

Research Article

The Other of Authorship: Feminism, Piracy, and the Moral Economy of Copyright in *Partners in Crime: A Love Story*

Mousumi Hazra

Doctoral Fellow, Department of English, University of North Bengal, Darjeeling, India;
mousumihazra41407@gmail.com | <https://orcid.org/0000-0002-1930-2047>

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Abstract: The copyright regime has always been responsible for protecting and sustaining authorship, which validates the autonomous and legal identity of the 'source'. Although the history of copyright includes several discussions of inclusivity, its assumed objectivity and neutrality have resulted in the exclusion of marginalised groups within the art world and of artists outside the dominant, mainstream machinery. This otherised perspective on copyright discourse has always positioned women and art as points of negotiation within the dominant discourse on intellectual property rights. This is not only to highlight the exclusion of women from intellectual property law, which is conceded and at the same time recognisable, but also to rethink other possibilities for conceptualising art and its sustainability through a feminist intervention. In thinking about art, law, and feminism, this paper moves beyond the simplistic binary between copyright and copyleft. It offers an intermediate possibility in which the 'love' for piracy dwells. This study explores how this 'love' for piracy resists and subverts the capitalist, corporate-owned definition of art through the documentary film *Partners in Crime: A Love Story* (2011) by the Indian Filmmaker Paromita Vohra. This paper aims to examine the space between the moralities of (copy) correct and (copy)left and to negotiate with the Other (of authorship and ownership), lensed through Feminism, with reference to the aforementioned film.

Keywords: copyright; copyleft; feminism; piracy; art



Introduction

View from nowhere - from a distance, from up above, like a god... masks the people, the methods, the questions, and the messiness that lies behind clean lines and geometric shapes ... [It] makes the viewer believe that they can see everything, all at once, from an imaginary and impossible standpoint. However, what appears to be everything and what appears to be neutral are always partial perspectives. - D'Ignazio and Klein 48

Does the author of any text remain etched in the production, reproduction, or interpretation of their art? Does the identity of the author serve as a pretext during the meaning-making process of the artefact? In the postmodern conception of authorship, a reader is 'made' by destabilising the very pedestal of authorship and the identity the author assumes within a particular artistic, social, and economic context. The socio-political etymology of the author as the 'creator' of the artefact is challenged by deconstruction, which generates new meanings from the text's other sides. Roland Barthes, in his essay "The Death of the Author" (1968), talks about rendering the authorial self-peripheral in any interpretation, and considers the author "dead" right after they take the pen off:

A text is made of multiple writings, drawn from many cultures and entering into mutual relations of dialogue, parody, and contestation. However, there is one place where this multiplicity is focused, and that place is the reader, not, as was hitherto said, the author. The reader is the space on which all the quotations that make up a writing are inscribed without any of them being lost; a text's unity lies not in its origin but in its destination...the birth of the reader must be at the cost of the death of the author. (Barthes 148)

Writing, in the context of this paper, is a metaphor that refers to any form of artefact qualified for the established standard of what art is. The aesthetic and socio-cultural significance of art is often contingent upon the ethical and commercial definitions of art that sustain the author's identity through law and rights. In the context of legal discourse, that 'qualification' of an art presupposes a validation through copyright. Copyright, in modern intellectual property law, provides a legal framework that protects and preserves the creator's creativity, enabling differentiation and conferring a distinct identity. At the same time, legally gatekeeping the artefacts carries a motif of dissociating art from mass availability. As far as copyright and its fragility are concerned, the law, along with its proprietary definition of authorship, implies the legal and cultural division of the arts behind the apparent neutrality and objectivity. There are artistic works, such as paintings and folk songs, that are copyrighted and reserved, which paradoxically impose constraints on mass accessibility. Its ideology propounds that an ethical procedure is required to access and avail the 'product'. In this way, the growing subscription-based accessibility of the 'product' encourages a classification of high art as difficult to attain and low art as mundane. As a result, this lesser availability is often inversely proportional to the author's consolidated, coherent, and autonomous identity. Now, if it seems like a fair game to secure the creator through an intellectual property law, where does the problem of copyright lie? Or, specificity, where does the issue of this research lie? This article draws on the line of thought that copyright law is



exclusive insofar as it presupposes a distinct, romantic conception of authorship that stands alone with their art, disassociated from the influence of socio-cultural discourses. In doing so, this research does not treat the copyleft as an alternative, as it is precarious; the question is: if everything is free and accessible, how does the artist live? Between these two extremes, this article examines piracy as a space of resistance, subversion, and feminism. Whereas it is desirable not to copy the author and strictly illegal from a legal perspective, it opens up a space of possibilities and relationality based on ethics, desire, and 'love'. In thinking about art, authorship, and feminism, this paper moves beyond the simplistic binary between copyright and copyleft and offers an intermediate possibility in which the 'love' of piracy dwells. If piracy is a 'crime', with whom does it partner? This 'love' for piracy can be interpreted as a resistance to and subversion of the capitalist, corporate-owned definition of art, and this research develops this perspective with reference to the documentary film *Partners in Crime: A Love Story* (2011) by the Indian Filmmaker Paromita Vohra. The space between the moralities of (copy) correct and (copy)left negotiates with the Other (of authorship and ownership), where it places art and its 'individuality' vis-à-vis the 'love' for piracy. At the intersection between law and what art represents or stands for, this paper problematizes the apparent keywords such as authorship, art, piracy, feminism, along with the 'secured computer files' where piracy or the 'love' for piracy dwells.

The Author as the Owner:

"The places where lines have been drawn may tell us something about the reason for the lines, which in turn tells us something about the implicit values held by society and by ourselves" (Burk 187) - in this statement from the essay "Feminism and Dualism in the Intellectual Property Law" 2007, Dan L. Burk uses the word "line" as a metaphor for a social construct. This construct establishes a demarcation between the 'right' and 'left' of art, differentiating and further defining art according to a particular benchmark. In the selection of artefacts, what deserves copyright protection and what does not raises questions about the apparent objectivity and gender neutrality of the legal construct of copyright. Entitling the author as the 'origin' of the text in the pre-modern era reflects a notion of a 'romantic' author-self and individuality grounded in Enlightenment rationality. In this notion, the author is a 'distinct' author, engaged in the entirely subjective realm of creativity and originality, whose art remains unaffected by surrounding socio-political discourses, thereby negating any external influences on their poetic self. It is built on the principles of reason, machinery, and scientific method that do not take into account the 'other' of the homo-economicus (the term 'homo-economicus' refers to the white, male, heterosexual). The proprietary author, (in)formed by intellectual property law, is considered the owner of the 'property' with individual entitlements, holding "a right against all others in relation to that thing" (Craig 208). Significantly, this approach still carries and conceptualises the implicit values of authorship in many forms. The author is the 'origin' of the art; therefore, this definition of art leaves out other dimensions of creativity which are interwoven, relational, and contextualised. The construction of the dominant circle, outside which the non-dominant, non-prevalent are recognised as art's inferior other, is relegated to the domain of insignificance. In this scenario, the different perspectives towards artmaking



are not only deprived and discriminated against but also supposed to be largely uninformed by passion, emotion, and sensibility. As Craig details,

When establishing copyright protection, it is necessary to distinguish among artistic works and mere tools or "useful articles," between "works of artistic craftsmanship" and basic craftwork, and between "sculptures" and other three-dimensional products. For example, that furniture prototypes, while pleasing to the eye, are not works of artistic craftsmanship; that colored rods for teaching mathematics, while "attractive," are not artistic works; that color-coded filing labels, while functionally useful, are nonetheless artistic works; that costume helmets, although not actually useful, are not sculptures; that jewelry designs, while primarily for "visual effect," might be more appropriately protected as "industrial designs" (Craig 3).

Art and Piracy: A Crime Story?

Art, by its very innate ideology of relationality, cannot be confined within absolute autonomy, away from the very discourse of an author's relation to the society where they inhale or exhale. Dwelling in this state between copyright and copyleft as discussed above, the 'easy way out' seems to be the 'business' of piracy – an act outside the law. By drawing a connection between piracy and gender, this paper argues that piracy subverts the very 'progressiveness' of capitalism and the corporate market through a non-binarian intervention that holds numerous political possibilities. The in-between space speaks of the non-confirmative or non-prominent inclination of the world.

In the present discussion of piracy as subversion, the Indian filmmaker Paromita Vohra's documentary *Partners in Crime: A Love Story* (2011), whose subtitle is a slight irony—"a love story"—examines the liminal space between copyright, copyleft, and piracy. The film does not address the 'issues' of piracy; instead, it depicts how piracy can threaten artists' innate creativity. In the process of documenting artists and art's legal safeguards, the film forms 'a love story', as the title goes. A love story between the pirate and the hard disk storage of the computer, between the person who sells pirated DVDs and people's indulgence towards it. This deliberate engagement with artistic fantasy or fan love sets the film apart from conventional approaches to piracy as a threat to the legal discourse of law. Instead, the film indicates the very nature of art and the artist, the relation it forms to the definition of love and desires. The film addresses the following questions: Who is the 'owner' of a song? Who owns a song? Is it the creator or the consumer? Is it enough to say that the pirates are engaging in illegal activity, or should we rethink piracy as representing a new form of cultural liberation through piracy? Is the fine line separating inspiration from plagiarism a cop-out, or is it a different perspective on the fluidity of authorship? Full of wicked irony, music, parody, and sarcasm, in an era where technology is reshaping the market, *Partners in Crime* visits several regions of India to investigate the contours of copyright, art, and, significantly, love. The film includes several aspects of art and artefacts, in which the 'original' creator (if that is what we are talking about) of the art has been disowned and not recognised under the legal framework of intellectual property rights. Specific communities of artists have been otherised, or their art has not been qualified enough to be granted



copyright under particular laws. The film examines piracy as a space where resistance and subversion dwell, and where an interlinkage has been drawn with the feminist vision of the world regarding the relationship among art, law, and piracy. The film adheres to a non-binarised perspective on law and desire, in which alternative possibilities or 'diversions' are made possible. The film situates itself within popular culture, particularly music, and its legal precarity.

At the beginning of the film, Chandra Pai, who preserves and records archival materials, discusses recordings of the Indian vocalist Kishori Amonkar. He says in the film:

If we could do a lure to our art, we should. The pieces here are at least as beautiful, at least as valuable. However, we lack a national vision for such an initiative. You cannot measure, in monetary terms, what this is. What is the world willing to pay for it at this point? Probably nothing.
(*Partners in Crime* 00:07:50 – 00:08:27)

This intellectual preservation of art within the copyright regime indicates the romantic conceptualisation of authorship and its apparent distance from the popular desires of the new market. Things that are copyrighted, distant, and inaccessible are often markers of 'high art'. Hence, this gap, in which certain art forms are more valuable in law and have a small audience, is suggestive of the legal criterion by which the arts are defined. The domain of high art and low art is further intensified by the demarcation where the things people value or desire, which are often kept out of the market laws, are available through a high payment for subscription and access. The transition of the 'bazaar' (a local term implying an amalgamation of product and love for the product) to the market, which is popularised as 'free market', has been a catalyst in reordering conceptions about artefacts from a capitalist or corporate-centric mechanism. As a consequence of this new market, a peculiar sense of new respectability began to invalidate certain art forms as disconnected from 'modern' desire and to term them 'ancient and ethnic'. Gradually, marginalised art forms, which lack affiliation with intellectual property rights, are marginalised as 'low art' floating in the air of mass culture without any legal 'protection'. Drawing on this, copyright has always been associated with larger names, which are traditionally perceived as belonging to the high cultural domain. This perspective is evident throughout the film, in which marginalised art forms are dissociated from intellectual property law. However, their works are being purchased at negotiable prices by large companies such as T-Series, Bollywood, and Sony TV. After a successful transition of art from an unrecognised space to a recognised and widely popular space, the 'original' creators are never allowed to stage their own song further. These perspectives lead us to reflect on the discussion of authorship as something owned and kept, a view heavily criticised by feminist scholarship. To feminists, this very perspective of 'securing' an art with the artist, negates the foundation on which art is built, that is, relationality, and perceives it as something detached from the cultural commons from which we all draw. This is exemplified in the film, where the two performers of nataunki (a popular, folkloric form of street culture), Rani and Rampat, are depicted. They had been playing the folk song '*munni bodnaam*



huyi hasina tere liye' (Munni is defamed for your desire) for their lifetime in their stage enactments until T-Series brought it under its copyright, and they were restrained from staging that song any further. The song has been produced and reproduced several times in various versions and translations. However, that exercise of individuation over a cultural common is inherited by this new respectability of the copyright 'owner'. As the performers, Rani and Rampat talk about this deprivation:

As in the recent hit 'Infamous Munni,' the song is one we have sung for years. It has now been adapted into a film song. The song has made the film a hit! They have flipped it around. Earlier, it was like we borrowed it; they borrowed from us. It was like this. A Bhojpuri song becomes a hit, then Bollywood copies it. (*Partners in Crime* 01:32:31 – 01:34:47)

Inferring from the above statements, arts once 'owned' by a governing body cannot be readily available to the masses thereafter. Such a reservation and a highly maintained position of art can lead to a moral position for the arts to exist. Piracy, in this context, if viewed from a slightly non-conformist perspective, indicates a negotiation between the legal definition of art and the individual desire to access it. There are several instances in the film in which the seller or promoter of the piracy business explains why the very idea of piracy lies in the grey zone between copyright and copyleft. Having conceded the larger structure, if something does not conform to dominant market norms, it is considered the 'black market' or 'grey market'. This black market further implies that desires are rendered illicit and liminal, and cannot be incorporated into the dominant market interest; thus, they are relegated to the domain of the 'illegal' within the law. This proprietary nature of the market, standardised by law, always shapes and defines what is desirable and what is outside the dominant circle of desirability. Piracy, by resisting legal rigidity and inaccessibility, renders the very act of making someone's owned intellectual property accessible through a different channel illegal. In the film, the legal discourse on intellectual property rights is documented, positing piracy as a highly objectionable crime. Likewise, in the film's title, the very act of piracy is sarcastically cast as a 'crime', a motif that resonates with characters' remarks throughout the film. In the film, in response to the interviewer's question regarding why people are barred from accessing the free, pirated market of art, MM Satish, founder of global IPR Foundation states: "Why don't you have drugs openly available? Why don't you have guns openly available?" (*Partners in Crime* 01:01:12- 01:01:26). These comparisons equate the act of piracy to that of guns, and drugs and thus translating it into a space of immorality, leading to the moral captivity of art. The film, unlike a traditional documentary, does not document the moral conflict between art and law, nor does it advocate a particular path. Following the signature mark of the independent filmmaker Paromita Vohra, the film sheds light on the grey area where people and their inclination towards art flourish. The film explores piracy as a potential site of art's liberation, a pushback against the very idea of art within capitalism and legal intellectual discourse. Between the apparent morality of copyright and copyleft, piracy is grounded in individual ethics. By virtue of its ethical nature, piracy opens a conversation between the pirate and the consumer. This meeting point occurs in the grey zone of the apparent 'free' apparatus of the market. This non-binarised, vulnerable position of art is revealed



in the film, where a man is documented pirating his favourite movies and storing them in a computer file. He characterises this practice as a 'hobby' and does not regard it as illegal, but rather as a 'loving' space in which his desires are addressed alongside those of others. As he said:

Collecting films is my hobby, which is hardly immoral. I collect films, we share them, and I cannot see anything wrong with that. The main thing for me is that it should be easy to access stuff. These have not come easy. I have worked hard to collect them. I know the value of what I have. It is very precious to me.
(*Partners in Crime* 00:04:12 – 00:05:18)

Extrapolating from such a conception, it can be stated that piracy, as opposed to monopoly in the marketplace, gives value to what people like, love, and find pleasure in. These, in hindsight, imply that art is always outgrown by its very nature, finding ways to float on its own that intellectual property cannot compartmentalise. The 'quotidian' desires equated with a private, collaborative, and creative approach to the common are understood to create a space through piracy. From a relational perspective, piracy offers a substantial cultural conversation from which individuals can draw and construct their own version. It is a form of resistance that questions the market's free apparatus by creating an opportunity for dialogue. Hence, piracy becomes an alternative mode of navigating art and desire. This perspective holds a feminist vision that promotes relationality and a web of connections, rather than the immovable right of the artist to their art.

Feminism and Piracy: A Love Story?

As discussed above, it is proposed that art cannot live by the moral standards of (copy)right and (copy)left; it must leave it to people and conjoin them within a larger frame called exchange and relationality. In this context, this study, using the documentary film, examines piracy as favouring the free space of art and its liberatory windows. This is where feminism enters the domain of copyright and piracy by providing a counterintuitive narrative of the existing framework of art. A feminist angle towards art would be a point of negotiation, taking out and putting back in the cultural commons, as Caren Irr termed it as "pink piracy" where "rather than dismissing popular desires for access to cultural goods as a misapprehension of the law, we can begin with that desire and locate in its forms of the commons symbolically coloured pink" (8). In addition to this, Craig, Turcotte, and Coombe in their article "What does Feminist about Open Access? A Relational Approach to Copyright in the Academy" (2011) make an analogy between the relational ideology of feminism and traditional theories of ownership through open access theory that "favours originality over dialogue, individuality over relationship, and monologue over communication" (Craig et al. 8). The authors state:

What can feminism's 'relational self' tell us about the author-self at the centre of copyright law? Far from the individualised, self-determining author of modern copyright law, the relational author is always already situated within, and constituted by, the communities in which she exists, and the texts and



discourses with which she is surrounded, which also shape her consciousness and expressive activities. Far from creating independently and choosing relationships through the vehicle of copyright qua private property, the author necessarily creates from within a network of social relations: she is not individualisable, and her works of authorship cannot be understood in isolation. However, this does not mean that author and authorship are illusory; a relational theory of authorship recognises the social dimension of the author and her duality. The author-self encapsulates both our connectedness and our capacity for critical reflection. In the processes of authorship, the texts, discourses, experiences, and relationships that constitute the author are combined, interpreted, reinterpreted, and retold. (Craig et al. 13)

Feminism, with the advent of digital accessibility, has enabled numerous reflections and rethinking. However, given the nature of the digital web and its interconnectivity, a feminist lens adds a feather to the discussion of art and copyright. The digital feminist voice reconceptualised the definitions of hypertext and hypermedia, enabling the plasticity and mercuriality of information and knowledge. A feminist inclination towards art as collaborative, driven by a shared sense of authorship, where readers are not running a fidelity check, or inclined to an absolute textuality. Instead, it indicates a constant overlapping of knowledge, perspective, and insights that dismantle any coherence or posture of absolute authorship. Thus, the copyright law that protects the author is in sharp opposition to the feminist ideology that promotes inclusivity by decentring any authorial dominance. Feminism suggests that any gatekeeper of law not only shapes the definition of something but also determines the framework of reception. Hence, feminism, by its very political ideology, resists the linearity and static nature of artefacts by considering discourses as fluid and dynamic. In this context, copyright that opposes the conjoint thoughts, restrains rights of adaptation, and unauthorised uses of the text, implements against collaborative potentiality of any text and “forecloses certain modes of thought and discovery that might be termed feminist” (Burk 548). The proposed insight of this study through feminism struggles to not only ensure our equality and empowerment in an unjust system, but also tries to address and disrupt that entire discourse that governs the system:

As noted above, the final ingredient of a feminist inquiry is imagination. To remember where we are going is, in itself, an act of collaborative creativity. From within the confines of a patriarchal society, we need to be able to imagine and articulate what the copyright system would look like – if, indeed, we would have one at all – in a preferred feminist future. The goal of feminist inquiry is not simply to understand the reality in which we live, after all – the goal is to change it. (Craig 26)

A feminist perspective favours interdependence and a communal sense of creation over singular autonomy. Feminism, through its critique of the copyright regime, negates the patriarchal conception of retaining a monopoly over a work. Raadhika Gupta, in her seminal work “Copyright vs Copyleft: A Feminist Perspective on Marginalisation under Copyright Laws” (2011), argues that copyleft embodies



feminine values. For Gupta, in the context of copyleft, the author's dominant interpretation is diminished by multiple reinterpretations that de-authorise it. In the process, copyleft expands the definition of art and authorship toward a more feminine and more just artistic domain. As Gupta says, "incorporation of feminine values in any structure will make it more inclusionary" (Gupta 79). This study applies Gupta's perspective on piracy, offering a feminine re-visioning of art. In the present discussion of copyright and the legal dimension of art, piracy is situated within relationality, communication, and mutuality. It is an uninvited yet 'loving' way to desire something irrespective of one's economic and social stature. The very ideology of feminism and piracy is based on a resistance to the dominant, to the pre-given, to the author. As Dianne Currier writes, feminist political ideology:

Allows an assessment of the intersections between technologies and men and women in terms of prevailing relations and distributions of power. Adopting an alternative conceptual horizon will not, in itself, effect a wholesale transformation of the lives and activities of women and men. Clearly, there remains a pressing need for everyday intervention and political action. It will, however, open up the possibility of thinking new and radically transformed futures, which remains a crucial element of feminism as an aspirational enterprise. (Currier 377)

The difference between feminism and other equal-rights movements lies in feminism's engagement with the very framework of oppression and its mechanisms of operation, rather than limiting itself to a fixed concept of liberation and justice. Feminism's political tool has engineered ways to achieve liberation beyond a pre-given definition of empowerment and discrimination. In contrast to the innate and disembodied definition of the self, feminism envisioned a socially contextualised and relational self by transcending the structural discourse of law and justice and examining how the unspoken power structure functions. As feminist Critics, Carol Gilligan and Rowls discuss a feminist re-reading of the dominant structure that favours and sustains a particular central and mainstream ideology. Given such feminist intentions, the legal discourse of copyright undergoes a re-reading through a feminist lens that decentres any structural, predetermined interpretation of art. This further leads us to look at "relational feminism", as Craig terms it, by questioning the conception of autonomy and individual rights (Craig 260). Relational feminism holds that interdependence is not incompatible with subjectivity or individualism, but rather a "precondition" for achieving individual autonomy (Craig 261). The relational feminism contributed to the identity of the author in intellectual property law by holding the view that it re-imagines the very notion of author as fluid and interrogated:

A relational theory of copyright thus repudiates any notion of copyright as a natural right of the author—it is simply the result of democratic, political decision making, and subject to revision as a result of shifting values, changing circumstances, or the need to redress imbalances of power. (Craig 264)



In this context, piracy, like feminism, enables us to think about the relationship between law and its subjects, crime, and desires, and to examine the very legality of concepts from a non-binarised perspective.

Afterthoughts:

This article does not present piracy as an absolute alternative to copyright, nor does it glorify piracy as an ideal form of justice for the art. In that sense, it becomes a utopian project to rely on, and the freedom of art cannot justify piracy. However, it indicates a freer, more possible space for the arts to exist within relationality, mutuality, and interdependence. Hence, by examining the relationships and intimacy between crime, love, and partners in the documentary film, it can be said that the film upholds a layered narrative from a feminist perspective. The apparent value system that recognises and secures art as a cultural form sustains its ownership to the creator or the author in a certain way, for a specific purpose. However, to locate and name this autonomous self and its point of creation as innate and disjointed is again an emphasis on the ideology that keeps the homogeneity of patriarchy alive. For the arts to grow and nurture minds, they transcend social or legal discourse and derive from a place where pleasure or love for the art meets. Viewing piracy from a non-binarised perspective also compels the researcher in this article to examine the film as a site of negotiation between its creation and re-creation, between the author and the user, and between the pirate and the law. In that sense, piracy is also a feminine form of resistance that serves as a "disruptive figure, darting back and forth across the lines drawn by the law" to the pro-capitalist market that defines and assigns value to art by simplifying dichotomies (Irr 2). Piracy is a metaphor that symbolises the fluidity, instability, and mercuriality of texts, akin to art and feminism. To sum up this study with one of the comments from the film by Prokash Detha, the folklorist, I quote:

Can any one person claim to own folk art? No. The community owns it. Then you sign contracts, and companies raise copyright issues. Since it is everyone's property, everyone has a claim to it, and all may use it. Art is not a thing that can be tied down. Because it exists in order to free your spirit from whatever confines it. (*Partners in Crime* 01:11:22 – 01:12:39)

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