

Fair Use In Parody: Analyzing The Boundaries Of Creative Expression

Jayashree A, Jeyasri S ,

⁵th year BcomLLB(Hons), ⁵th year BcomLL(Hons)

BComLLB(Hons),SASTRA Deemed University , Tanjore,Tamilnadu , India

In the modern world, the concept of business privacy has taken on a magnitude that is of tremendous importance. As a consequence of this, several disagreements between legal concepts have taken the lead in the discourse of academic institutions. The conflict between the right to freedom of speech and the right to prevent others from exploiting material that is protected by copyright is at the heart of this discussion.¹ An example of a parody is a piece of writing that makes amusing and critical comments on an existing piece of work in order to draw attention to the shortcomings of the original work. In order to create a successful parody, the parodist necessarily requires his audience to recognize the original work as well as the manner in which it has been ridiculed.

Thus, a parody must borrow from and be based on an existing original work. This naturally leads to a confrontation between the author of the original work and the parodist, since no one enjoys being criticized or mocked. This means that the owners of the copyright does not issue a license to a parodist. This undermines free expression since substantial use of copyrighted work is banned without the consent of the copyright owner, and permission to make a parody is unlikely to be granted. In this scenario, the parodist can invoke the fair use argument to avoid punishment for copyright infringement.

It is a type of art in which one makes a satirical/humorous comment on an existing work. The primary defense of parody against copyright infringement is fair use or fair dealing.² It is a well-established truth that the United States legal system has advanced considerably further than its Indian equivalent in terms of copyright and parody music. Indian courts had frequently examined the approaches used by their American counterparts while dealing with copyright concerns in general. The fair use concept is one of the most essential components of Copyright Law because

it distinguishes between a genuine, bona fide fair use of a work and a mala fide blatant duplication of the work.

Keywords: Parody, Copyright, Creative expression

¹ <https://cnlu.ac.in/storage/2022/08/6-Prashant-Singh-and-Meghna-Sharma.pdf>

² Ginsburg, J. C. (2004). *Copyright in the New Digital Age: Fair Use, Free Speech, and the Role of the Judiciary*. Fordham Intellectual Property, Media & Entertainment Law Journal.

RESEARCH PROBLEM

This study compares the handling of parody content under copyright rules in the United Kingdom, the United States, and India. While the UK and US copyright laws have more defined provisions

to handle parody, providing artists with better safeguards for creative expression, Indian copyright law lacks precise standards for parody. This creates legal uncertainty and a restricted environment for parody producers in India. The research intends to investigate these gaps in Indian law, analyzing how the lack of specific regulations affects creative freedom and the fair use of copyrighted material in parody work.

RESEARCH OBJECTIVE

- To assess the adequacy of India's current copyright law in recognizing and protecting parody under fair dealing.
- To examine the impact of the lack of specific parody provisions on creators' freedom of expression.
- To explore potential reforms to Indian copyright law that balance the rights of copyright holders and parodists.

RESEARCH QUESTIONS

1. How effective are India's current copyright fair dealing provisions in addressing the use of parody?
2. How do other jurisdictions such as the United States and UK treat parody under fair use or fair dealing, and what insights do these approaches offer for India?

LITERATURE REVIEW

The issue of parody and copyright infringement has generated significant scholarly attention, particularly in light of varying international approaches to fair use and fair dealing. In the United States, fair use has long been a cornerstone for the protection of parody as a legitimate form of expression. According to scholars like Peter Jaszi and Pamela Samuelson³, the flexibility of fair use allows creators to use existing copyrighted material in transformative ways, provided the use is for purposes such as commentary, criticism, or parody. The fair use doctrine is particularly valued for promoting creativity and artistic freedom, allowing for a broader scope of expression in the arts and media.

In the United Kingdom, parody and satire are explicitly protected under the Copyright, Designs and Patents Act of 1988, as amended by the Copyright and Rights in Performances (Amendment) Regulations in 2014. The UK law offers a clearer framework than that in the U.S. or India, specifically recognizing the need to balance copyright protection with freedom of expression.

³ Peter Jaszi & Pamela Samuelson, *Fair Use and the Fair Use Doctrine: An Introduction in The Cambridge Handbook of Copyright Limitations and Exceptions* 200 (June M. R. Austin & R. R. Boorman eds., Cambridge University Press, 2017).

According to Lionel Bently and Brad Sherman⁴, the UK's approach is advantageous because it provides more certainty for creators by delineating clear exceptions for parody, criticism, and review. The work of scholars like L. Bently has underscored the significance of these provisions in protecting the artistic freedom of creators in the UK, without stifling the ability to engage with existing works in a transformative manner.

In contrast, Indian copyright law does not offer a specific statutory exception for parody, leading to uncertainty in its application. Section 52(1) of the Indian Copyright Act, 1957, provides for "fair dealing" exceptions but does not explicitly mention parody. As noted by Tanvi Gupta and Madhavi Goradia Divan⁵, this lack of specificity has resulted in inconsistent judicial interpretations, often leaving creators uncertain about what constitutes fair use in the context of parody. While the case of *Civic Chandran v. Amminu Amma* provided some clarity regarding parody, as noted by legal scholars like Anupam Chander⁶, India's approach to parody remains underdeveloped, and the courts' reliance on judicial discretion rather than a clear statutory framework creates ambiguity for content creators.

The role of digital media in fostering parody and remix culture has further complicated the matter, with new challenges arising from platforms like YouTube and social media. Scholars like Christina Gagnier⁷ and D.B. Halbert⁷ emphasize that in the digital age, the ability to create and distribute parody content has expanded exponentially, but the legal frameworks in many jurisdictions, including India, struggle to keep pace. In the absence of clearer guidelines for parody, creators are left to navigate the legal gray areas, often facing potential infringement risks for their work.

These varying approaches highlight the challenges in balancing copyright protection with creative freedom. While the U.S. and UK have clearer frameworks for parody, India's copyright law, particularly in the digital age, faces significant gaps. Legal scholars have noted that India's existing copyright provisions, especially in relation to parody and satire, need reform to accommodate the rapid changes in content creation and distribution brought about by digital platforms.

These sources collectively underline the ongoing debates about the limitations and flexibility of copyright law in fostering creative expression while protecting the rights of original creators.

⁴ Lionel Bently & Brad Sherman, *Intellectual Property Law* (Oxford University Press, 4th ed. 2014). Lionel Bently & Brad Sherman, *Intellectual Property Law* (Oxford University Press, 4th ed. 2014).

⁵ Tanvi Gupta & Madhavi Goradia Divan, *Copyright and the Balance of Interests: Fair Use in India*, 8 J. Intell. Prop. L. & Pract. 93 (2013)

⁶ Anupam Chander, *The Copyright Dilemma: Parody in Indian Law*, 4 Indian J. Law & Tech. 122 (2012). ⁷ Christina Gagnier, *Intellectual Property and New Media: The Challenges of Parody and Remix Culture*, 44 Hastings Comm. & Ent. L.J. 34 (2020).

⁷ D.B. Halbert, *Copyright and Creativity: The Role of Parody in a Digital World* (Princeton University Press, 2019).

In the research paper, we have adopted a doctrinal research methodology, focusing on analyzing legal principles, case laws, and statutory provisions relevant to parody and intellectual property rights in India and comparative jurisdictions.

UNDERSTANDING FAIR USE DOCTRINE

The fair use doctrine is a legal theory in copyright law that allows for limited and transformative use of copyrighted content without permission from the copyright owner. It strikes a compromise between copyright holders' rights and the larger public interest in promoting free expression, creativity, and innovation.⁸ Fair use often allows some uses of copyrighted works, including as commentary, criticism, news reporting, research, and teaching, while preserving the creator's exclusive rights to their work.

The application of fair use is often based on particular criteria, known as "factors," that assist decide whether a use is fair. These variables often include the intended use, the kind and quantity of the work used, and the impact on the original work's market value. By assessing these factors, fair use allows copyright law to accommodate developing forms of expression, such as parody and satire, which frequently rely on previous works to critique or provide fresh viewpoints.

While fair use principles are similar across nations, their scope and interpretation vary by legal system. This theory is complicated and frequently vulnerable to court interpretation, making it both a safeguard for creative freedom and a source of legal ambiguity.

PARODY; DEFINITION AND SCOPE

Simon Dentith offers a classic definition of parody: "any cultural practice which provides a relatively polemical allusive imitation of another cultural production or practice."⁹ In other words, parody is the process of reinterpreting recognized components of an existing work in a funny, critical, or sarcastic manner, so producing new meaning through imitation.

In the digital age, when content production and remix culture are common, Indian artists face increased hazards. Parodists face ambiguity, frequently unsure if their work would be seen as transformational remark or illegal copying. These problems highlight the need of legal clarity, which might offer artists with a framework that respects copyright holders while fostering a healthy climate for parody. When comparing India's attitude to that of other nations, it becomes clear how parody is protected by copyright law in other countries.

⁸ Desai, K. (2018). *Fair Use in the Digital Age: The Need for Legal Reform in India*. Indian Journal of Copyright and Media Law, 5(2), 22-35.

⁹ <https://en.wikipedia.org/wiki/Parody>

Nations such as the United States and the United Kingdom specifically address parody in their fair use and fair dealing rules, respectively, offering legal clarity and better safeguards for authors. By

looking at these foreign frameworks, we can see how India may implement comparable rules to safeguard creative expression, promote free speech, and establish a balanced legal climate that respects both copyright holders and the particular societal value of parody.

USA APPROACH

In the United States, parody is primarily protected under the fair use doctrine, a key element of the Copyright Act of 1976, which allows for limited use of copyrighted material without permission under certain conditions. The U.S. legal system recognizes parody as a form of free expression, especially through the First Amendment, which safeguards speech, including criticism and satire. Parody in copyright law is considered a transformative use, meaning it alters the original work to create something new with a different purpose, often providing commentary, humor, or critique. U.S. courts emphasize whether a parody adds new expression or meaning to the original work rather than just copying it. To qualify for fair use, the parody must transform the original piece by offering social or cultural commentary, and it must not simply mimic the original for entertainment purposes. A parody needs to borrow enough from the original to be recognizable, but it should not replicate the "heart" of the original work unless necessary for the critique.

The substantial similarity test is a key tool used by U.S. courts to evaluate whether a parody qualifies for fair use. This test assesses how much of the original work is used and how similar the parody is to it. The courts strike a balance between allowing creative freedom in parody and ensuring that the parody does not overly replicate the original. Additionally, the market impact of the parody is considered. Courts examine whether the parody harms the market for the original work or competes with it. If a parody does not affect the original's market or is unlikely to reduce its demand, it stands a better chance of being protected as fair use.

Trademark law also allows for parody, but it must not cause confusion among consumers or imply that the parody is endorsed by the brand being parodied. Under the Trademark Dilution Revision Act, parody can be exempt from dilution claims, but only if it is clear that the parody is intended to be humorous or critical and not to damage the brand's reputation. Trademark confusion is a crucial concern, and courts distinguish between parodies that mock or comment on a brand and those that mislead consumers into thinking the brand is associated with the parody.

The First Amendment plays a critical role in protecting parody as a form of free speech. The U.S. legal system views parody as an important mode of social commentary, particularly when it targets public figures or popular cultural symbols. As long as a parody does not defame, infringe on exclusive rights, or mislead the public, it is generally considered protected free expression.

In *Campbell v. Acuff-Rose Music, Inc.* (1994)¹⁰, the U.S. Supreme Court ruled that parody could be protected under fair use, even if it was commercial in nature. The case involved the rap group 2 Live Crew's parody of the song "Oh, Pretty Woman," and the Court emphasized that parody need

¹⁰ *Campbell v. Acuff-Rose Music, Inc.* (1994). 510 U.S. 569.

not be non-commercial to qualify as transformative, as long as it adds new meaning or expression. In *Mattel, Inc. v. MCA Records, Inc.* (2002)¹¹, the court upheld the protection of the song "Barbie Girl," reinforcing that parody of popular cultural symbols like Barbie falls under First Amendment protections. Another significant case, *Warner Bros. Inc. v. American Broadcasting Companies Inc.* (1981),¹² established that parody can be fair use when it serves as critique or commentary on the original work.

In conclusion, U.S. copyright law offers significant protection for parody, recognizing its transformative nature and its role in social and cultural commentary. Parodies are allowed under fair use as long as they add new meaning or expression and do not harm the market for the original work. Courts evaluate the parody's similarity to the original work, its market impact, and whether it is sufficiently transformative to qualify for fair use. Additionally, parody is protected under trademark law as long as it avoids consumer confusion and does not tarnish the brand's reputation. The U.S. legal framework provides substantial freedom for creators to produce parodies, balancing the protection of original works with the promotion of free speech and creative expression.

UK APPROACH

The UK's approach to parody content under copyright law offers strong support for content producers, enabling them to utilize copyrighted material in ways that encourage creative expression while not excessively infringing on original works. The 2014 amendment to the Copyright, Designs, and Patents Act 1988 (CDPA) specifically included an exception for parody, caricature, and pastiche within the fair dealing framework, making it legal to use copyrighted material in transformative ways for the purposes of humor, criticism, or social commentary.

This legal framework successfully empowers authors by clearly acknowledging parody as a legitimate and protected usage. To qualify as fair dealing under the UK parody exception, a work must fulfill specific criteria: it must offer fresh expression or critique to the original in a transformative manner while neither replacing or monetarily harming the original work. This guarantees that parody is both protected and non-substitutive in the marketplace, allowing original copyright holders to preserve their commercial rights.

According to Section 30A, a work can be considered fair dealing for parody if it adds fresh expression, criticism, or critique to the original work in a separate and transformative way. Furthermore, the parody shall not create considerable economic harm to the original work by serving as a market replacement. This guarantees that, while artists may critique and artistically reinterpret works, the original copyright holders' commercial rights are protected.

The UK courts defended this clause by stressing that parody must have a funny or critical purpose and not be substituted. The European Court of Justice decision *Deckmyn v. Vandersteen* (2014)¹³ had a significant impact on this view, emphasizing that a parodic work should differ considerably

¹¹ *Mattel v. MCA Records*, 296 F.3d 894 (9th Cir. 2002)

¹² *Warner Bros. Inc. v. American Broadcasting Companies, Inc.*, 720 F.2d 231

¹³ *Johan Deckmyn and Vrijheidsfonds VZW vs Helena Vandersteen, Christiane Vandersteen, Liliana Vandersteen, Isabelle Vandersteen, Rita Dupont, Amoras II CVOH and WPG Uitgevers België*

from the original, giving criticism or comedy while without harming the original creator's reputation or business interests.

This organized legal framework enables UK content producers, particularly those working in satire, humor, and critique, to express themselves through parody with more legal certainty, strengthening the balance between creative freedom and copyright protection under UK legislation.

*Laddie v. International Film Corporation (2000)*¹⁴.

The case concerned a spoof of the famous "Titanic" movie poster. A group of artists developed an artwork mocking the idealized representation of the Titanic film, which they saw as too emotional and disconnected from the tragedy's genuine nature. The producers of the spoof used iconic visuals from the original film, with some significant changes, to make their point against the commercialization of such sad occurrences. The lawsuit focused on whether the parody could be considered a fair use of the original copyrighted work.

The court ruled that the parody allowed under fair dealing for criticism and review, admitting that it served a different purpose than the original and did not constitute a threat to the film's market value.

*Football Association Premier League Ltd v. Panini (2006)*¹⁵

In this case, the Football Association Premier League (FAPL) sued Panini, a well-known producer of football sticker albums, for utilizing player photos in its stickers and albums without necessary consent. The issue concerned whether the use of these photographs constituted a kind of parody or fair dealing under UK copyright law. While the court did not eventually decide in favor of parody, it did acknowledge that Panini's work contained commentary and was an expression of parody in the broadest meaning. However, it was highlighted that commercial usage, even if done with transformative or critical aim, might still violate copyright, particularly if it competed directly with the original work in the marketplace. This case emphasizes the need of striking a balance between creative or critical expression and protecting the copyright holder's economic interests.

By fostering an environment in which freedom of expression is balanced with copyright protection, the UK's legal framework assures content creators that their parodic works—if meeting the criteria of transformation and non-competitiveness—are generally immune to infringement claims. This allows artists, comedians, and media makers to engage in cultural critique and social satire while remaining certain that their forms of expression are permissible under UK copyright law.

INDIAN APPROACH

Parody is a creative art genre that combines humor, criticism, and social commentary to consider many facets of society. It frequently questions social conventions or targets well-known people

¹⁴ *Laddie v. International Film Corporation* [2000] EWHC 907 (Ch)

¹⁵ *Football Association Premier League Ltd v. Panini*, [2004] EWCA Civ 356.

and companies. Intellectual property (IP) rules in India are designed to safeguard the rights of original producers, sometimes at the expense of those who produce parodies. This conflict results in a special legal environment where the rights of original creators frequently clash with the freedom to express oneself through parody. This article examines how the Indian legal system strikes a balance between the right to free speech and intellectual property protection through parody.

Freedom of Expression and Parody:

Article 19 of the Indian constitution guarantees the right to freedom of expression.¹⁶ This fundamental right is crucial for a democratic society, where citizens are empowered to voice opinions, critique power structures, and creatively express their viewpoints. Parody serves as an important vehicle for free expression, offering humor and critique often through the lens of satire.

While freedom of expression is protected, IP laws—such as copyright and trademark law—can limit how much freedom a creator has when using elements from existing works. For instance, a creator making a parody of a famous movie or brand may be restricted if IP laws prioritize protecting the original creator's economic rights or brand reputation over the parodist's right to free speech.

Parody under Indian Copyright Law

The Indian Copyright Act, 1957, especially under Section 52(1), provides an exception for fair dealing, allowing certain uses of copyrighted works without permission¹⁷. Parody, while not specifically mentioned, has been argued to fit under this fair dealing clause, particularly for criticism or review.

*Civic Chandran v. Ammini Amma (1996)*¹⁸: In this case, the Kerala High Court considered whether parody could be protected as fair use under copyright law. The court ruled in favor of the parodist, emphasizing that if the work is transformative (meaning it adds new expression or meaning) and serves a critical or social commentary purpose without competing commercially with the original work, it is more likely to be protected.

PepsiCo v. Hindustan Coca Cola (2003):¹⁹ Hindustan Coca Cola used Pepsi's slogan in an advertisement for parody. The court held that the parody, being humorous and non-competitive, was not infringing. This case reinforced the principle that parody could be permissible if it serves a distinct, non-commercial purpose and doesn't merely replicate the original.

¹⁶ India Const. art. 19

¹⁷ The Copyright Act, 1957, No. 14 of 1957, § 52(1) (India).

¹⁸ *Civic Chandran v. Amminu Amma*, 1995 (2) KLT 751 (Ker.).

¹⁹ *PepsiCo, Inc. v. Hindustan Coca-Cola Ltd.*, 2003 (27) PTC 305 (Del.).

Courts appear open to allowing parodies that serve a transformative, social, or artistic purpose rather than purely replicating or competing with the original. However, this openness has limits; the parody must serve a critical or social function and should not harm the original work's market.

Trademark Law and Parody

The Trade Marks Act, 1999, does not explicitly address parody, which makes it challenging for courts to uniformly apply trademark law to cases involving parodic use. Generally, trademark law aims to protect brand identity and prevent consumer confusion or harm to a brand's image.

Tata Sons Limited v. Greenpeace International (2011).²⁰ Greenpeace used Tata's trademark in a satirical game to criticize the company's environmental practices. The Delhi High Court ruled in favor of Greenpeace, recognizing that the parody served a public interest. The decision emphasized that freedom of expression could justify trademark use if it aims at social commentary rather than brand exploitation.

Independent News Service Private Ltd. v. Ravindra Kumar Choudhary (2024).²¹ In this case, the court restricted parody when it found that a satirical use of the 'India TV' logo created brand confusion. This ruling shows that while the courts may support parody, they are likely to intervene when the parody risks confusing consumers or harming a brand's reputation.

Trademark cases reveal a nuanced approach. While courts have sometimes supported parodies that serve a public interest, they generally draw the line when parodies confuse the public or damage brand reputation. This creates a challenge for parodists, as using well-known symbols or brands can invite legal action from trademark holders concerned with protecting their image.

Personality Rights and Parody

Personality rights, also known as rights of publicity, allow individuals to control the commercial use of their name, image, or likeness. While these rights are not codified in a specific statute, courts in India have recognized them through case law, particularly when it involves celebrities or public figures.

Amul's Parodic Ads: Amul, an Indian dairy brand, is well-known for using public figures' likenesses in humorous advertisements. These ads often involve wordplay or situational humor but generally avoid exploiting the individual's image for profit. Courts have largely supported such parodic use, as it promotes social commentary without direct commercial exploitation.²²

Digital Collectibles Pte Ltd. v. Galactus Funware Technology Private Limited (2023).²³ The Delhi High Court upheld a parody involving a celebrity's name, ruling that non-commercial parody for social or public critique is protected under Article 19(1)(a). This decision affirms that public

²⁰ Tata Sons Ltd. v. Greenpeace Int'l, 2011 (47) PTC 1 (Del.).

²¹ Independent News Service Private Ltd. v. Ravindra Kumar Choudhary

²² Context and Humour: Understanding Amul Advertisements of India

²³ Digital Collectibles Pte Ltd. v. Galactus Funware Technology Private Limited

interest and creative freedom can outweigh personality rights if the parody does not amount to defamation or significant harm.

Indian courts are more cautious, especially when parodies involve high-profile individuals, brands, or sensitive subjects, and this can restrict creators' freedom. This approach aligns with the principle that public figures are part of public discourse, and light-hearted or critical references to them serve social commentary.

Commercialization and Parody:

As parodic content increasingly finds itself in commercial spaces (e.g., advertisements, social media campaigns), the line between non-commercial satire and IP infringement has become blurred. This shift complicates legal decisions, as courts must determine if the parody remains protected under free expression or if it becomes an IP rights violation when used for profit. Courts are examining the intent behind and impact of parody on the original work. For instance, if a parody primarily aims to profit from the reputation of a well-known brand or individual, it is more likely to be restricted. However, courts have tended to uphold parodies that contribute to public discourse or critique, especially if their economic impact on the original work is limited. With the rise of digital media, where parody often crosses into commercial usage, the need for clearer legal guidelines is evident. As IP laws evolve, they will likely need to address how parodic use interacts with commercial interests, potentially limiting protection for creators who rely on parody for economic gain.

Indian courts have shown a cautious yet supportive stance towards parody that contributes to social critique, artistic expression, or public interest. However, when parodies venture into commercial territory or risk consumer confusion, courts have been more restrictive to protect IP rights and brand integrity. This legal balancing act highlights the evolving nature of IP law in India, which will likely continue to adapt as parody and satire intersect more frequently with commercial endeavors

India stands to benefit from adopting a structured approach to parody within IP law. Clearer guidelines that protect creators' rights to use parody responsibly would provide both clarity and support for the creative industry. Balancing parody protections with IP rights would not only support free expression but would also encourage a dynamic, thriving culture of creativity in India. As the legal landscape evolves, adopting clear rules for parody will allow Indian creators to contribute fully to the global creative dialogue, enriching both Indian and international audiences.

RECOMMENDATION

- **Explicit Recognition of Parody in the Fair Use Framework**
A notable grey area in Indian copyright law is the lack of a clear, legislative framework for parody, satire, and caricature, creating legal difficulty for producers who utilize copyrighted works in transformative ways. Indian courts have been cautious to explicitly identify parody under the fair use laws, instead relying on general principles of fair dealing that are not suited to this particular type of creative expression. To solve this, it is advocated that the Indian Copyright Act, 1957, be revised to clearly include parody and

satire inside the fair use or fair dealing exception, similar to the approach taken in the United Kingdom under Section 30A of the Copyright, Designs, and Patents Act 1988.

- **Establishing a Transformative Use Test**

In accordance with worldwide standards, Indian copyright law should adopt a transformative use test comparable to that used in the United States and the United Kingdom. The test would determine if the new work provides substantial new meaning, message, or expression to the old piece. Parodies sometimes entail modifying the original content to critique or give social commentary, and a transformative use test would help clarify whether such uses are permitted under Indian copyright law.

- **Guidelines for Courts to Determine Parody and Satire**

Given the existing confusion surrounding parody and satire in India, courts should be given precise instructions for deciding whether a work is a parody or satire under the fair dealing provision. These principles should be guided by international case law, particularly that of the UK and the US, and focus on crucial issues such as the creator's purpose.

- **Education and Awareness of Content Creators**

As part of larger copyright reform, it is critical to educate and offer resources for content producers in India on how parody and satire may be properly utilized within the context of copyright law. Many authors are ignorant of the fair dealing exclusions or the legal complexities of exploiting copyrighted material in parody. Public awareness campaigns, workshops, and online tools can serve to clarify the law and promote responsible creative expression.

SCOPE OF THE STUDY:

In this study, we have looked at how parody is currently treated under Indian copyright law, emphasizing the absence of clear legislative provisions that deal with parody and its classification as fair dealing. The study examines how this ambiguity affects freedom of speech and creative expression, contrasting India's policy with those of other countries, including the US, who have more precisely defined parody exclusions. We have found gaps in the application of copyright law to parodic works by examining judicial interpretations and inconsistent case outcomes. We have also suggested areas where legislative amendments could be advantageous for both creators and copyright holders.

This study also evaluates the findings' wider ramifications for India's creative industries, demonstrating the possible impacts of a more precise legal framework on fostering creativity and legal certainty. Future research could expand on this by tracking changes in judicial outcomes over time, exploring the effects of these rulings on industries like film, literature, and digital media, and studying how AI-generated content intersects with parody and copyright.

CONCLUSION

The changing environment of copyright law, particularly in the areas of parody and satire, poses both obstacles and possibilities for content creators. While parody and satire have long been important forms of creative expression, they sometimes fall into a gray area in terms of copyright infringement, particularly in nations such as India where the law does not specifically address these exceptions. A comparative analysis of international approaches, particularly those in the United Kingdom and the United States, reveals that clear, statutory provisions for parody within the fair

use or fair dealing framework provide greater protection and clarity for creators, encouraging innovation and critique while not infringing on original works.

In India, however, the lack of explicit legislative provisions particularly safeguarding parody under the fair dealing exclusions has left authors perplexed. Although courts may recognize transformative uses, they depend on broad and vague fair dealing rules that fail to account for the special subtleties of parody and satire. This legal divide chills innovation by leaving artists and innovators confused of where to draw the line between permissible parody and copyright violation.

This study emphasized the need for revision in Indian copyright law, notably the inclusion of parody and satire as explicit exceptions to the fair dealing framework. By implementing clearer criteria and harmonizing with international standards, India can provide stronger protection for artists while still protecting copyright holders' financial interests. The ideas attempt to make the creative environment more predictable and encouraging, allowing parody and satire to flourish as important forms of free expression and social criticism.

Finally, for Indian copyright law to be really egalitarian and forward-thinking, it must recognize the transformational power of parody and satire, as well as their cultural and social significance. By resolving the ambiguities surrounding these exclusions, India may develop an atmosphere that balances creative freedom with intellectual property rights, resulting in a vibrant, diversified, and inclusive cultural landscape.

