

Neetu Singh v. Telegram: Intellectual Property Rights vs. Digital Freedoms

In this analysis, we will take a closer look at a landmark case that highlights the complex relationship between intellectual property rights and freedom in the digital era. The case, adjudicated by the High Court of Delhi, centers around the unauthorized dissemination of copyrighted material through Telegram, a messaging platform well known for its robust encryption and privacy features. This case underscores the complex challenges inherent in copyright enforcement within the digital sphere—a landscape increasingly characterized by user anonymity and flow of data that is transnational by nature (Global Freedom of Expression, Columbia University).

The crux of the issue lies in Telegram's role as both a guardian of digital privacy and a platform inadvertently (ostensibly) facilitating copyright infringement. The case sheds light on the tension between Telegram's design, aimed at protecting user privacy and freedom of expression, and the legal obligation it has to prevent copyright infringement on its platform. It emphasizes the legal, ethical, and technological quandaries faced by digital platforms in navigating the fine line between safeguarding intellectual property rights and protecting the privacy of its users.

The significance of this case extends beyond its legal outcome; it prompts a broader discourse on the evolution of copyright laws in the age of digital communication. As digital platforms become central to our daily lives, the mechanisms for enforcing copyright laws must adapt, ensuring they do not stifle innovation or infringe upon fundamental user rights. This case serves as a critical examination of how legal frameworks are tested and reshaped in response to the ever-evolving landscape of digital technology, raising pivotal questions about the future of copyright enforcement in a globally connected digital environment.

Through this examination, we're invited to reconsider the balance between protecting intellectual property and preserving digital freedoms. The High Court of Delhi's decision addresses the specifics of copyright infringement on Telegram, setting a precedent for how digital platforms are viewed and regulated in the context of intellectual property law. This analysis aims to unpack the intricate layers of this legal battle, exploring its implications for copyright holders, digital platforms, and users alike, in the quest to harmonize creators' rights with the ethos of the digital age.

The plaintiffs in this case sought injunctions against Telegram to halt the distribution of their copyrighted work by anonymous channels. Telegram's defense hinged on several arguments, notably that complying with such requests would infringe upon the right to freedom of expression and that, as an intermediary, it was not directly liable for the content shared by its users ("Neetu Singh v. Telegram").

The court's multifaceted decision highlights the imperative that technological advancements not be allowed to undermine the enforcement of existing copyright protections. This stance is essential in an era where digital platforms easily facilitate the anonymous distribution of copyrighted material. Furthermore, the court recognized the applicability of international copyright protections, such as those afforded by the Berne Convention, to the works in question, due to Telegram's server location in

Singapore. This global perspective is crucial for understanding the comprehensive scope of copyright enforcement (Global Freedom of Expression, Columbia University).

Viewing "Neetu Singh v. Telegram" through the lens of social contract theory may help us gain a greater level of understanding in this complex case. Social contract theory, at its core, posits that individual consent, either explicitly or tacitly, to surrender some of their freedoms and submit to the authority of the state in exchange for protection of their remaining rights. In the context of this case, the social contract manifests in the legal and ethical framework that govern our digital spaces and the platforms that inhabit them, balancing individual freedoms with the rights and safety of the collective.

The plaintiffs' call for injunctions against Telegram can be seen as an appeal to uphold the social contract—protecting intellectual property rights in exchange for the creators' contribution to the public domain. Meanwhile, Telegram's defense, centered on freedom of expression and privacy, echoes the rights of individuals that the social contract aims to protect. The court's challenge, then, was to thread the needle in navigating these conflicting claims, ensuring that the digital social contract reflects the principles of justice, fairness, and mutual respect among all parties involved.

By mandating Telegram to take action against copyright infringement while acknowledging the importance of user privacy and freedom of expression, the court effectively renegotiates the terms of the digital social contract. It underscores the necessity of adapting our existing legal and ethical frameworks to accommodate the dynamic & evolving nature of digital interactions. The court's multifaceted decision not only highlights the importance of not allowing technological advancements to undermine copyright protections but also recognizes the critical role of international copyright agreements in the digital age, underscoring the global implications of such cases ("Global Freedom of Expression, Columbia University"; Lexology). This case serves as a reminder that the social contract in the digital age is not static, but rather a dynamic agreement that must continually evolve to address the challenges posed by constant technological advancement and changing societal values.

It could be said that "Neetu Singh v. Telegram" exemplifies how social contract theory can be used to inform our approach to copyright law and digital freedoms. It highlights the ongoing dialogue between individual rights and collective responsibilities, prompting us to consider how best to uphold the social contract in a world where digital platforms increasingly mediate our interactions and expressions of creativity.

In conclusion, "Neetu Singh v. Telegram" serves as a critical case study in which we observe the delicate balance between copyright law and the freedom engendered by digital innovation. As we progress further into an era where technology is both constantly evolving & wholly ubiquitous—the task of maintaining a happy equilibrium becomes both increasingly complex and crucial for the benefit of society. This case not only underscores the challenges inherent in enforcing copyright within digital spaces, but also establishes an important precedent for how judicial systems might address similar dilemmas moving forward. It exemplifies the ongoing need for legal and ethical frameworks that are both robust and adaptive, capable of safeguarding creators' rights while fostering the open, innovative spirit that defines the digital age.

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Case Summary and Outcome From Columbia Global Freedom of Expression:

“The High Court of Delhi ordered the disclosure of personal data of individuals who were circulating infringing material, finding that their identities were not protected by the right to privacy as they were undertaking illegal activities. The Plaintiffs filed the suit to prevent the violation of their intellectual property rights after the original infringing material was taken down, but fresh versions of it were posted on newly created channels. Hence, the Plaintiffs sought information relating to the identities of the individuals involved in the continued spread/sharing of the infringing material. Telegram argued that disclosing the identities of the posters would result in violations of the fundamental right to life and personal liberty, and freedom of expression as envisaged in the Indian Constitution. The Court was of the opinion that these rights cannot prevent an infringer from facing the consequences of illegal actions. The Court finally directed Telegram to disclose all the details including mobile numbers, IP addresses, email addresses, etc. of the channels/devices which were involved in spread of the infringing content to the court in a sealed cover.

Facts

In this case, Ms. Neetu Singh and K.D. Campus Pvt. Ltd. (the plaintiffs) approached Telegram after discovering the unauthorized use and sharing of their video lectures, books and other educational materials on the Telegram platform and requested they take down the channels involved in such dissemination. Although some channels were taken down, the issue was not totally resolved as some of such Telegram Channel were still present and more such channels were being created. Therefore, the plaintiffs herein approached the High Court of Delhi seeking permanent injunction against the defendants and restriction from unlawful sharing of the copyrighted materials along with damages and cost [p 3-6].

While the unlawful channels were being taken down by the defendants, the major issue which came up was regarding fresh creation of channels with different names but which hosted the same content. To prevent this, the plaintiffs herein sought disclosure of personal information of the individuals disseminating such infringing materials on the defendants’ platform. Such disclosure of identity was refused by Telegram citing right to privacy which was laid down in the case of Justice K.S. Puttaswamy v. Union of India & Ors., (2017) 10 SCC 1 and freedom of expression as well as privacy policy of Telegram along with Information Technology Intermediary Guidelines and Digital Media Ethics, 2021 (‘IT Guidelines’) of India and Personal Data Protection Act, 2012 (‘PDPA’) of Singapore [p. 9-11].

Decision Overview

Justice Pratibha M. Singh of the High Court of Delhi delivered this judgement. The main issue for consideration before the court was whether the defendants could be directed to disclose the identity of the individuals involved in distribution of the infringing materials [p. 13].

The defendants contended that first, personal data of the channel creators could not be shared; second, since the servers of the defendants were based in Singapore, the disclosure of such data was barred as per the law of the Singapore; third, the prerequisites as per the IT Guidelines which required the

disclosure of such personal information of the creators were not fulfilled; fourth, barring the creation of new channels would result in the infringement of freedom of expression [p. 14-20]. With regard to the actions taken by the defendants, the court observed that despite the injunction order, plaintiffs' work was being distributed by the infringers under hidden identities and "repeated blocking of the channels was proving to be insufficient" [p. 19]. The court came to the conclusion that it was vested with the necessary jurisdiction to hear the matter, [para 27, 45(i)] and that the copyright of the Plaintiffs had in fact been infringed [p. 28 & 30].

With regard to the protection of copyrights, the court observed that "the significance of the protection and enforcement of such rights cannot be diminished, merely due to the growth of technology, which has made infringers easy to hide and conceal their illegal activities" [p. 39]. The court also analyzed the provisions of PDPA and observed that one of the recognized exceptions to privacy under the Singaporean Statute was violation of law which allowed the revelation of details of the persons involved in the original posting of the infringing materials [para 45(ii)]. The court also observed that an automatic protection was granted to the members of WTO countries, which included Singapore as well, thus making the plaintiffs' work protected in Singapore as well by virtue of Singapore being a WTO country and a signatory to the Berne Convention. The court, taking into account the position of international law with regard to the protection granted to the intellectual property rights, came to the conclusion that the defence of compliance with local laws will not shield Telegram from disclosing the information pertaining to the individuals and the channels which were sharing the infringing materials [p. 45(iii)].

With regard to the defendants' submission that it was obligated not to disclose the details of the originator of the infringing material by virtue of it being an intermediary, the court opined that only taking down of the channels involved in sharing of the infringing materials was not sufficient of a remedy. The court stated that "the channels are clearly hydra-headed and are surfacing one after the other" [para 45(iv)]. Further, with regard to the IT Guidelines, the court after analyzing *My Space Inc v. Super Cassettes Industries Ltd.*, (2017) 236 DLT 478 (DB) was of the opinion that the guidelines did not absolve the defendants from protecting the IP rights of the owners [para 45(v)]. With regard to the nature of the infringement involved in the present case, the court stated that "the infringement has to be nipped in the bud, without which Courts would have to continue to repeatedly pass injunction orders against mushrooming channels containing infringing content. The court cannot perpetually supervise such infringements and, thus, the origin and source of the infringing material has to be traced and such devices or persons involved in the infringement ought to face consequences in accordance with law, including being held liable for damages" [p. 45(vi)].

The court observed that the disclosure of the personal data of the individuals related to the infringing materials is not a protection granted as per the fundamental rights, primarily the right to privacy, of the individuals who were circulating the infringing material [p. 45(ix)].

The defendants had also contented the protection of right to privacy as under Article 21 of the Constitution of India as well as protection of freedom of speech and expression under Article 19(1)(a) of the Constitution of India. The court, however, stated that "the right to freedom of speech or the right to life including the right to privacy cannot be used by any person or entity, let alone an infringer, in order to escape the consequences of illegal actions" [p. 45(x)].

The court herein made a reference to K.S. Puttaswamy and observed that the requirement for compromising the privacy of an individual on behalf of the state is the presence of a law which rationalizes the disclosure of personal information of an individual along with the need of such a disclosure with regard to the extent of the infringement of a right. The disclosure sought for protecting a right shall not be excessive and shall be proportionate to the remedy necessary to deal with the infringement. Further, in court's opinion the Copyright Act 1957, sufficed all the requirements which were needed to make the defendants liable to disclose the identities of the individuals involved [p. 45(xi) to 45(xv)].

The court finally directed Telegram to disclose all the details including mobile numbers, IP addresses, email addresses, etc. of the channels/devices which were involved in spread of the infringing content to the court in a sealed cover [p. 48]."

References

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