual-property-issues-in-cyberspace.html> Accessed 14 June 2022

Cybersquatting is a cybercrime which involves imitation of a domain name in such a manner that the resultant domain name can dupe the users of the famous one with an intention to make profit out of that. This is executed by registering, selling, or trafficking of a famous domain name to encash a popular domain name's goodwill.

When two or more people claim over the right to register the same domain name then the domain name dispute arises when a trademark already registered is registered by another individual or organization who is not the owner of trademark that is registered. All domain name registrars must follow the ICANN's policy[9].

Meta tagging is a technique to increase the number of users accessing a site by including a word in the keyword section so that the search engine picks up the word and direct the users to the site despite the site having nothing to do with that word. This may result in trademark infringement when a website contains meta tags of other websites thereby affecting their business.

There are certain conditions which need to be fulfilled for a domain name to be abusive:

1. The domain name can be said to be abusive if it gives the impression to the users of being same as another popular trademark which is a registered one and users mistakenly access the fake one made with mal intention of gaining profit by diverting users of popular trademark domain.
2. The registrant has no legal rights or interests in the domain name.
3. The registered domain name is being used in bad faith.

[9] ICANN (Internet Corporation for Assigned Names and Numbers) is the private, non-government, non-profit corporation with responsibility for Internet Protocol (IP) address space allocation, protocol parameter assignment, domain name system (DNS) management and root server system management functions. The Internet Assigned Numbers Authority (IANA) previously performed these services.

THEORIES ON NEED TO PROTECT IPR

There are various theories about protecting intellectual property rights, but the common thread of all such opinions is the necessity to guard, recompense, and kindle innovation in the creative works and initiatives of the innovator. Regulatory framework and legal interpretation are essential keys to safeguard creators from the malpractices prevalent in the disguise of internet freedom. The harmonization of international law and positive domestic laws is essential to bolstering intellectual property rights in cyberspace, which is essentially and practically without borders[10].

INTERNATIONAL LAW GOVERNING INTELLECTUAL PROPERTY IN CYBERSPACE

Berne Convention (1886), Madrid Agreement Concerning the International Registration of Trademarks (1891), Hague Agreement Concerning the Registration of International Designs (1925), Rome Convention for Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961), Patent Cooperation Treaty (1970) Agreement on the Trade-Related Aspects of Intellectual Property Rights (1994), World Intellectual Property Organization *Copyright* Treaty (1996), World Intellectual Property *Organization Performances* and Phonograms Treaty (1996), and *Uniform Domain Name Dispute* Resolution Policy (1999), in *consolidation form the international* instruments that govern Intellectual Property Rights.

Berne Convention (1886) protects the rights in *Literary and Artistic* Works, excluding daily news or press *information. Special provisions* are provided for developing countries.

Rome Convention (1961), extended *copyright protection to authors of* creative works and owners of *physical indicators of intellectual*

[10] https://blog.ipleaders.in/intellectual-property-rights-law-in-cyberspace/ accessed on 18 July 2023

property, for the first time. It allows domestic implementation enacted by member countries, where the dispute is subject to the International Court of Justice for remedy unless arbitration.

TRIPS (1994) is a multilateral agreement on intellectual property that covers copyrights and related rights in the widest range.

WPT (1996) is for the protection of the copyright of authors in their literary and artistic works in international law.

WPTT (1996) is for the protection of the rights of performers and producers in international law.

UDRP (1999) is for the resolution of disputes on registration and use of internet domain names.

The international treaties have a long way to tread before they are capable of protecting intellectual property rights on the ground and within the nations. Until practical realization of the best practices of the treaties into domestic law takes a front seat, the standardization of protection in the intellectual property rights domain would remain a distant dream, miles away from reality[11].

JURISDICTION OF INTELLECTUAL PROPERTY ISSUES IN CYBERSPACE

Cross-border disputes against private parties and hybrid infringements are an emerging concern, as the globe shrinks into cyberspace with no borders. Courts face a constant dilemma of which cases come under the purview of their jurisdiction for prescription, adjudication, and enforcement. The objective aspect of territorial jurisdiction is crucial to this. A sovereign has the power to adopt a criminal law that may be applicable to offences that effectuate within its borders even though the offensive act was committed outside its borders. The courts may assume jurisdiction for prosecuting a cyber offender based on universal

[11] *Ibid.*

jurisdiction, where the offensive acts are known universally by international law.

Out of the variety of theories and legal concepts that have evolved in the recent past to address this major impediment of the jurisdiction of courts to try infringements of intellectual property in the open world of cyberspace, the most noteworthy of which are the Minimum Contacts Test, the Effects Test, and the Sliding Scale Test or 'Zippo Test'. These are theories derived from US Courts. The Minimum contacts test is applicable in circumstances where one or both parties are from outside the court's territorial jurisdiction whereby there is an element of contact with the state where the court is located. The Effects test is applicable where the consequence of the injury is felt at the particular state where the court is located. The Sliding Test determines personal jurisdiction through non-resident interactivities and the exchange of commercial information over the internet of non-resident online operators.

Section 75 IT Act, 2000 applies to offences committed outside India if the conduct constituted an offence involving a computer, computer system, or computer network located in India. Section 4 IPC, 1860 extends its jurisdiction to offences committed in any place outside India targeting a computer resource located in India. Indian courts have the legal tools to adjudicate against the infringers of intellectual property in the cyber domain, and judicial activism followed with effective jurisprudence would come much to the rescue of the intellectual property owners.

Jurisdiction itself is a complex issue in cyberspace and a number of theories or legal principles have been evolved overtime to solve the complex question of jurisdiction, the most notable ones being the 'Minimum Contacts Test'[12], 'The Effects Test'[13] and 'Zippo Sliding

[12] *Washington V. International Shoe Co, 326 US 1945 (317); The State may sue a* Non-Resident provided the corporation had minimum contact with the forum state.

Scale Approach"[14].

Treaties which govern protection of Intellectual property rights and have gained large acceptance include the Trade Related Aspects of Intellectual property Rights (TRIPS), Berne convention on the protection of literary and Artistic works, Hague Agreement concerning the Deposit of international Designs, Madrid agreement Concerning the International registration of Trademarks, Patent Co-operation Treaty and the WIPO Copyright Treaty.

NONFUNGIBLE TOKEN

With the explosive development of decentralized finance, we witness a phenomenal growth in tokenization of all kinds of assets, including equity, funds, debt, and real estate. By taking advantage of blockchain technology, digital assets are broadly grouped into fungible and non-fungible tokens (NFT). Here non-fungible tokens refer to those with unique and non-substitutable properties. NFT has widely attracted attention, and its protocols, standards, and applications are developing exponentially. It has been successfully applied to digital fantasy artwork, games, collectibles, etc.

Elaboration of the concept of non-fungible token

Over the last several years, anyone who has been satelliting their attention over investment, banking, or cryptocurrency, must have heard the term "blockchain." Although sounding complex, a blockchain is simply a type of database or a collection of large amounts of information stored electronically in an organized structure, such as a chain of blocks. Each block contains pieces of data, such as random numbers or letters (hash), which are unique within the block and are connected like a chain. If data within one block is changed, its hash

[13] *Calder v Jones*, 465 US 783 (1984), The Supreme Court adopted the foreign effects test to ratify a state assertion of jurisdiction over Non-resident Defendants.

[14] *Zippo Manufacturer v. Zippo Dot Com,* 952 F Supp 1119 (DCWD Pa. 1997)

also changes. This brings a difference in the entire chain. Therefore, if a hacker tries to add a new block or change data within an existing block, one has to recalculate and align data in all the other blocks. This requires control over 50% of the database, which is evidently challenging; thus, creating a secure and verifiable database. Additionally, blockchains also have the ability to be 'decentralized,' i.e., not controlled by a single person, and 'transparent,' i.e., allowing anyone to view the blocks or ledgers in the chain. Bitcoin, Litecoin, Ethereum, and Ripple are examples of blockchain networks that allow the transaction of digital assets.

A digital asset is anything that can be stored and transmitted electronically and has ownership and usage rights associated with it. Tokens are one such digital assets that are stored within a blockchain. However, it must be noted that tokens in themselves are not an asset. A token represents the blockchain location or unit of code that assigns a digital authenticity certificate to the asset within it, including anything from a ticket to an event to a download of a song. Based on the ability to be exchanged or substituted, tokens can be categorized as fungible and non-fungible.[15]

Understanding fungible and non-fungible

Fungible tokens can be understood as something that can be exchanged yet holds the same value. Such assets can further be tangible— such as the dollar, or gold— or intangible— such as a bitcoin. These are interchangeable with no difference in their total value; for a simple illustration: if a person gives a 20-dollar cash note to his friend and receives two cash notes of 10 dollars each, the person will accept them. Even though the cash notes are different, they hold the same total value.

[15] Khurana and Khurana Advocates,Non fungible tokens and its relationship with IPR, https://www.khuranaandkhurana.com/2021/11/15/nft-and-its-relationship-with-ipr/,INDIA, Khurana and khurana,2021 visited on 12/07/2022 17:06 P.M IST

Contrarily, non-fungible tokens or NFTs are assets that cannot be substituted. It has unique attributes that differentiate it from the other asset, although it seems similar. Such assets can also further be tangible— such as a painting or a movie ticket— or intangible— such as a virtual world of a game. For example, if a boy has a photograph of a movie actor, he merely owns the photograph. The original rights regarding copies of the photograph might be vested with the photographer of the actor.

THE NFT TECHNOLOGY AND ITS WORKING

In terms of a digital blockchain, NFTs can be defined as unique and non-exchangeable tokens with an underlying asset. These are created by a process called "minting," where the unique token is generated in accordance with the standard set on the blockchain used. Several publicly available programs such as MintBot and Enjin allow users to mint an NFT. Minting allows the digital asset to be uniquely identified and own a non-fungible authenticity certificate. Since the copy of an NFT will lack the same certificate, it will be recognized as counterfeit. After creating an NFT, storage and exchange of the digital assets turn into the execution of 'smart contracts.' A smart contract can be understood as software codes linked with the NFT, containing details, rules, and rights of the underlying asset attached to the NFT, such as song royalty payments, a bond, an invoice, etcetera.

The uniqueness thus allows the original creator of the token to reap monetary gains and payments from the NFT buyers in the future— the process known as "Tokenization."[16]

NFTs have caught the eyes of the people as early as 2012; however, it took the world by storm in 2017, when Dapper Labs initiated the sale of NFTs linked with rare digital cat cartoons named Crypto Kitties, that

[16] Khurana and Khurana Advocates, On fungible tokens and its relationship with IPR, https://www.khuranaandkhurana.com/2021/11/15/nft-and-its-relationship-with-ipr/,INDIA, Khurana and khurana,2021/accessed on 17 July 2023

allowed people to trade virtual kittens over the internet, making people turn head-over-heels. Twitter's CEO, Jack Dorsey, sold an NFT of his first-ever tweet for the US $2.9 million. Beeple's digital artwork sold for the US $69 million, while Christie's Gucci Ghost ended up for $3600. Bollywood actors, such as Amitabh Bachchan, have planned to launch his NFT collection of movie posters signed by him and crypto punk-style digital artworks featuring him. Platforms such as 'Cricket Crazy' allow cricket fans to collect a memoir of iconic moments in the forms of NFTs. Between January 2021 to March 2021, the sales of NFTs rose close to 2000%. This significantly suggested that anything— such as music, drawings, gifs, games, or even a tweet — was worth becoming a money-earning NFT. Since these transactions are tracked on blockchain ledged, individuals can identify the creator's originality or avoid fraudulent purchases. Common NFT marketplaces such as OpenSea, Rarible, NiftyGateway, etcetera., allow creators to collect a royalty on subsequent resales of the original work within an NFT.

Not just monetarily, but the blockchain-based NFT also promotes the creative ecosystem. Grammy Winner Imogen Heap once wrote, "Blockchain has the potential to provide a more quick and seamless experience for anyone involved with creating or interacting with music," thereby embracing blockchain systems in the music industry. In the tokenization realm, Bitcoin Founder Satoshi Nakamoto appreciated the NFT system by stating that an "electronic payment system based on cryptographic proof instead of trust, allowing any two willing parties to transact directly with each other without the need for a trusted third party." The company, Valuable, even quoted:

'Owning any digital content can be a financial investment, hold sentimental value, and create a relationship between collector and creator. Like an autograph on a baseball card, the NFT itself is the creator's autograph on the content, making it scarce, unique, and valuable.'

Nevertheless, as the popularity bubble of NFTs rises higher, the

tokenization process comes up with several challenges to ownership and potential infringement issues intertwined with their asset. Therefore, it becomes essential for individual creators and companies to overview the tender dynamics of NFT protections in their intellectual property protection strategies.[17]

NFTS AND ITS RELATIONSHIP WITH IP RIGHTS

Intellectual property involves the creations of the mind, ranging from literary and artistic works to designs, symbols, and even names. These fruits of mental labor can be regulated and protected under legal frameworks, known as intellectual property rights or IP rights. Exclusive rights and monopolies are at the heart of intellectual property. The patent owner has the sole right to make, utilize, present or sell that work. Trademarks make it illegal for others to use a brand name that is confusingly similar to one that already exists. Such protection is an essential agenda for every diligent businessperson, alongside the growth of innovation.

NFT owners can include brands having logos and trademarks in the consumer market, book authors, movie actors, songwriters, game companies, or even physical art-producing artists. These owners are likely to share their assets with others, which others can mint as an NFT; thereby, bringing a realistic chance of infringing the owner's rights. Nevertheless, NFTs do not automatically come with IP rights. Ownership of an NFT is simply a display on the shelf; there is a difference between having NFT ownership and the ownership of underlying IP or assets within the NFT.

Since NFTs are based on blockchains designed to be decentralized and independent of third-party controls, the assets can be duplicated, replicated, and forwarded to an infinite extent. For example, a

[17] Khurana and Khurana Advocates,Non fungible tokens and its relationship with IPR, https://www.khuranaandkhurana.com/2021/11/15/nft-and-its-relationship-with-ipr/,INDIA, Khurana and khurana,2021/ accessed on 18 July 2023

screenshot of artwork can provide a copy of the digital asset to someone else. However, it is often a missed argument that the fundamental purpose of NFTs is to manifestly prove the originality and ownership— which does not depend on the copies someone owns. Paul Kell, a famous cryptocurrency investor, remarked this: "you can take a picture of a picture, but you do not have what's under the picture." Thus, it is understandable that a freely owned copy of an asset provides one with no benefits. Eventually, when the issue transposes to ownership benefits for purchasers of an NFT, the dilemma becomes different.[18]

CONCLUSION

Protection of Intellectual property is crucial for the success of e-commerce. The traditional laws for protecting intellectual property have been applied also in cyberspace. However, due to inherent nature of the internet, several pertinent issues have emerged such as the principles to determine jurisdiction, recognizing the hybrid varieties of online infringements, resolving conflict of laws issues which apply equally in cyberspace. Scholars have advocated a combined approach of sociological, technological and legal initiatives and measures to protect the infringement of Intellectual property in cyberspace. The legal enforcement of infringement of Intellectual property rights in cyberspace is a very challenging area. Nevertheless, it is a challenge of the digital era, which we need to take in the interest of and furtherance of the emerging e-information society.Various legislative, legal enforcement & administrative changes and progressive judicial approach have contributed towards strengthening of India's IP framework in Digital India. Its broad vision & Mission of 'Make in India' is indeed both promising &achievable. India is more a global village today with foreign investors from all parts of the world. India

[18] Khurana and Khurana Advocates,Non fungible tokens and its relationship with IPR, https://www.khuranaandkhurana.com/2021/11/15/nft-and-its-relationship-with-ipr/,INDIA, Khurana and khurana,2021/accessed on 8 July 2023

follows and is signatory to international conventions that protect IP and offers international cooperation to protect Intellectual property& businesses across all levels. With latest infrastructure in IP offices &latest technology deployed in all its administrative offices, Digital India is a lucrative, safe and promising destination for foreign investors intending to do business in India. Protection of NFT's also poses challenges to Intellectual Property Laws and Cyber Laws.