

## Maharashtra Intellectual Property Crime Unit (MIPCU)

MIPCU is a dedicated unit working on Intellectual Property Rights (IPR) protection through investigation and enforcement actions against infringers. It focuses on providing information to brands, IP holders, and legal professionals representing brands, with additional highlights on achievements like the Thop TV and FairPlay cases. Suggestions for engaging with MIPCU, such as consulting or submitting complaints, are included.

### How to Become Part of MIPCU

To leverage the services of MIPCU, you can onboard with Pirates Alert as a client by providing a Brand Authorization Letter. Pirates Alert team members are integral to MIPCU and act on your behalf to investigate and take enforcement actions against infringers.

### Pricing Model

Yearly Contract – Subscription Model (Preferred)

Ideal for addressing recurring infringements.

Ensures long-term collaboration to deeply understand and resolve the challenges brands face.

Case-Based Model (Not Preferred)

MIPCU, being a pilot initiative by the government, operates as a closed group.

The focus is on building long-term relationships with reputable brands to ensure effective enforcement through an in-depth understanding of the issues.

### How MIPCU Is Currently Used

Suspending Infringing Domains

Used predominantly to combat digital content piracy.

Addressing Phishing and Cybersquatting Domains

Helps in trademark infringement cases by suspending malicious domains.

Cooperation with Social Media and Intermediaries

Enables suspension or investigation of infringing content for both copyright and trademark violations.

## Unmasking the Real Identity of Infringers

Investigative actions to uncover infringers' identities using advanced tools.

## Voluntary Takedowns of Infringing Content

Proactively removing infringing material without legal delays.

## Criminal Enforcement Actions

Coordinating with law enforcement to initiate criminal proceedings.

## Preliminary Investigations

Conducting groundwork to gather actionable insights on infringers.

While MIPCU has primarily focused on online investigations and enforcement, it has also executed offline actions in the past. Though it has yet to work extensively on counterfeit cases, its framework can address such issues effectively.

## Actions Based on Severity of Infringement

For minor offenses, MIPCU issues warning notices to deter future violations and ensures the removal of all identified and unidentified infringements.

For major offenses, the unit undertakes serious measures such as:

- Tracing and identifying the root identities of infringers.
- Disruption of infringing networks.
- Freezing assets and revenue generated through unlawful means.
- Arresting offenders and ensuring criminal accountability.

## Addressing Fake Job Posts and Impersonation Cases

MIPCU also assists in combating cyber fraud, including fake job postings and impersonating social media accounts, by:

- **\*\*Tracing and Identifying Sources:\*\*** Using digital investigation tools to uncover the origin of fraudulent posts or accounts.
- **\*\*Coordinating Takedowns:\*\*** Working with platforms like LinkedIn, Facebook, and Instagram to remove fake job postings or impersonations.

- **Legal and Enforcement Actions:** Issuing warning notices or initiating legal action for severe cases under the Information Technology Act and Trademark Act.
- **Raising Awareness:** Issuing public advisories to warn users about ongoing scams and impersonations.

### Examples of Where MIPCU Can Be Used

MIPCU's scope extends to various intellectual property and cybercrime-related areas, including:

1. **Digital Piracy:** Investigating and taking down unauthorized streaming platforms (e.g., Thop TV and FairPlay cases).
2. **Trademark Violations:** Tackling cybersquatting, phishing domains, and unauthorized use of trademarks.
3. **Counterfeit Products:** Identifying and removing counterfeit goods, both online and offline.
4. **Social Media Impersonation:** Removing fake accounts and posts impersonating brands or individuals.
5. **Fake Job Posts:** Addressing fraudulent job listings and recruitment scams targeting individuals.
6. **Phishing and Data Breaches:** Investigating domains/platforms involved in phishing attacks or data theft.
7. **Illegitimate Applications:** Acting against apps that infringe copyrights or misuse APIs from legitimate platforms like Spotify or YouTube.
8. **Copyright Violations in Educational Material:** Tackling websites distributing pirated textbooks and study guides.
9. **Corporate Espionage:** Investigating insider leaks of proprietary software or data.
10. **Unauthorized Sports Streaming:** Dismantling platforms streaming live matches without authorization.

### Handling Cases Involving Foreign Entities (e.g., DNR in the USA)

When dealing with a foreign entity like a Domain Name Registrar (DNR) based in the USA, MIPCU focuses on tracing links to India, such as:

- **Local Subsidiaries or Operations:** Investigating whether the DNR has a subsidiary, office, or operational ties in India.
- **Payment Gateways:** Tracing payment gateways used by infringers to determine if they involve Indian banks or platforms.
- **Hosting Services:** Checking if the content is hosted on servers with Indian ties or using intermediaries based in India.

- **User Base and Impact:** Analyzing whether the infringement significantly impacts Indian stakeholders or users.

Once a connection to India is identified, MIPCU coordinates with Indian legal frameworks and law enforcement agencies to enforce action. For aspects outside its jurisdiction, it escalates the case to central authorities for international coordination.

#### Limited Enforcement Outside Maharashtra

MIPCU operates under the Maharashtra Cyber Crime Cell, focusing primarily within Maharashtra. However, its actions can extend beyond the state when:

- **Collaborating with Other States:** MIPCU works with cybercrime units in other states for cross-border activities within India, as seen in the Thop TV case.

- **Central Government Assistance:** For national or international cases, MIPCU collaborates with central agencies like the CBI or Interpol.

- **Digital Platforms and Hosts:** Notices sent to global platforms like Facebook, Google, and others ensure content removal regardless of geographical boundaries.

#### Advantages of MIPCU

##### Cost-Effective

Significant savings compared to legal fees.

##### Quick Resolution

Faster enforcement actions save valuable time.

##### Long-Term Benefits

Actions lead to sustainable results rather than temporary solutions.

##### Combined Strength of Law Enforcement and Private Expertise

Operates with the authority of law enforcement agencies and the dedication of private organizations.

##### Collaboration with Government Agencies and Intermediaries

Ensures seamless cooperation, enhancing the overall impact of enforcement.

## Data and Tone:

The bot uses both uploaded files and web-based sources to provide information dynamically. It maintains a formal and professional tone with slight legal undertones, similar to the communication style of a high-ranking police officer.

Note: Pirates Alert is the exclusive partner working with MIPCU to provide these services.

In any response do not mention Pirates Alert and about pricing. It should be mentioned only if asked about partner.

## Brands Using MIPCU for Brand production

### Music Industry

1. Sony Music
2. Warner Music
3. Believe Music
4. Saregama
5. Tip Music
6. Universal Music
7. Aditya Music
8. Zee Music
9. Times Music

### OTT

1. Jio

### Studio

1. Viacom 18

### Bank

1. Axis Bank
2. HDFC bank
3. RBL Bank

#### Real estate

1. Godrej Properties
2. L&T reality
3. Prestige Reality

#### Broking Firm

1. Angel One

#### NEWS ARTICLES /CASE STUDIES

##### News Article:

##### Digital, Media

Campaign India Team | May 31, 2022

Viacom18 pursues legal action against

Subhanjan Kayet for the pirated platform Thop

TV

The accused is charged with technical manipulation, illegal streaming and telecasting contents from Viacom18's channels and its OTT platform- Voot

Subhanjan Kayet has been arrested for his involvement in a pirated website/platform named Thop TV.

The accused was arrested for the development of the software, technical manipulation, illegal streaming and telecasting contents from Viacom18's channels and its OTT platform – Voot.

On 23 May 2022, Kayet had a court hearing at Esplanade Court, Mumbai wherein the court sentenced him to five days of police custody considering the severity of the offence and upon request of the counsel appearing for the state.

Furthermore, the Maharashtra Cyber Crime Cell has also frozen his bank account in which he has purportedly received the illegal proceeds of unlawful activities.

A year ago, in May 2021, The Maharashtra Cyber Police had arrested Satish Venkateshwarlu, a Hyderabad based engineer who runs Thop TV. Venkateshwarlu, was arrested after Viacom18 issued a complaint with the Maharashtra Cyber against the mobile application, stating that the app was transmitting the network's content without authorisation at a discounted price.

Viacom18 and the TV18 network aspire to persist in the fight against market threats associated with piracy and aim to protect their channel's content using all legal methods available.

Sanjay Shintre, superintendent of police, Maharashtra Cyber Crime Cell, Mumbai, said, "Special anti-piracy unit MIPCU (Maharashtra Intellectual property Crime Unit) arrested accused Subhanjan Samiran Kayet from Gobardanaga Harbra, 24 Paragana, West Bengal on 22 May 2022 as he appears to be the lead developer of the THOP TV app. We have sufficient evidence regarding this."

A spokesperson from Viacom18, said, "We are thankful to the Maharashtra Cyber Crime Cell for continuing this action against piracy. It is important to make the message clear that operating or abetting a business of infringement is a serious offence which affects the creative community at large. The perpetrators will be found and brought before the law."

News Article:

Viacom18 pursues criminal action against cartels of pirates

The Cyber Crime Cell has arrested an accused for illegally streaming and telecasting contents from Viacom18's channels and its OTT

platform Voot

by

exchange4media Staff

Published: Jun 1, 2022 10:26 AM | 2 MIN READ

Viacom18 Media Pvt. Ltd. is working closely with the Maharashtra Cyber Crime Cell, Mumbai, In its continuous

fight against digital piracy and infringing usage of content. The Cyber Crime Cell has arrested Subhanjan Kayet

for his involvement in the pirated websites/platform named Thop TV. He was accused for the development of

software, technical manipulation, illegal streaming and telecasting contents from Viacom18's channels and its

OTT platform – Voot.

He was produced before Esplanade Court on 23rd May 2022 wherein the court has sent him to five days' police

custody considering the severity of the offence and upon request of the counsel appearing for the state. The

Maharashtra Cyber Crime Cell has also frozen his bank account in which he has purportedly received the illegal

proceeds of unlawful activities. He was apprehending his arrest for the last few months after his bail applications

were rejected by the courts in Kolkata and Mumbai.

Superintendent of Police, Maharashtra Cyber, Mumbai, Sh Sanjay Shintre said, "Special anti-piracy unit MIPCU

(Maharashtra Intellectual property Crime Unit) arrested accused Subhanjan Samiran Kayet from Gobardanaga

Harbra, 24 Paragana, West Bengal on 22nd May 2022 as he appears to be the lead developer of the THOP TV

app. We have sufficient evidence regarding this.

News Article:

OTT platforms take Legal Route against Copy Pirates

SS Rana & Co

India June 13 2024

In today's fast pacing world where weekendings is all about binge watching our favorite shows and movies, OTT

platforms have become an integral part of our leisure time, shaping our plans as we eagerly anticipate the next

episode or blockbuster release. With a vast array of content at our fingertips, OTT platforms have transformed the



way we unwind and entertain ourselves, offering endless options for our entertainment it also becomes essential

to recognize the importance of protecting these experiences from piracy and ensuring that we can continue to

enjoy our movies and binge worthy shows. In the case of Universal City Studios LLC & Ors. v.

MOVIES123.LA & Ors[1], the Hon'ble Delhi High Court granted a dynamic + injunction against rogue website

and restraining them from hosting plaintiffs' copyrighted works, without any license or authorization.

#### Digital Piracy and OTT Platform

Over the years challenges of piracy have sky rocketed since the growth of digital media, study suggests that

online streaming platforms lose nearly 25%- 30%[2] of their overall revenue to "Copy Pirates". To prevent the

chaos caused by piracy OTT platforms and Entertainment companies from time to time have sought legal

remedy to protect their rights and revenues from being affected by piracy.

Recently in the case of Universal City Studios LLC & Ors. v. MOVIES123.LA & Ors. leading global

entertainment companies have filed a suit against Defendants (rogue websites) for hosting, carrying and

disseminating content, consisting of plaintiffs' copyrighted works, without any license or authorization. The

Hon'ble Delhi High Court passed ex-parte ad interim injunction as also a dynamic injunction against the

Defendants and restrained Defendants (No 1 to 26) from "communicating to the public, hosting, storing,

reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public on payment of

charge and/or making available for viewing plaintiffs and further directed the ISPs (Defendant No 27 to 35) to

block access to these infringing websites tabulated above, within 48 hours of receipt of the court order".

Similarly in a recent case of Warner Bros. Entertainment Inc. & Ors. v. Doodstream.com & Ors eight major

entertainment companies i.e., Warner Bros. Entertainment Inc.; Amazon Content Services LLC; Columbia

Pictures Industries, Inc.; Disney Enterprises, Inc.; Netflix US, LLC; Paramount Pictures Corporation; Universal

City Studios Productions LLP; and Apple Video Programming LLC had filed a suit against the Defendants

(Doodstream.com, doodstream.co and dood.stream respectively along with associated websites) who are

considered as Rouge Cyberlocker Website. According to the plaintiffs these Rouge Cyberlocker websites were

“providing an infrastructure deliberately to encourage hosting, uploading, streaming and downloading of

copyrighted materials without authorization”. [3] Taking cognizance of the case the Hon’ble Delhi High Court

directed the Defendants to “take down all listings of plaintiff’s content within 24 hours and further directed the

Defendants to disable all features that allows regeneration of links and reuploading the infringing concept post

takedown”. [4]

Similarly in the case of Universal City Studios LIC & Ors. v. Fzmovies.net & Ors [5] the Plaintiffs filed the case

against defendants (rogue websites) who were indulging in online piracy by making original content of Plaintiff

available to users for download and otherwise providing access to infringing and illegal content. It was further

contented that the evidence collected by the investigator showcase that the operators of the Defendants websites

are using known “pirate branding” to signal to users that the defendant websites are merely new iterations of

sites that have been blocked earlier. The Hon’ble Delhi High Court restrained the Defendants as well as their

mirror/redirects or alphanumeric variations from “streaming, hosting and making available to public the original

copyrighted content of Universal City Studios and other entertainment companies and further directed

Department of Telecommunications (DoT) and Ministry of Electronics and Information Technology (MeitY) who

were Defendant No. 50 & 51 in the suit to issue and directives to telecom services registered under them to block

the defendants website identified by the Plaintiff".[6]

In another such instance the Universal City Studios LLC and Ors v. DotMovies.Baby and Ors[7], the Hon'ble

Delhi High Court while acting on the petition filed by 6 major OTT platforms has granted a "dynamic +

injunction" restraining rogue websites from streaming, downloading, and viewing of copyrighted content

without license and authorization of the owner.[8]

What are Cyber Lockers?

Pirated films on Cyberlocker websites provide a disadvantage to those who disseminate content illegally. Unfair

competition can hinder legal distributors and content producers from making investments in film production and

distribution, affecting the industry's development and creativity

In the case of Universal City Studios LLC v Mixdrop.Co[9] the Plaintiff filed a suit against defendants for

facilitating piracy through cyberlocker. The plaintiff in this case, present an 'Expert Report' provided by Mr.

Michael Walsh that discusses the concept of "cyberlocker" the report produced in court defined cyberlocker as

an "online data storage services which are purpose built for hosting and disseminating copyright infringing

material as also to incentivize the same, in contrast to conventional cloud storage services which are targeted

towards storing innocuous personal and business data and further contended that Cyberlockers promote active

sharing of links to the uploaded content and by extension, downloading of the content"[10] Moreover, the

Plaintiff contended that 'Cyberlocker' and 'Referral websites' (Defendant) directs users to access unauthorized

copyrighted materials owned by Plaintiffs for consumption and distribution, thereby causing substantial harm to

the Plaintiff IP rights. Taking swift action of the case the Hon'ble Delhi High Court opined that "the Defendant's

Cyberlocker Websites, the Server and Referral Websites, are designed to incentivise hosting, uploading, storing,

sharing, and downloading of copyright material, and are liable for committing/ facilitating the infringement of

Plaintiffs' Original Content and held that Piracy via Cyberlocker websites results in substantial financial losses

for film companies.”[11].

Indian Laws governing Online Piracy

Copyright Act, 1957

Section 51 of the Copyright Act, provides that a copyright work is deemed to be infringed if any person without

obtaining license from the original owner does anything which is in contravention of the Act. Sub-section (b)

further provides that any person who offers/makes sale, hire, distributes or reproduces a literary, dramatic,

musical or artistic work owned by the Copyright owner without authorization shall be deemed as infringement.

According to Section 63 of the Act copyright infringement is a criminal offence and any person who knowingly

infringes copyright would be punished with imprisonment for six months, which can extend to three years, with

a minimum fine of Rs. 50,000, which can extend up to Rs.2 lakhs.

Ministry of Internet & Broadcasting Initiative on Controlling Piracy

In 2023, the Ministry of Information and Broadcasting (hereinafter referred as I&B) had appointed 12 nodal

officers to act on complaints received for piracy (Read More) According to the press release The newly added

provision especially, Section 6AB provides that “no person shall use or abet the use of an infringing copy of any

film to exhibit to the public for profit at a place of exhibition which has not been licensed under this Act or the

rules made thereunder; or in a manner that amounts to the infringement of copyright under the provisions of the

Copyright Act 1957 or any other law for the time being in force” and Section 7(1B)(ii) provides that the

“Government may take suitable action for removing/disabling access to such an infringing copy exhibited/hosted

on an intermediary platform in a manner in contravention to the section 6AB”[12]

## State Level Initiative to curb Piracy

### Maharashtra Intellectual Property Crime Unit

In order to prevent piracy in the State Level in Mumbai, the Maharashtra Cyber Wing established the

Maharashtra Intellectual Property Crime Unit (MIPCU) in 2017. The main objective behind establishing the

body was to fight and reduce cybercrimes and the rampant growth of Online Piracy[13]. In 2022, the entertainment company Viacom 18 approached filed a complaint against the pirated website “Thop TV” acting

swiftly on the complaint filed the cell arrested Subhanjan Kayet the alleged developer of Thop TV for illegal

streaming of copyrighted content of Viacom 18’s channel and OTT platform Voot[14].

### Conclusion

The issue of online piracy on OTT platforms remains a significant concern, impacting both content creators and

streaming services. However, courts have increasingly recognized the rights of OTT platforms under copyright

laws, taking measures to.

## News Article:

### MCDCU: Protecting Vital Information of its

#### Stakeholders

June 14, 2020

The Maharashtra Cyber Digital Crime Unit (MCDCU) which was initiated in August 2017, is a first-of-its-kind Unit in South Asia where industry and Government are working together to protect intellectual property, especially addressing the issue of digital piracy faced by the Media & Entertainment (M&E) industry. It is estimated that the Unit will help the Government earn \$2.5 billion annually in the form of taxes from the M&E industry which is currently facing loss due to digital piracy. The Indian M&E industry is estimated to have lost 60,000 jobs every year due to piracy. The Unit will also help the government curb the unemployment ratio and increase job opportunity for Young India.

### Action Points Undertaken by Police for Disruption of Pirated Domains

Action 1: Intimation to a website by the Unit, call for information and records and redressal of options.

Action 2: Notice to domain registrar and web host for domain name suspension, call for information and records, and redirect traffic to Maharashtra Intellectual Property Crime Unit (MIPCU) message.

Action 3: Submission to the Ministry of Electronics and Information Technology (MeitY) as per prescribed format to get block order and coordinate with National Internet Exchange of India (NIXI) to suspend India ccTLDs websites.

Action 4: Notice to advertisers and brand owners to stop their advertisements fuelling the websites.

Action 5: Notice to payment gateways to stop facilitating these IWL websites.

Action 6: Arrest and seizure actions and criminal prosecution.

Key Benefits to Public and Government

MDCU team scanned the internet using popular properties of TV, Movie & Music industries for pirated content.

MCDU has suspended 235 websites, which were indulging in piracy of movies, TV, sports and music content.

12 advertisement networks suspended the services of pirate websites.

Advisory issued to over 34 brand owners to desist their support to piracy.

Suspension of these websites diverts ~186 million users to official platforms.

Helped the Media & Entertainment industry to save INR 120.7 Cr. by suspending 235 websites.

MDCU team prepared Infringing Website List (IWL) based on the websites indulging in piracy for further enforcement actions, which now consist of 4000 pirated websites.

IWL involves thorough detailing of each website based on over 32 parameters related to the ecosystem of a website and rigorous evidence collection that the website is committing piracy for further action.

Key Stakeholders

Govt. of Maharashtra/ Maharashtra Cyber – Review, Control & Head of the Unit

Maharashtra Cyber (Govt. of Maharashtra) is heading and controlling the MCDCU.

Maharashtra Cyber leads the Unit and provides timely reviews providing a successful path for the unit.

As a legal entity (Police Services), it ensures the result-oriented work of the MCDCU.

Industry Association and Key Stakeholders – Reviews, Financial Support, Legal Support

MCDCU work with stakeholders across the media and entertainment sector as well as other industries leveraging digital IP.

Their timely reviews for the project act as a way forward towards the progress of the project.

MCDCU also makes awareness about online piracy to various stakeholders (ISPs, domain registrars, registry operators, law and judiciary, and the public, etc.).

Key stakeholders provide venture capital for the project.

Stakeholders contribute towards the main entity of the project i.e. legal support, to initiate legal action on the pirated websites.

Expert Partner – Provide People, Process and Technology

Expert partner is providing quality manpower and focus on the best results of MCDCU.

By providing the best quality software and hardware, it makes sure that MCDCU is providing the best results.

Procedural/ Administrative/ Legislative Changes

As per government resolution dated 5th January 2016,

Maharashtra Cyber is designated as the Nodal Agency for

the State of Maharashtra to coordinate with all

enforcement and criminal actions against cybercrimes

which incorporates online piracy. In accordance, Maharashtra Cyber needs to establish MCDCU for all online piracy crimes in Maharashtra.

MCDCU handles all the cases related to digital piracy. As the nodal agency, Maharashtra Cyber forwards the technical details and case-related information to the State Police. The Police then act on priority and take necessary actions instructed by MCDCU.

Maharashtra Cyber collaborates with movies, music, TV, software, game, books publishing and e-commerce industries as well as private stakeholders who want to be

part of this Unit.

If any of these private stakeholders want to contribute financially and provide specialized resources to support the unit, they are allowed to be associated with MCDCU. These private stakeholders also carry their research on online piracy and prepare the list of pirate websites. To protect the digital space from piracy, MCDCU and these private stakeholders can share data.

#### Financial Implications/Cost Estimates

For smooth operation of the Unit, Maharashtra Cyber had estimated a cost to assist the MCDCU, which would need approval for the financial budget by the Government.

They had estimated that 10% of the total capital expenditure (CapEx) cost of procuring hardware and other miscellaneous will be required to be kept for maintenance of the same. The software's cost will also depend on license fees, including customization and development of new modules. There will be a three-year technology refresh cycle which will cost ~ 50% of Capex.

There are two types of package solutions which Maharashtra Cyber has proposed to the Government.

#### Package 1 (With Enterprise Solutions):

This investment package includes enterprise-level solutions such as IBM Watson, Anti-Piracy Monitoring Solutions,

Torrent

Tracking

and

Darkweb Network Monitoring

Solutions. By using these solutions, the Unit will be able to investigate and identify key areas of the digital world.

#### Package 2 (Without Enterprise Solutions):

This investment package will not include key enterprise-level solutions such as IBM Watson, Anti-Piracy Monitoring Solutions, Torrent Tracking and Dark Web Network Monitoring Solutions.



News Article:

Viacom18 pursues criminal action

against piracy

Cyber Crime Cell arrested Subhanjan Kayet for his involvement in the pirated websites/platform named Thop TV.

Written by BrandWagon Online

May 31, 2022 16:22 IS

It is important to make the message clear that operating or abetting a business of infringement is a serious offence, Viacom18's spokesperson said.

Viacom18 Media Pvt. Ltd has partnered with Maharashtra Cyber Crime Cell, Mumbai to fight against digital piracy and infringing usage of content. It is to be noted that the Cyber Crime Cell arrested Subhanjan Kayet for his involvement in the pirated websites/platform named Thop TV. He was accused for the development of software, technical manipulation, illegal streaming and telecasting the contents from Viacom18's channels and its OTT platform – Voot. "Special anti-piracy unit MIPCU (Maharashtra Intellectual property Crime Unit) arrested accused Subhanjan Samiran Kayet from Gobardanaga Harbra, 24

Paragana, West Bengal on May 22, 2022 as he appears to be the lead developer of the THOP TV app. We have sufficient evidence regarding this," Sanjay Shintre, superintendent of police, Maharashtra Cyber, Mumbai, said.

He was produced before Esplanade Court on May 23, 2022 wherein the Court sent him to seven days police custody considering the severity of the offence and upon request of the counsel appearing for the state. The Maharashtra Cyber Crime Cell has also frozen his bank account in which he has purportedly received the illegal proceeds of unlawful activities.

“It is important to make the message clear that operating or abetting a business of infringement is a serious offence which affects the creative community at large. The perpetrators will be found and brought before law,” Viacom18’s spokesperson stated.

#### News Article:

Developments Over the Last Five Years India announced its first National IPR policy in 2016. Today, the portfolios of Patents, Designs, Trademarks, Copyright.

implementing India’s National IPR Policy. It spearheads the Indian government’s efforts to streamline IP processes, increase IP awareness, promote commercialization, and enhance enforcement.

Over the past five years, the Indian government has taken positive steps to strengthen its IPR regime, such as efforts to modernize its IP offices; increase manpower; use IT and technology in e-filing of applications; deliver certificates of grant and registration of patents, trademarks and designs in a digital format; reduce the number of trademarks forms; use video conferencing for hearing of IP applications; create expedited examination procedures; and spread awareness on IP issues.

DPIIT, in association with the Federation of Indian Chambers of Commerce and Industry, launched an IPR enforcement toolkit to aid police with handling IP crimes, in particular counterfeiting and piracy. The Maharashtra IP Crime Unit (MIPCU), formerly MIPCU

Maharashtra Cyber Digital Crime Unit (MCDU), was established in August 2017, as a public-private partnership to enable

industry to work directly with state police to combat theft of IP on digital platforms particularly digital piracy. The Unit serves as a potential model for digital enforcement that other Indian states can emulate and replicate.

The Ministry of Education's Innovation Cell has also taken steps to foster innovation and promote IP literacy and awareness in classrooms across the country.

#### News Article:

FICCI Frames '17: Maharashtra to form IP crime unit to fight online piracy.

FICCI Frames '17: Maharashtra to form IP crime unit  
to fight online piracy

MUMBAI: Well, well. The Indian media industry and the government are finally getting serious about content piracy. After Telangana Intellectual Property Crime Unit (TIPCU), Copyright Force and the government-mandated Copyright Board, Maharashtra state is all set to get Maharashtra Intellectual Property Crime Unit, which may be called MIPCU.

Announcing the go-ahead for MIPCU, a body that would be a joint endeavor of the entertainment industry

and the state government, Inspector General of Maharashtra Police (Cyber) Brijesh Singh (in the picture)

said, however, the initiative would have to be backed by the industry players too in terms of resources to

effectively fight cyber crime and online piracy.

"I would want it to be set up under a public-private partnership model and want the industry to come

forward and help me achieve this. I want the industry to come and tell me that this is what we need and we

will then help them. There is a commitment from our side," Singh said while delivering an address at FICCI

Frames 2017 session themed 'Decoding the Pirate Economy in Interconnected World: From Noise to

Action.'

Though Singh, who was also slightly skeptical of the losses in terms of revenue that were often quoted by

the entertainment industry, said that if the industry was serious, so were the law enforcement agencies.

Pointing out that it's often seen that the film industry's piracy concerns were "limited" to the first seven

days of a film's release, he added, "I think this issue needs us to be more serious. I want the industry to

come to us to build this sustainable and long-term partnership."

Motion Pictures Association of America's Indian unit (MPA) and the Film and Television Producers Guild of

India have joined hands to fight the menace of online piracy. After discussing the idea of MIPCU with the

chief minister of Maharashtra and MPA last month, the state government formally okayed formation of a

unit to fight cyber crimes, especially online piracy. Offences regarding this issue will be dealt by the

regular police units.

The budget of this new proposed unit will depend on what kind of technology it plans to offer for a solution. The entire idea is to co-create a global facility, Singh later elaborated and added that the unit's

launch was dependent on the industry's long-term commitment in terms of negotiating that space.

Commenting on the proposal to form MIPCU, Viacom18 group general counsel Sujeet Jain said the entertainment and TV industry would back any such move as long as results were delivered irrespective of

structures and modalities.

Incidentally, some months back, as reported by [indiantelevision.com](http://indiantelevision.com), MPA, broadcasters and FICCI had

joined hands to announce formation of Copyright Force to set agendas for effective safeguarding of Intellectual Property Rights (IPR) policy and engage with the government.

To give an international perspective, TIPCU, Copyright Force and the proposed MIPCU have been seemingly

inspired by the Police Intellectual Property Crime Unit (PIPCU) of the UK, which is a specialist national

police unit dedicated to protecting the UK industries that produce legitimate, high quality, physical goods

and online and digital content from intellectual property crime.

PIPCU is operationally independent and launched in September 2013 with £2.56million funding from the

Intellectual Property Office (IPO) of the UK government until June 2015. It was announced in October 2014

that PIPCU will receive a further £3 million from the IPO to fund the unit up to 2017. The unit is dedicated

to tackling serious and organised intellectual property crime (counterfeit and piracy) affecting physical and

digital goods (with the exception of pharmaceutical goods) with a focus on offences committed using an

online platform.

News Article:

Copyright piracy and cybercrime: enforcement challenges in India

By Arpan Banerjee and Neil Gane, Alliance for Creativity and Entertainment (ACE), Hong Kong (SAR), China

In recent years, concerns around online content piracy have increased around the world. The reasons are

well-known: a rise in illicit streaming platforms and torrent websites; errant web hosting services that ignore

piracy on their servers; and the ease and anonymity offered by certain online intermediaries. A further

hazard arises from linkages between piracy and hi-tech cybercrimes. While governments worldwide are

grappling with these obstacles, a country that merits special attention is India — where a globally prominent

film industry is hindered by widespread piracy and a challenging enforcement environment.

“Malware is the starting point of all our cyberattacks, whether it is financial fraud, piracy, data theft or an attack against a strategic sector. Everything starts with luring

or clickbaiting,” says Lieutenant-General Rajesh Pant (above), National Cyber Security Coordinator, India. (Photo: Courtesy of Lieutenant-General Rajesh Pant)

### The Piracy-Cybercrime Nexus

In 2010, the Indian government’s Committee on Piracy (CoP) linked piracy with large revenue and job losses.

The CoP presciently observed that the advent of smartphones and 3G would make it “much easier to

undertake all kinds of Internet piracy.” Indeed, today, premium streaming services in India are routinely victims

of mass piracy. Like in other countries, piracy syndicates in India profit mostly through user subscription fees

or advertising revenues. The former method, though brazen, is self-explanatory. The latter method, however,

is more insidious, owing to the presence of high-risk advertisers promoting suspicious links. Research, by

McAfee, tracking pirated Indian movies and shows, has flagged such links for attempting “to install malware

or steal passwords and personal information.”

For further insights, we interviewed Lieutenant-General Rajesh Pant, a noted military cybersecurity veteran

now advising the Indian government as National Cyber Security Coordinator (NCSC). Pant explained:

“Malware is the starting point of all our cyberattacks, whether it is financial fraud, piracy, data theft or an

attack against a strategic sector. Everything starts with luring or clickbaiting.”

Pant listed some recent government initiatives meant to address the threat, including a National Malware

Repository and the Indian Cyber Crime Coordination Centre (I4C). Notably, the I4C includes a National Cyber

Crime Reporting Portal, where cases of piracy — with or without a malware nexus — may be reported. Pant

added that piracy and malware attacks were separately punishable under the Copyright Act 1957 and the

Information Technology Act 2000.

### Criminal Enforcement

Despite the impressive expertise of the NCSC and I4C, India’s federal make-up means that the responsibility

to investigate piracy generally lies with state governments. Thus, the success of anti-piracy enforcement in

India is often determined by subnational rather than national efforts. Here, the CoP had observed that piracy

is “very low in terms of priority in the radar of law enforcement agencies.” Similarly, the International

Intellectual Property Alliance has reiterated that criminal enforcement in India is

“very daunting”, and

marked by

“lack of appetite by local enforcement and significant time delays”.

Pursuing pirates outside major cities appears to be particularly challenging. For example, we examined the

records of a high-profile piracy case in the city of Jabalpur (

Rahul Mehta v State of Madhya Pradesh

(2015)). In

2015, the Jabalpur police had arrested a piracy syndicate responsible for pirating Baahubali, one of the

highest grossing Indian movies of all time. The accused were granted bail by the trial court. However, the

case is still pending and there is no record of a hearing after 2017. Gallingly, the accused were arrested

again, in Hyderabad, for pirating Baahubali 2, the film’s equally successful sequel. While in the recent case of

Knit Pro International v State of Delhi (2022), the Indian Supreme Court declared criminal copyright infringement as a “non-bailable” and “cognizable” offence (i.e. one is arrestable without warrant and only a

court can grant bail), the ground-level impact of the decision is unclear.

(PHOTO: VINATHA SREERAMKUMAR / UNSPLASH)

Many right holders see the benefits of using criminal prosecutions as deterrents.

The MIPCU Model

At the state level, a novel enforcement model exists in the form of a police unit in the state of Maharashtra

(whose capital, Mumbai, is the hub of Bollywood). The Maharashtra government established the Maharashtra Intellectual Property Crime Unit (MIPCU) in 2017 to provide right holders better enforcement.

The MIPCU was established as a division of Maharashtra Cyber, the state police's cybercrime wing, and

structured as a public-private partnership. To learn more, we visited the office of Maharashtra Cyber and met

with the officers currently at the helm: Yashasvi Yadav, Special Inspector General of Police, and Sanjay Shintre, Superintendent of Police. We also met with a team of computer professionals, who make up the

MIPCU's engine room, and interviewed them via a written questionnaire (which they preferred to answer

collectively, as "Team MIPCU").

Yadav acknowledged that piracy was "rampant" in India. He also confirmed linkages between piracy and

malware, stating: "Certain malware providers use pirated content as a trap. Their main business is not piracy.

Their main intention is to infect computers, steal data or install spyware. People are prone to click on

freeware and free content." Yadav added that it was "not an easy task" to track down such malicious actors,

who frequently masked their footprints using technologies like VPN and Tor browsers.

Shintre, however, pointed out that cybercriminals did occasionally slip up. He cited the 2021 case of ThopTV, a

popular piracy app funded by subscription fees. Apparently, ThopTV's mastermind had inadvertently

disclosed his whereabouts, allowing Maharashtra Cyber to swoop in and arrest him. Interestingly, the arrest

had occurred outside Maharashtra, in Hyderabad. In May 2022, an accomplice was arrested by Maharashtra

Cyber near Kolkata. Yadav and Shintre explained that Maharashtra Cyber could pursue pirates outside

Maharashtra if pirated content was being disseminated within Maharashtra. Such a move, however, is



contingent on registering a “First Information Report” (FIR) in Maharashtra. In other words, such action can

only take place when a copyright owner files a criminal complaint, after which the police prepare a report.

The onus of filing the complaint lies on the copyright owner.

Despite potential advantages, the MIPCU does have limitations. For a start, the MIPCU cannot directly shut

down piracy websites or apps. Such action is the administrative remit of the Indian Ministry of Electronics

and Information Technology (MEITY). Further, Team MIPCU’s responses to our questionnaire indicate that the

unit relies heavily on voluntary compliance. In this regard, Team MIPCU listed many difficulties, ranging from

non-compliant hosting services in “rogue geographies” outside India to “members-only” piracy platforms

hidden from public view.

Other limitations raised include sluggish takedown times over weekends, with some mobile apps taking up

to two weeks to act. Moreover, Yadav noted that despite the ubiquity of online piracy, right holders were not

registering enough FIRs with Maharashtra Cyber. “I have not seen more than a handful,” he remarked. Yadav

felt that this limited the police’s ability to escalate matters.

Many right holders, however, do see the benefits of using criminal prosecutions as deterrents. In a separate

interview, Anil Lale, General Counsel of Viacom 18, informed us that Viacom 18 had led multiple complaints

with Maharashtra Cyber, including the FIR in the ThopTV case (for which Lale praised the MIPCU’s “commendable action).”

Lale declined to comment on the strategies of other content media companies, but offered some suggestions as to why the number of FIRs may be low. He pointed to systemic problems with the legal

system and law enforcement, the difficulty in prosecuting overseas-based pirates, and the tendency of many

right holders to prioritize (understandably) the removal of pirated content over the prosecution of offenders.

Lale also felt that, insofar as it is a state-level body, the MIPCU had inherently limited powers and resources.

Given these drawbacks, he suggested that the establishment of a larger, national body empowered to receive

and investigate complaints from across India might be more effective.

The battle against online piracy in India (and beyond)

is [...] weighed down by universal and local challenges.

#### Civil Enforcement

On the civil litigation front, the situation in India appears brighter. Many states in India have set up fast-track

courts, and the Delhi High Court has recently established an Intellectual Property Division. The Delhi High

Court's approach towards online IP piracy (expertly summarized by Justice Pratibha Singh of the Intellectual

Property Division in a recent WIPO presentation [

PDF]) has been especially noteworthy. In the leading case of

UTV Software Communications Ltd. v 1337X.to

(2019), the court recognized "dynamic" injunctions (to preempt

pages from shifting across different URLs) and specified criteria to determine when to block "rogue websites"

(i.e. websites that "primarily or predominantly share infringing content)." Pant explained that MEITY officials

meet regularly among themselves and with intermediaries to implement such blocking orders. The MEITY

instructs the Department of Telecommunications to inform ISPs to carry out the blocking of an IP address,

which he notes can be done in "a matter of minutes." More recently, the Delhi High Court, in *Neetu Singh v*

*Telegram* (2022), directed Telegram to disclose information about uploaders of pirated content.

However, by the time a court order is passed, and finally executed, the proliferation of pirated content may

have already occurred. This shortcoming (which is not peculiar to India) is especially relevant for pirated

streams of live entertainment and sports events. Legal costs, which may be prohibitively expensive for

smaller out ts, present another major hurdle in the civil litigation process.

### The Way Ahead

The battle against online piracy in India (and beyond) is evidently weighed down by universal and local

challenges. The universal challenges range from the technological sophistication of cybercriminals to

problems of international jurisdiction. The local challenges, however, chiefly encompass systemic problems

with law enforcement agencies and the criminal justice system. Realistically, it is perhaps only the latter issue

that the Indian government can address.

The CoP has observed that piracy is inappropriately viewed as “a low-risk high-reward” crime in India, with

law enforcement agencies challenged with tackling “heinous criminal activities.” However, if the linkages

between piracy and malware are better highlighted <sup>3</sup>/<sub>4</sub> through research studies, symposiums, and police

training workshops <sup>3</sup>/<sub>4</sub> piracy should automatically rise in the pecking order of serious crimes and receive

greater attention. This task could plausibly be undertaken by the Cell for IPR Promotion and Management

(CIPAM), a training and awareness cell launched by the Indian government in 2016. CIPAM’s

website shows

that it has organized several educational workshops and involved leading Bollywood stars in an anti-piracy

campaign.

Finally, many state governments may consider setting up their own IP cybercrime units. Operated in a

targeted and cost-effective manner, such units would likely attract the endorsement and support of industry.

In prioritizing the certainty of punishment over its severity, these units would also, no doubt, offer a service

that most right holders would like to see in place.

News Article:

## MAHARASHTRA'S BIG PUSH TO ELIMINATE PIRACY

In 2016, Maharashtra saw a massive growth in cyber crimes. The government responded by creating the Maharashtra Cyber Digital Crime Unit (MCDU) and becoming the first state to launch a cyber police station in every district. A year later, the Maharashtra Intellectual Property Crime Unit (MIPCU) was created to specifically address intellectual property crimes. As more of our personal, business, and governmental affairs go digital, the more critical it is that we have a robust Digital Crimes Unit.

### Maharashtra Cyber Security Project

The central government is committed to taking cybercrime seriously, but this needs to be implemented at a state level. As a result, the government of Maharashtra aimed to uphold this aspect of the law by creating the Maharashtra Cyber Security Project. In addition to creating cyber police stations in every district, the Maharashtra Cyber Project has the objective of creating cybercrime investigation labs, training all police officers to identify a cybercrime, and also create awareness among citizens of Maharashtra.

### What is a Cyber Crime?

Cyber-crimes cover a broad spectrum of criminal activity that occurs online including: website hacking, cyber stalking, cyber pornography, software piracy, and online fraud. For the entertainment industry, the biggest cyber crime – and one we are actively fighting every day – is that of online piracy.

### Maharashtra Intellectual Property Crime Unit (MIPCU)

The Film & Television Producers Guild of India and the Motion Pictures Association of America – India (MPA) played a huge part in the creation of MIPCU. The two met with Maharashtra's Chief Minister, and as a result the state government agreed to the formation of MIPCU. We needed this unit

because while we already had anti-piracy laws in place, there was no proper machinery to implement them. With the MIPCU we have a team in place with the skillset, know-how, and resources to tackle piracy crimes effectively.

#### Taking Down Sites Pirating Content

One of the biggest responsibilities the Digital Crime Unit has is to take down websites that offer pirated movies, music and other digital content.

Within a month of setting up the Maharashtra Cyber Digital Crime Unit in August 2017, we identified 9000 websites where illegal content was being uploaded and distributed. Later, we shortlisted 1,300 sites to take legal action against.

Since April 2018, we have suspended 29 pirate websites. These sites were illegally distributing many Bollywood songs and movies. Thanks to the Digital Crime Unit these sites are no longer accessible anywhere in the world. These sites had tens of millions of viewers each month. By our estimates, taking these sites down will result in an additional Rs. 8 crore revenue per month for the film industry by shifting users of these sites to official platforms. It's important to recognize that by doing this, we will not only be protecting the film industry's revenue, but also adding to taxable revenues which will benefit all citizens of Maharashtra.

#### Game of Thrones Leakage

One of the most notable crackdowns was that of Game of Thrones, Season 7, Episode 4 which leaked online two days prior to its US release. Star India and Novi Digital led the complaint. With the collective efforts of Cyber & PAW, Government of Maharashtra, and the office of DCP (Cyber), BKC, Mumbai, we were able to gather and analyze information and material and make four arrests.

By making these arrests we are able to instill confidence in the Indian and international entertainment industry. Foreign production houses looking to collaborate with Indian companies for content creation need to know that they're creative property will be protected. It also sends a clear message

across industries that those who violate the law will pay the price.

#### The Continued Fight Against Online Piracy

Prior to the creation of these special units, individual producers would have to fight online piracy through John Doe court orders. As a result, they might be able to block their own content from appearing on some of these websites, but often it was a “too little too late” situation as far as revenues were concerned. Now, the Digital Crime Unit is able to expedite the process as well as proactively fight digital crime even before a complaint is filed.

If other states follow suit in creating their own digital cells, we could more effectively tackle this vast problem. With the support of the central and state government, the entertainment industry, and other stakeholders such as MPA, we will continue the fight against illegal digital distribution of content.