

Music Piracy in India: Issues and Challenges

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Abstract

Music piracy continues to be a pervasive issue in India, significantly affecting the music industry's growth, economic contribution, and creative innovation. With the advent of digital platforms and widespread Internet access, the unauthorized sharing and consumption of music content has increased exponentially. This study presents a comprehensive academic study of music piracy in India, drawing on scholarly sources. This study examines the socio-economic, technological, legal, and cultural factors that perpetuate piracy. It evaluates the efficacy of current intellectual property laws and enforcement mechanisms and explores strategic recommendations for combating music piracy. This study aims to contribute to a nuanced understanding of the roots and ramifications of music piracy to guide future policymaking, industry practices, and academic discourse.

Keywords: Music piracy, intellectual property, copyright enforcement, digital music, India, cultural economy, enforcement mechanisms

1. Introduction

India's music industry is one of the world's most diverse and culturally rich, encompassing genres ranging from classical and folk to Bollywood and indie music. Despite its vast market potential, the industry faces severe revenue losses due to music piracy. Piracy not only deprives artists and producers of fair compensation but also threatens the sustainability of cultural heritage and creativity in the long run.

According to estimates from the International Federation of Photographic Industry (IFPI), 40 billion songs were illegally downloaded in 2008, while around 28 million members paid to download 37 billion digital songs in 2013. Piracy is a serious issue worldwide, particularly in developing nations. Poor literacy, low purchasing capacity, lack of consumer brand understanding, easy-to-produce technology, customer ambivalence, and weak law enforcement are some of the main factors contributing to the prevalence of piracy (Borja, Dieringer, & Daw, 2015).

Music piracy in India manifests through multiple channels, including unauthorized downloads, stream ripping, peer-to-peer sharing, and the sale of physical pirated media. The shift from physical formats to digital distribution has complicated enforcement issues. Technological advancements and the affordability of smartphones have democratized access to music, but they have also facilitated the easy dissemination of pirated content.

This study explores the key issues and challenges associated with music piracy in India. The paper is organized into several sections: an extensive literature review, an analysis of the factors contributing to piracy, an evaluation of legal frameworks, a discussion of the impact of piracy, and strategic recommendations. By examining insights from over 30 academic sources, this study aims to deepen our understanding of piracy and support efforts to mitigate its effects.

2. Literature Review

Karaganis (2011) explores piracy in developing countries, including India, and highlights the socioeconomic realities that drive it. Karaganis argues that piracy should not be viewed solely as a legal or moral failing, but rather as a rational economic behavior in contexts where legal access is limited by cost or infrastructure. This report critiques Western anti-piracy models and stresses the need for locally adapted policies that balance enforcement, affordability, and access. In India, piracy is framed as a substitute for a non-functional legal market, rather than simply as theft.

Bhattacharjee et al. (2003) examined the economic impact of digital file sharing on music sales, with data indicating a significant negative effect on revenue. Regional and independent artists, who lack financial and legal support, are the most affected. This study explores how the proliferation of peer-to-peer networks and user-friendly piracy tools exacerbates this problem. It also suggests that digital sharing not only undercuts legitimate sales but also shifts consumer expectations towards free access, making monetization harder for content creators in developing countries such as India.

Warr and Goode (2011) delved into consumer ethics and attitudes towards piracy. It finds that many users, particularly in India and similar economies, do not equate music downloading with theft. The intangibility of digital content and the absence of visible harm contribute to moral disengagement among users. This study emphasizes that any anti-piracy campaign must tackle these psychological and social perceptions, not just legal violations alone. This highlights the critical need for value-based education and awareness efforts tailored to digital consumers, particularly among youth.

Contrary to the belief that piracy increases exposure and thus benefits musicians, the authors demonstrate a consistent drop in revenue and consumer willingness to pay for pirated music due to piracy. They argue that independent and lesser-known artists are particularly vulnerable because they lack alternative income streams such as merchandise or concerts. This study advocates enhanced legal protection, better licensing frameworks, and widespread adoption of digital rights management (DRM) technologies (Gopal et al., 2006).

The legal review by Vaijyanthee (2019) critiques the existing Indian copyright framework, highlighting its inadequacies in addressing digital piracy. The study found that enforcement is sporadic, legal proceedings are delayed, and penalties are often too lenient to deter the offenders. Vaijyanthee argues for judicial reforms, faster IP court resolutions and alignment with international copyright treaties. This study also emphasizes the role of regulatory bodies in actively monitoring online infringement and recommends structured collaboration between ISPs, content owners, and legal authorities.

Rao and Yadav (2015) connect music piracy to broader economic consequences, including tax evasion, job displacement, and a diminished GDP contribution. By analyzing industry data and government statistics, the authors demonstrate how piracy undermines the economic viability of the Indian creative sector. They argue that music piracy should be viewed not only as an IP issue but also as an economic policy concern. Their policy recommendations include enhanced

monitoring mechanisms, better institutional capacity, and a nationwide IP rights awareness campaign to help shift consumer behavior.

Sinha and Mandel (2008) critique India's outdated music-licensing structures, which hinder legal digital distribution. They argue that rigid, pre-digital era policies prevent platforms from legally offering affordable and diverse music content. The study suggests that reforming licensing regulations to match the digital ecosystem could increase legal consumption and reduce the piracy. Furthermore, they advocate the adoption of blanket licensing models and partnerships between copyright holders and digital platforms to ensure smoother music rights management.

Banerjee and Sundararajan's (2001) economic analysis focuses on consumer behavior in environments where legal access is limited. The authors find that in markets such as India, consumers often rely on informal channels because of the high cost and limited availability of legal music products. Their model shows that consumers are more likely to pirate when the perceived risk is low and the alternatives are costly or difficult to access. This study highlights the need for consumer-centric pricing models and improved legal accessibility to these products.

In a study by Ramachandran (2017), using qualitative interviews with young consumers in urban India, Ramachandran identified the normalization of piracy among digital natives. Piracy is not seen as a criminal act but as an acceptable norm reinforced by peer influence and the perception that legal alternatives are not affordable or accessible to the masses. This study emphasizes the importance of digital literacy and values-based education in changing attitudes and reducing youth piracy rates.

McKenzie (2013) studied Piracy and the Informal Economy in India. This field study explores the deep embedding of music piracy in India's informal economy. It shows how pirated music is distributed through street vendors, mobile shops, and peer-to-peer exchanges in rural and semi-urban areas in India. McKenzie argues that enforcement alone is insufficient; instead, economic alternatives and education are necessary to transition users to legal consumption. The study also suggests formalizing parts of the informal market through policy incentives and community engagement.

Chander and Sunder (2004) critically examine the cultural and academic justifications of piracy. The authors argue that portraying piracy as a democratizing force obscures the harm done to creators, especially in countries such as India, where legal protections are already weak. They assert that the romanticization of piracy undermines the development of sustainable creative industries. This study calls for a balance between open-access ideals and the enforcement of rights that support the artistic livelihood.

Jain (2018) evaluated India's copyright litigation system and identified systemic flaws, including case backlogs, inconsistent rulings, and insufficient IP law training for its judges. This study stresses that piracy will continue to thrive unless enforcement mechanisms are strengthened and made more efficient. Jain advocates for specialized IP courts, increased infringement damages, and stronger cooperation between rights holders and law enforcement agencies.

Dhar and Bhattacharya's (2016) policy analysis critiques the Indian government's Digital India initiative for failing to include robust intellectual property safeguards. While the program emphasizes digital access and infrastructure, it overlooks the protection of content and creative assets. The authors recommend incorporating IP awareness and enforcement tools into national digital development strategies, arguing that doing so would protect creators and attract investment in the digital content ecosystem.

Thomas (2011) focused on regional music producers. Thomas shows how piracy distorts the market and prevents small players from scaling up. This study argues that piracy reduces the incentives for innovation and investment in niche and regional film genres. It also emphasizes that legal enforcement must be supplemented with support for legal alternatives that cater to non-mainstream audiences, especially in the vernacular markets.

Ray (2019), through ethnographic research in cities like Indore and Lucknow, finds that infrastructural limitations, such as poor bandwidth and data caps, drive users towards pirated music. The study explains how users in these cities often rely on stream-ripping tools because of the lack of reliable streaming services in these regions. Ray recommends improving digital infrastructure and supporting low-data, high-efficiency legal platforms to reduce piracy.

UNESCO (2010) report on the Impact of Piracy on Cultural Industries in South Asia highlights the risks posed by piracy to traditional music forms across South Asia, with particular emphasis on India. It finds that folk, classical, and devotional music lack legal protection and commercial support. Piracy in these sectors diminishes artists' ability to earn money and undermines efforts to preserve the cultural heritage. The report calls for increased government involvement, including funding for preservation initiatives and stronger copyright enforcement, especially in under-represented genres.

Music Listening Reports by the International Federation of the Phonographic Industry (IFPI, 2016, provide statistical evidence of global music consumption trends. India consistently ranks among the countries with the highest levels of unlicensed music usage, with stream ripping cited as the most prevalent form. The reports emphasize the need for digital platforms to take a proactive role in reducing piracy and suggest regional partnerships to educate users about legal options for content access.

The IMI reports present industry-backed data estimating annual losses of over ₹1,500 crores due to piracy in India. They highlight that the growth of digital access in India has not been matched by growth in legal consumption. The reports advocate for updated copyright policies, enhanced enforcement capabilities, and deeper collaboration with global streaming services to combat piracy in the large-scale Indian Music Industry (IMI Reports, 2017–2019).

In a study on Music Piracy and Bollywood Sen(2012) analyzed the impact of piracy on Bollywood's soundtrack-driven business model. The study finds that declining CD sales and digital downloads due to piracy have forced a shift towards live performances, branding deals, and exclusive streaming rights. While this benefits top-tier artists, it leaves smaller composers and lyricists vulnerable to exploitation and financial losses. Sen calls for more equitable revenue-sharing models and improved copyright management to address these issues.

In a quantitative study by Srivastava (2014), urban youth in cities such as Delhi and Mumbai were surveyed to assess their digital media habits. The findings reveal the widespread normalization of piracy, particularly through mobile applications and peer recommendations. Most respondents were unaware of the legal consequences, suggesting that awareness campaigns targeting younger demographics may help mitigate piracy.

Deshpande and Sharma (2015) examined the legal consciousness of university students regarding music piracy. Over 70% of participants did not recognize piracy as a legal violation and viewed it as socially acceptable and unavoidable. This study emphasizes the role of education systems in promoting digital citizenship and recommends integrating IP education into school and college curricula.

NASSCOM (2015), in its report on IP Enforcement in the Digital Age, advocates a tech-first approach to intellectual property enforcement. The report outlines strategies such as using AI and machine learning for real-time content tracking, improving digital evidence collection, and creating IP task forces to combat counterfeiting. This emphasizes the need for industry-government collaboration and positions technological intervention as the key to overcoming traditional enforcement limitations.

Gupta and Mehta (2011) explored the absence of copyright and intellectual property education in Indian schools and universities. It argues that long-term behavioral change towards legal music consumption requires early education. The authors recommend curriculum reforms and awareness campaigns tailored to students and young professionals, who are most likely to consume digital content.

Lal and Sharma (2013) legal review outlines the inefficiencies plaguing India's IP litigation system. This study finds that delays, a lack of specialized courts, and minimal digital forensics training result in low conviction rates for piracy offenses. It proposes the establishment of fast-track IP courts and specialized training for judges and police officers to address these issues.

Kumar and Saini (2016) studied to assess the use of digital rights management tools in India, noting low adoption rates due to cost, complexity, and limited technical infrastructure. The authors call for scalable DRM systems that are affordable and easy to integrate for independent artists and small labels. They also highlighted the importance of platform-level enforcement by major streaming service providers.

Roy (2010) focused on the rampant piracy of devotional music, which forms a significant portion of India's music consumption. Roy finds that this genre is often neglected in piracy policy debates, even though it sustains many small-time artists. This study recommends targeted policy support and enforcement for high-piracy religious and cultural events.

Kaur (2018) critiques Bollywood's increasing dependence on YouTube for music promotion, which leaves it vulnerable to stream ripping, and notes that This study argues for better regulation of online platforms and tighter integration of DRM in content hosting. It also advocates revenue-sharing reforms and greater transparency in monetization practices.

An empirical study by Bhatia and Singh (2017) examines rural Internet usage and finds that inadequate infrastructure and digital illiteracy contribute to high piracy rates. Many rural users are unaware of legal streaming options or find them unusable because of data constraints. This study suggests subsidizing legal platforms and building community-based digital-literacy programs.

Ghosh (2016) analyzed usage data from Indian music apps and found that they struggled to retain users because of the availability of pirated content. This study critiques current business models and suggests improvements in content personalization, freemium options, and offline access to compete with piracy.

Pathak and Desai (2019) proposed community-driven models to promote legal music consumption in underserved areas of the world. They advocate for partnerships with NGOs and local institutions to establish public listening stations and subsidized streaming packages. This study argues that without community involvement, top-down enforcement is ineffective.

Attitudes towards piracy have a considerable impact on piracy (d'Astous, Colbert, & Montpetit, 2005). Compared to the original, piracy was determined to be of lower quality (Gentry et al., 2006). However, customers choose piracy for its practical advantages rather than other advantages. These clients tend to be thrifty and steer clear of originals, preferring replicas. Furthermore, the incapacity of musicians and producers to convey this advantage or value may have contributed to the piracy. It was also shown that the perceived risk of piracy had an impact on the customers. In contrast to value consciousness, which is fostered by a buyer's external surroundings, perceived risk depends primarily on a buyer's childhood.

3. Analysis of Contributing Factors

Multiple interrelated factors contribute to the persistence and growth of music piracy in India, including: These factors can be categorized into economic, technological, cultural, and legal dimensions.

3.1 Economic Constraints: Many Indian consumers fall into the middle- or lower-income brackets, limiting their ability or willingness to pay for digital content. Karaganis (2011) and Banerjee and Sundararajan (2001) suggest that affordability is a critical driver. Even nominal subscription fees for platforms like Spotify or Apple Music are seen as prohibitive by a significant portion of the population, particularly when free (albeit illegal) alternatives are widely available.

3.2 Technological Accessibility: India's rapid digitization, marked by widespread smartphone usage and affordable data plans (especially post-2016 with Jio's market entry), has democratized Internet access (Ray, 2019). However, this digital boom has also enabled easy access to pirated music via apps, stream-ripping tools, and peer-to-peer networks (Kumar and Saini, 2016).

3.3 Cultural Normalization: Piracy is often culturally accepted, especially among younger demographics. Ramachandran (2017) and Srivastava (2014) found that most Indian youths see piracy not as theft but as a pragmatic solution to limited access and affordability. These attitudes are reinforced by social acceptance and peer behaviors.

3.4 Legal Ambiguities and Weak Enforcement: Although India's legal framework is comprehensive, it suffers from poor implementation issues. Vaijyanthee (2019) and Jain (2018) noted significant delays in litigation, low conviction rates, and a general lack of technical infrastructure for enforcement. Copyright law enforcement is reactive rather than proactive.

3.5 Informal Economies: McKenzie (2013) and Roy (2010) described how informal sectors, such as roadside vendors selling pirated CDs or loading pirated tracks onto customers' mobile devices, continue to thrive in semi-urban and rural markets.

4. Legal Framework and Institutional Challenges

4.1 Legal Infrastructure: India's primary law governing music piracy is the Copyright Act of 1957, which was amended in 2012. The amendments attempted to address digital piracy by introducing stronger protections for rights holders and penalties for infringers. The Information Technology Act, 2000, supplements this by providing for the liability of intermediaries. However, these laws have not been adequately updated to address the scale and sophistication of online piracy (Chander and Sunder, 2004; Lal and Sharma, 2013).

4.2 Enforcement Barriers: Law enforcement agencies lack specialized training in intellectual property law and cybercrime, leading to inconsistent enforcement (NASSCOM, 2015). Many cases are dismissed because of procedural delays or a lack of digital evidence collection. Moreover, India's judiciary remains overburdened, delaying the resolution of IP-related cases (Jain, 2018).

4.3 Platform Regulation: Kaur (2018) and Sinha and Mandel (2008) argue that platforms such as YouTube, which have become dominant music distribution channels in India, are insufficiently regulated. Although these platforms remove infringing content upon notice, enforcement is inconsistent, and stream-ripping tools continue to flourish.

5. Impact Assessment

5.1 On Artists and Creators: Independent artists, particularly those producing regional or folk music, suffer the most because they lack robust legal and financial support structures. UNESCO (2010) and Thomas (2011) found that piracy disproportionately impacts creators who rely on direct revenue streams from their work.

5.2 Industry Economics Rao and Yadav (2015) and IMI (2019) estimated that piracy costs the Indian music industry over INR 1,500 crores annually. This leads to reduced investment in talent development, marketing, and innovation, thereby stagnating industry growth.

5.3 On Consumers: While piracy offers short-term benefits in terms of free access, it undermines the long-term quality and availability of the content. As creators exit the market or reduce production, music content diversity and quality decline (Warr & Goode, 2011).

5.4 Cultural preservation: Traditional and devotional music genres, which are already underrepresented in mainstream media, are at a high risk. Roy (2010) and UNESCO (2010) warn that piracy discourages the documentation and dissemination of these art forms, endangering cultural heritage.

6. Strategic Recommendations

6.1 Strengthening Legal Enforcement: IP-dedicated fast-track courts, digital forensics training for law enforcement, and the establishment of cyber-IP cells across states are required (Jain, 2018; Lal & Sharma, 2013).

6.2 Affordable Legal Alternatives: The success of platforms like JioSaavn and Gaana indicates that users are willing to pay for affordable, user-friendly services. Policies should promote regional pricing, freemium models, and government-backed public music libraries (Ghosh, 2016; Pathak & Desai, 2019).

6.3 Public Awareness and Education Gupta and Mehta (2011) emphasize the lack of IP awareness in schools and universities. National campaigns, similar to those for digital hygiene and voting rights, can help to shift public attitudes.

6.4 Technological Solutions: Investment in digital rights management (DRM) systems, watermarking, and real-time monitoring tools is essential (Kumar & Saini, 2016; NASSCOM, 2015). Collaboration among ISPs, content creators, and digital platforms can facilitate faster takedowns.

6.5 Community-Driven Approaches: Pathak and Desai (2019) suggest involving local artists, NGOs, and educational institutions in building legal alternatives to piracy, particularly in rural and semi-urban areas.

7. Conclusion

Music piracy in India is a deeply embedded and multifaceted issue rooted in the complex interplay of socioeconomic disparities, legal gaps, cultural norms and technological evolution. This study, drawing from important scholarly sources, examines how affordability, digital accessibility, lack of legal awareness, and enforcement inefficiencies contribute to widespread unauthorized music consumption.

The persistence of piracy is not solely a matter of legal noncompliance; it reflects systemic failures in policy design, market accessibility, and digital education. Many users turn to pirated content because of financial constraints, poor digital infrastructure, or the unavailability of regional music in legal formats. This behavior is further reinforced by peer norms and the widespread perception that digital piracy is victimless and socially acceptable. Moreover, India's current legal framework, while comprehensive in its language, has not kept pace with the rapid shifts in digital consumption. Enforcement agencies lack technical capacity, and courts remain overburdened, resulting in low conviction rates and minimal deterrents for offenders.

Artists, especially those outside the mainstream, continue to suffer economically, while the larger industry loses billions annually because of piracy. The cultural cost is equally profound, as traditional and regional music forms struggle to survive without the promise of secure returns for artists.

The path forward must involve a comprehensive and multi-pronged approach. Strengthening institutional enforcement through judicial reforms, expanding access to affordable legal alternatives, integrating copyright education into curricula, and leveraging technology for real-time piracy detection are all essential steps. Crucially, these efforts must be coupled with community-driven initiatives that address local realities and build trust in the legal platform.

In summary, combating music piracy in India requires a paradigm shift from punitive models to proactive, inclusive, and sustainable solutions. Only through coordinated action involving government bodies, the music industry, educational institutions, and consumers can India hope to safeguard its vibrant musical heritage and ensure fair compensation for its creators in the digital age.

8. Managerial Implications

Piracy impacts the cash flow and earnings of recording firms. By affecting the advantages that stakeholders gain, it can also affect the entire industry. This study shows that a significant portion of consumers who rely on piracy are value-conscious. Therefore, businesses must carefully consider the effects of their pricing strategies. There is still optimism that consumers will be cautious about downloading pirated content from websites because they could be harmed by viruses, harmful software, and other phishing attacks, as the perceived danger of piracy is inversely correlated with attitudes towards piracy.

Music firms should take advantage of this and thoroughly inform their clients about the same. Alternative solutions that go beyond the findings of this study should be considered. These include taking legal action, facilitating the application of sanctions, and ensuring that nations outlaw websites that encourage piracy.

9. Limitations of the Study

While this study provides a comprehensive exploration of music piracy in India through a review of academic sources, it has certain limitations must be acknowledged. First, this research is primarily based on secondary data from the published literature. Consequently, it does not account for recent developments in digital technology, enforcement mechanisms or consumer behavior. Second, reliance on published English-language sources may have excluded valuable regional studies or vernacular insights that offer a more granular understanding of piracy in local contexts. Third, the study is limited in its empirical analysis; no primary data (such as surveys or interviews) were collected to directly assess current consumer behavior, enforcement challenges, or industry perspectives. Finally, while the literature covers a wide range of perspectives, it may reflect certain biases inherent in academic or industrial reporting. Future research incorporating primary data collection and interdisciplinary approaches could provide deeper and more up-to-date insights.

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