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# **From Museum to Metaverse: Regulating Virtual Cultural Heritage under Indian Law**

*A Doctrinal and Comparative Study*

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## **Abstract**

Cultural heritage in India is migrating from the museum vitrine and the fenced monument to the screen, the headset and the immersive virtual world. Three-dimensional scans of temples, born-digital records of intangible traditions, algorithmic reconstructions of lost sites and tokenised museum objects now circulate as data across borderless platforms. Indian heritage law, however, remains anchored to the material, the territorial and the century-old: the Ancient Monuments and Archaeological Sites and Remains Act, 1958 protects fixed structures of "national importance"; the Antiquities and Art Treasures Act, 1972 governs physical objects "not less than one hundred years" old; and the Copyright Act, 1957 was not designed to arbitrate ownership of the digital surrogate of a public-domain deity. This paper argues that the shift from museum to metaverse produces a twofold regulatory dislocation: virtual cultural heritage is at once under-protected as heritage—falling outside the definitional scope of the heritage statutes—and over-appropriated as private property, as institutions and platforms re-enclose the public-domain commons through copyright, contract and tokenisation. Adopting a doctrinal and comparative method, the paper constructs a taxonomy of virtual cultural heritage, maps it against India's fragmented statutory and institutional framework, and diagnoses six



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regulatory gaps concerning scope, enclosure, community consent, data, authenticity and jurisdiction. It concludes with a calibrated reform agenda—including a public-domain safeguard, a sui generis regime for traditional cultural expressions, and a coordinating national authority—to govern heritage in its virtual afterlife.

**Keywords:** Virtual cultural heritage; digital surrogate; metaverse; Copyright Act 1957; intangible cultural heritage; public domain; traditional cultural expressions; heritage regulation.

## **1. Introduction**

In April 2016 a two-thirds-scale replica of the Arch of Triumph from Palmyra—reduced to rubble by the Islamic State only months earlier—was raised in London's Trafalgar Square, milled by robotic tools from a dense cloud of coordinates captured before the monument's destruction.<sup>1</sup> The gesture was widely read as an act of defiance, but its deeper significance was ontological: it demonstrated that a monument could now survive, circulate and even be rebuilt as data long after its physical form had ceased to exist. Heritage had acquired a second life independent of stone and soil.

India is well into the same transition. The National Museum in New Delhi offers virtual, street-level walkthroughs of its galleries and several hundred digitised objects on a global technology platform;<sup>2</sup> the Ministry of Culture's JATAN software underpins a national digital repository holding more than one hundred thousand catalogued antiquities;<sup>3</sup> and the eleventh-century Rani ki Vav stepwell at Patan was laser-scanned to sub-centimetre precision, a digital record that informed both its conservation and its inscription on the World Heritage List.<sup>4</sup> Museums are becoming portals, monuments are becoming models, and traditions are becoming streams. The trajectory captured by this paper's title—from museum to metaverse—is no longer speculative. The legal architecture that governs this migration, however, was designed for a different conception of heritage. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 protects fixed structures declared of "national importance" that have stood for not less than one hundred years;<sup>5</sup> the Antiquities and Art Treasures Act, 1972 regulates tangible objects

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<sup>1</sup> 'Palmyra's Arch of Triumph Recreated in London' (Phys.org, 19 April 2016) <<https://phys.org/news/2016-04-syria-palmyra-arch-recreated-london.html>> accessed 12 August 2026.

<sup>2</sup> National Museum, New Delhi, 'Collections' (Google Arts & Culture) <<https://artsandculture.google.com/partner/national-museum-delhi>> accessed 12 August 2026.

<sup>3</sup> Ministry of Culture (Government of India), 'Museums of India: National Portal and Digital Repository' <<https://museumsofindia.gov.in>> accessed 12 August 2026.

<sup>4</sup> Historic Environment Scotland, 'Rani ki Vav, India — The Scottish Ten' (Engine Shed) <<https://www.engineshed.scot/about-us/the-scottish-ten/sites/rani-ki-vav-india/>> accessed 12 August 2026.

<sup>5</sup> Ancient Monuments and Archaeological Sites and Remains Act 1958, s 2(a) and (d).

of comparable antiquity and forbids their physical export;<sup>6</sup> and the Copyright Act, 1957, whose default term runs for the life of an identifiable author plus sixty years, was never intended to allocate ownership over a photogrammetric scan of a public-domain deity.<sup>7</sup> Each statute regulates a material carrier fixed in territory. Virtual cultural heritage is precisely the opposite: dematerialised, reproducible without loss, and indifferent to national borders.

This paper argues that the shift from museum to metaverse produces a twofold regulatory dislocation. Virtual cultural heritage is at once under-protected as heritage—because the digital surrogate is neither a "monument" nor an "antiquity" and falls outside the custodial reach of the heritage statutes—and over-appropriated as property, because institutions and platforms increasingly re-enclose the cultural public domain through copyright assertions, restrictive licences and tokenisation. The analysis proceeds in four movements: it constructs a taxonomy of virtual cultural heritage; maps that taxonomy against India's fragmented statutory and institutional framework; diagnoses six discrete regulatory gaps; and proposes a calibrated reform agenda for governing heritage in its virtual afterlife.

## **2. Background of the Study**

Indian heritage law is a colonial inheritance progressively constitutionalised. Systematic protection began with the Ancient Monuments Preservation Act, 1904, enacted under Viceroy Curzon,<sup>8</sup> and matured after independence into the 1958 and 1972 Acts administered by the Archaeological Survey of India. The Constitution reinforced this statutory edifice from two directions: Article 49 casts an obligation on the State to protect monuments and objects of national importance from spoliation and export,<sup>9</sup> while Article 51A(f) enjoins every citizen to value and preserve the nation's composite cultural heritage.<sup>10</sup> Legislative competence is,

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<sup>6</sup> Antiquities and Art Treasures Act 1972, ss 2(a) and 3.

<sup>7</sup> Copyright Act 1957, s 22.

<sup>8</sup> Ancient Monuments Preservation Act 1904.

<sup>9</sup> Constitution of India, art 49.

<sup>10</sup> Constitution of India, art 51A(f).

however, deliberately fractured: the Seventh Schedule assigns monuments of national importance to the Union, other monuments and museums to the States, and archaeological sites of non-national importance to the Concurrent List—a tripartite division that predates, and does not contemplate, a borderless digital layer.<sup>11</sup>

India is also embedded in an international heritage order. It is a party to the 1972 World Heritage Convention,<sup>12</sup> and an early ratifier of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, under which sixteen Indian elements—from Vedic chanting and Kutiyattam to yoga, Kumbh Mela and, most recently, Garba—appear on the Representative List.<sup>13</sup> Yet these instruments, like their domestic counterparts, were drafted around tangible sites and living practices rather than their digital doubles.

Against this backdrop, the State itself has become a prolific digitiser. The National Mission on Monuments and Antiquities, launched in 2007, set out to build a national documentation database; the JATAN platform and the "Museums of India" portal followed; the National Digital Library aggregates tens of millions of learning resources; and flagship projects now range from three-dimensional scanning of Hampi and Rani ki Vav to the planned Yuge Yugeen Bharat National Museum. Digitisation policy has, in short, sprinted ahead of digitisation law. The result is a growing corpus of virtual cultural heritage—created, funded and disseminated by public and private actors alike—that is governed by statutes which do not name it.

### **3. Statement of the Problem**

The core difficulty is conceptual before it is doctrinal: Indian heritage law regulates the carrier, not the content, whereas virtualisation severs content from carrier. A temple is protected because it is a physical structure at a fixed location; an idol is regulated because it is a tangible

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<sup>11</sup> Constitution of India, sch 7, List I Entry 67, List II Entry 12 and List III Entry 40.

<sup>12</sup> Convention Concerning the Protection of the World Cultural and Natural Heritage (adopted 16 November 1972, entered into force 17 December 1975) 1037 UNTS 151. India ratified the Convention on 14 November 1977.

<sup>13</sup> Convention for the Safeguarding of the Intangible Cultural Heritage (adopted 17 October 2003, entered into force 20 April 2006) 2368 UNTS 3. India ratified the Convention on 9 September 2005; sixteen Indian elements are inscribed on the Representative List of the Intangible Cultural Heritage of Humanity.

object of a certain age. But a three-dimensional model of that temple, or a high-resolution scan of that idol, is neither a "monument" nor an "antiquity" within the statutory definitions. The digital surrogate therefore escapes the heritage regime altogether, even as the physical original remains tightly controlled.

Simultaneously, the surrogate is exposed to private capture. When a museum or platform digitises a public-domain artefact and then asserts copyright, database rights or contractual restrictions over the resulting file, it effectively re-encloses heritage that belongs, in principle, to everyone. The same object may thus be over-controlled as intellectual property while being under-protected as heritage—a doubling that existing law is not equipped to reconcile. Layered onto this are the commodification of intangible and community heritage in immersive environments, the collapse of territorial export controls when heritage travels as data, the authenticity and provenance risks of tokenised artefacts, and the absence of any single institution charged with custody of the virtual estate. No Indian statute defines "digital" or "virtual" cultural heritage, and none designates its guardian.

#### **4. Research Questions**

1. How do India's heritage and intellectual-property statutes conceptualise cultural heritage, and does that conception extend to its virtual or digital manifestations?
2. Does the digitisation of public-domain heritage generate fresh proprietary rights, and if so, who is entitled to assert them?
3. How are intangible cultural heritage and traditional cultural expressions treated when they are recorded, reconstructed or commercialised in virtual environments?
4. What jurisdictional, data-protection and authenticity problems does borderless and tokenised virtual heritage pose for a territorially organised regulatory regime?
5. What combination of legislative, institutional and policy reform would coherently regulate virtual cultural heritage in India?

## **5. Research Objectives**

1. To construct an analytical taxonomy of virtual cultural heritage suited to legal analysis.
2. To map India's constitutional, statutory and institutional framework onto that taxonomy and to locate its regulatory gaps.
3. To evaluate, comparatively, how selected foreign jurisdictions and international instruments address digital-heritage ownership, community protection and long-term preservation.
4. To assess the risk of enclosure of the cultural public domain through copyright, contract and tokenisation.
5. To formulate a calibrated and implementable reform agenda.

## **6. Significance of the Study**

The stakes are practical and immediate. Heritage underwrites a substantial tourism and creative economy, and its virtual forms are becoming products in their own right—ticketed virtual tours, licensed image libraries and tokenised collectibles. How the law allocates rights in these forms will determine who profits from the nation's cultural capital. The question also implicates cultural sovereignty. India has invested heavily in repatriating trafficked antiquities, informing Parliament in 2025 that some six hundred and ten antiquities were retrieved between 2020 and 2024;<sup>14</sup> yet the same State exercises almost no control over the digital surrogates of its heritage, which can be scanned, uploaded and monetised abroad without consequence. Physical repatriation and digital dispossession are proceeding in opposite directions at once.

The timing is significant. India is mid-way through implementing the Digital Personal Data Protection Act, 2023, is consulting on a Digital India Act to replace the two-decade-old

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<sup>14</sup> '610 Stolen Antiques Were Recovered Between 2020-24, Highest From USA, Modi Govt Tells Parliament' (The Print, 21 July 2025) <<https://theprint.in/india/610-stolen-antiques-were-recovered-between-2020-24-highest-from-usa-modi-govt-tells-parliament/2697232/>> accessed 12 August 2026.

Information Technology Act, 2000, and is constructing what is billed as the world's largest national museum. Defaults set now about data, platforms and public collections will be difficult to reverse. Finally, the study addresses a genuine scholarly gap: while digital-heritage governance is a maturing field internationally, the specific intersection of the metaverse and Indian cultural-property law remains largely unexamined and, as this paper shows, substantially unlitigated.

## **7. Literature Review**

The relevant scholarship converges from four directions. The first is the international digital-preservation literature, anchored in UNESCO's Charter on the Preservation of the Digital Heritage, 2003, which defined "digital heritage" to include resources "converted into digital form from existing analogue resources" and warned that legislation lagged behind technological loss.<sup>15</sup> The Council of Europe's Faro Convention supplied the complementary and influential idea of the "heritage community"—people who value particular heritage and wish to sustain it—together with an express, if soft, commitment to using digital technology to widen access.<sup>16</sup> This body of work establishes preservation and access as public goods, but says comparatively little about ownership.

The second strand is the copyright-and-public-domain debate, which addresses ownership directly. Its touchstone is *Bridgeman Art Library v Corel Corp*, where a New York court held that slavish photographic reproductions of public-domain paintings lacked the originality required for copyright.<sup>17</sup> The European Union later codified the same intuition in Article 14 of the Digital Single Market Directive, which denies fresh protection to faithful reproductions of public-domain visual art.<sup>18</sup> Indian scholarship reads these developments against *Eastern Book*

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<sup>15</sup> UNESCO, Charter on the Preservation of the Digital Heritage (adopted 15 October 2003) art 1.

<sup>16</sup> Council of Europe Framework Convention on the Value of Cultural Heritage for Society (opened for signature 27 October 2005, entered into force 1 June 2011) CETS No 199, arts 2(b) and 14. India is not a party.

<sup>17</sup> *Bridgeman Art Library Ltd v Corel Corp* 36 F Supp 2d 191 (SDNY 1999).

<sup>18</sup> Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market [2019] OJ L130/92, art 14.

*Company v DB Modak*, in which the Supreme Court rejected the "sweat of the brow" doctrine and required a "modicum of creativity"—the exercise of "skill and judgment"—for originality.<sup>19</sup> It has not, however, resolved how that standard applies to three-dimensional scans and photogrammetric models of heritage objects.

The third strand concerns intangible and community heritage. Work at the World Intellectual Property Organization on traditional cultural expressions has produced draft articles but no treaty, leaving folklore largely outside conventional intellectual property;<sup>20</sup> the 2024 WIPO treaty on genetic resources and associated traditional knowledge, though historic, deliberately excludes traditional cultural expressions.<sup>21</sup> In response, a practice-oriented literature on "digital repatriation" has grown around tools such as the Mukurtu content-management system and its Traditional Knowledge Labels, which let source communities encode cultural protocols into digital access.<sup>22</sup> The fourth strand—Indian doctrinal writing on heritage and technology—remains comparatively thin and tends to treat digitisation as a preservation opportunity rather than a regulatory problem. This paper positions itself in that gap.

## **8. Research Methodology**

The study is doctrinal, comparative and analytical, and does not rely on empirical fieldwork. The doctrinal component involves close reading of primary legal materials—the Constitution, the heritage and intellectual-property statutes, subordinate rules and reported judgments—to establish what the law currently provides. Because the questions are novel and, in India, largely unlitigated, the analysis proceeds substantially by reasoned extrapolation from settled

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<sup>19</sup> *Eastern Book Company v DB Modak* (2008) 1 SCC 1.

<sup>20</sup> WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, 'The Protection of Traditional Cultural Expressions: Draft Articles' (WIPO) <[https://www.wipo.int/en/web/igc/draft\\_provisions](https://www.wipo.int/en/web/igc/draft_provisions)> accessed 12 August 2026.

<sup>21</sup> WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (adopted 24 May 2024, not yet in force).

<sup>22</sup> 'Mukurtu CMS' <<https://mukurtu.org/about/>> accessed 12 August 2026; the platform integrates the Traditional Knowledge (TK) Labels developed by Local Contexts.

principles, most importantly the originality standard in *Eastern Book Company v DB Modak*, rather than from directly governing authority.

The comparative component draws on foreign and international sources—*Bridgeman*, the Digital Single Market Directive, the UNESCO digital-heritage instruments, the Faro Convention and the WIPO traditional-knowledge process—not to transplant them wholesale, but to illuminate design choices available to Indian lawmakers. The analytical component then synthesises these materials into a taxonomy and a gap analysis. The principal limitation is the pace of change: statutory reform (notably the Digital India Act and further data-protection rules) and platform practice are both in flux, so the paper states the position as of mid-2026 and concentrates on structural rather than transient features. Sources are cited in the Oxford University Standard for the Citation of Legal Authorities (OSCOLA).

## **9. Critical Analysis**

### **9.1 Conceptualising Virtual Cultural Heritage**

Legal analysis requires a workable object. "Virtual cultural heritage" is best understood not as a single thing but as five overlapping categories, each with a distinct legal profile. The first is digitised heritage: faithful surrogates—photographs, scans, photogrammetric models—of pre-existing tangible objects, such as the National Museum's online collections. The second is born-digital and digitally recorded intangible heritage: audiovisual capture of performances, rituals and oral traditions that exist only as recordings. The third is virtual reconstruction: computed models of lost, damaged or never-completed heritage, epitomised by the Palmyra arch and by digital "twins" of monuments. The fourth is tokenised heritage: artefacts or images wrapped in non-fungible tokens or other blockchain instruments. The fifth is immersive heritage: interactive metaverse and extended-reality environments that place users inside a monument or museum. The analysis that follows tests India's law against these categories.

## **9.2 The Scope Gap: Materiality, Age and Territoriality**

The threshold problem is definitional. An "ancient monument" and an "antiquity" are defined by physical existence and age—generally not less than one hundred years.<sup>23</sup> A digital surrogate satisfies neither condition: it is intangible and, as an artefact, brand new. Consequently the entire apparatus of the 1958 and 1972 Acts—declaration of national importance, prohibited and regulated zones, export licensing, registration—simply does not attach to the model, the scan or the token. Neither the Archaeological Survey of India nor the National Monuments Authority possesses any express statutory mandate over the digital twin of the very monument it guards. The export prohibition is especially telling: the 1972 Act criminalises the physical export of an antiquity,<sup>24</sup> yet a complete volumetric scan of that antiquity may be transmitted abroad instantaneously and lawfully, because data is not an "antiquity." The statutory perimeter, drawn around matter, is porous to information.

## **9.3 The Enclosure Paradox: Copyright and the Public Domain**

If the heritage statutes ignore the surrogate, copyright law threatens to over-claim it. When an institution digitises a public-domain object, does the resulting file attract fresh copyright? On principle, and following *Eastern Book Company v DB Modak*, the answer for a faithful reproduction should be no: a scan whose entire purpose is fidelity to the original exhibits labour and expense but neither creativity nor the independent "skill and judgment" the Supreme Court demanded.<sup>25</sup> This aligns with *Bridgeman* and with Article 14 of the European Directive, both of which deny protection to slavish reproductions of public-domain art.<sup>26</sup> The doctrinal logic is therefore reasonably clear—yet Indian law has not stated it, and the vacuum is being filled by practice: museums and platforms routinely assert image rights, impose contractual terms of use and license "official" digital versions, manufacturing a de facto proprietary layer over

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<sup>23</sup> Ancient Monuments and Archaeological Sites and Remains Act 1958, s 2(a); Antiquities and Art Treasures Act 1972, s 2(a) (both requiring existence for not less than one hundred years).

<sup>24</sup> Antiquities and Art Treasures Act 1972, ss 3 and 25.

<sup>25</sup> *Eastern Book Company* (n 19).

<sup>26</sup> *Bridgeman* (n 17); Directive (EU) 2019/790 (n 18) art 14.

public-domain heritage. The paradox is acute: material that no one can own is being privatised through the very act of preserving it.

Tokenisation intensifies the effect. A non-fungible token confers no rights in the underlying object and, for public-domain heritage, cannot cure the absence of any underlying copyright; it nonetheless creates a marketable claim of "authenticity" that trades on cultural prestige. The Spice DAO episode, in which buyers of a rare *Dune* manuscript wrongly believed they had also acquired its copyright, is a cautionary emblem of how easily object, image and right are conflated in tokenised markets.<sup>27</sup>

#### **9.4 The Community Gap: Intangible Heritage and Consent**

The categories most exposed by virtualisation—recorded rituals, folklore, craft traditions—are precisely those that conventional intellectual property protects least. Copyright requires an identifiable author and a fixed term; the moral right of integrity under section 57 of the Copyright Act protects the honour of an author, not the dignity of a community or the sanctity of an anonymous, centuries-old tradition.<sup>28</sup> Traditional cultural expressions accordingly sit, by default, in the public domain, free to be recorded, altered and monetised in virtual form without consent, attribution or benefit-sharing. India has partial analogues—the Geographical Indications Act protects place-linked craft reputations, and the access-and-benefit-sharing architecture of the Biological Diversity Act, 2002 offers a domestic template for community consent<sup>29</sup>—but neither was designed for the digital reproduction of cultural expression. International law is similarly incomplete, and the governance innovations that do exist, such as Traditional Knowledge Labels, are largely extra-legal. India, home to an immense living intangible heritage, has no equivalent mechanism to ensure that its communities consent to, and share in, the virtualisation of their own traditions.

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<sup>27</sup> 'NFT Group Shamed for Thinking It Bought Jodorowsky's *Dune* Rights' (The Art Newspaper, 17 January 2022) <<https://www.theartnewspaper.com/2022/01/17/nft-group-shamed-jodorowsky-dune-book-copyright>> accessed 12 August 2026.

<sup>28</sup> Copyright Act 1957, s 57.

<sup>29</sup> Geographical Indications of Goods (Registration and Protection) Act 1999; Biological Diversity Act 2002.

## **9.5 The Platform, Data and Authenticity Gap**

Virtual heritage lives on platforms, which Indian law regulates only obliquely. The Information Technology Act, 2000 and the 2021 intermediary rules impose due-diligence and takedown duties framed around unlawful content, not around cultural misappropriation, desecration or the circulation of manipulated heritage imagery;<sup>30</sup> a deep-faked deity or a fabricated "scan" of a shrine fits awkwardly, if at all, within that scheme. The Digital Personal Data Protection Act, 2023, now entering force in stages, will govern the personal data that immersive platforms inevitably collect—visitor identities, biometrics in extended-reality settings, contributors to crowd-sourced archives—but it speaks to personal data, not to the integrity or provenance of heritage data itself.<sup>31</sup> There is, in consequence, no legal standard of authenticity for a digital surrogate: nothing distinguishes an accurate survey model from an embellished reconstruction, and nothing requires provenance metadata to travel with a heritage file. In a domain where a reconstructed arch and a video-game cathedral can be mistaken for measured records, the absence of an authenticity framework is not a technicality but a threat to the evidentiary and cultural value of the record.

## **9.6 Institutional Fragmentation and the Jurisdiction Problem**

These gaps are compounded by fragmentation. Responsibility for heritage is dispersed across the Archaeological Survey of India, the Ministry of Culture and its museums, the Sangeet Natak Akademi for intangible heritage, the Ministry of Education for the National Digital Library, and the Ministry of Electronics and Information Technology for data and platforms—no one of which owns the virtual-heritage question. The constitutional division of monuments among Union, State and Concurrent lists deepens the confusion when heritage is delocalised onto national and foreign servers. Jurisdiction is the final difficulty: heritage law is territorial, the metaverse is not. When an Indian monument is scanned, hosted on a foreign platform and

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<sup>30</sup> Information Technology Act 2000, s 79; Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021.

<sup>31</sup> Digital Personal Data Protection Act 2023; Digital Personal Data Protection Rules 2025.

tokenised on a global blockchain, the conduct that Indian law might wish to govern occurs largely outside its enforcement reach. India's restrained treaty posture aggravates the problem: although it ratified the 1970 UNESCO Convention against illicit trafficking, it has not joined the 1995 UNIDROIT Convention, which alone gives private claimants a direct restitution action across borders.<sup>32</sup> The instruments of cultural sovereignty were built for objects that can be seized at a border; they falter when the object is a stream of coordinates.

## **10. Suggestions and Recommendations**

**Name the object.** A statutory definition of "digital cultural heritage"—covering surrogates of protected monuments and antiquities, recorded intangible heritage, and public collections—should be introduced, whether by amending the 1958 and 1972 Acts or, preferably, through a dedicated National Digital Cultural Heritage framework. Definition is the precondition for custody: the same instrument should designate a custodian and empower it to set standards for the creation, preservation and dissemination of heritage data.

**Enact a public-domain safeguard.** A provision modelled on Article 14 of the European Directive, and consistent with *Eastern Book Company v DB Modak*, should declare that a faithful reproduction of a public-domain cultural object attracts no new copyright or related right.<sup>33</sup> This would forestall the enclosure paradox at its root, protecting open access to the cultural commons while leaving genuinely creative curation and original photography protectable.

**Create a sui generis regime for traditional cultural expressions.** Built on free, prior and informed consent and on benefit-sharing, such a regime could draw on the access-and-benefit-sharing model already operating under the Biological Diversity Act, 2002 and on Traditional

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<sup>32</sup> Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (adopted 14 November 1970, entered into force 24 April 1972) 823 UNTS 231 (India ratified 24 January 1977); UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (adopted 24 June 1995, entered into force 1 July 1998) 2421 UNTS 457 (India is not a party).

<sup>33</sup> Directive (EU) 2019/790 (n 18) art 14; *Eastern Book Company* (n 19).

Knowledge Labels as a practical mechanism for encoding community protocols into digital objects. Consent and benefit-sharing should attach specifically to the digitisation and virtual commercialisation of living heritage.

**Standardise provenance and authenticity.** Building on the existing JATAN and National Mission on Monuments and Antiquities infrastructure, India should mandate machine-readable provenance and authenticity metadata for publicly funded heritage digitisation, and require any tokenised heritage asset to disclose the provenance and rights status of its referent. A clear distinction between "measured record" and "interpretive reconstruction" should form part of that standard.

**Recalibrate platform duties.** The forthcoming Digital India Act is an opportunity to add cultural-heritage-specific due-diligence obligations—expedited takedown of misappropriated or desecrated heritage content and of manipulated heritage imagery—to the general intermediary regime, and to align data-protection exemptions with legitimate archival and academic digitisation.

**Strengthen the international position and consolidate institutions.** India should accede to the 1995 UNIDROIT Convention and formally embrace the UNESCO Charter on the Preservation of the Digital Heritage and the 2015 documentary-heritage Recommendation as the basis for a national digital-preservation strategy, including legal deposit for born-digital heritage.<sup>34</sup> Finally, an inter-ministerial National Digital Heritage Authority, or an equivalent coordinating mandate, is required to end the current diffusion of responsibility and to give the virtual estate a single legal guardian.

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<sup>34</sup> UNESCO, Recommendation concerning the Preservation of, and Access to, Documentary Heritage Including in Digital Form (adopted 17 November 2015). See also UNIDROIT Convention (n 32) and UNESCO Charter (n 15).

## **11. Conclusion**

The journey from museum to metaverse is not merely a change of medium; it is a change in the nature of heritage itself, from a bounded material object to an unbounded informational one. Indian law has met the first half of that journey with sophistication and the second half with silence. Its heritage statutes protect the monument but not its model; its copyright law risks privatising the very public-domain heritage it should keep open; its intangible-heritage commitments stop at the point where tradition becomes a data stream; and its institutions, competent over stone, have no clear writ over code. The result is the twofold dislocation with which this paper began—heritage that is under-protected as heritage and over-appropriated as property.

None of this counsels retreat from digitisation, which is among the most powerful tools ever available for preserving and democratising culture. It counsels, instead, that digitisation be matched by design. A regime that names virtual cultural heritage, keeps the reproduced commons open, secures community consent, guarantees authenticity, disciplines platforms and speaks with one institutional voice would allow India to embrace the metaverse without surrendering the heritage it seeks to display there. The task is not to choose between the museum and the metaverse, but to ensure that the law follows heritage into its new home.

## **Bibliography**

### **Primary Sources**

#### ***Cases***

1. *Bridgeman Art Library Ltd v Corel Corp* 36 F Supp 2d 191 (SDNY 1999)
2. *Eastern Book Company v DB Modak* (2008) 1 SCC 1
3. *MC Mehta v Union of India* (1997) 2 SCC 353
4. *Rajeev Suri v Union of India* 2021 SCC OnLine SC 7

***Legislation and Subordinate Instruments (India)***

1. Ancient Monuments Preservation Act 1904
2. Ancient Monuments and Archaeological Sites and Remains Act 1958
3. Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act 2010
4. Antiquities and Art Treasures Act 1972
5. Biological Diversity Act 2002
6. Constitution of India 1950
7. Copyright Act 1957
8. Digital Personal Data Protection Act 2023
9. Digital Personal Data Protection Rules 2025
10. Geographical Indications of Goods (Registration and Protection) Act 1999
11. Information Technology Act 2000
12. Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021

***Foreign and Regional Legislation***

1. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market [2019] OJ L130/92

***International Instruments***

1. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (adopted 14 November 1970, entered into force 24 April 1972) 823 UNTS 231
2. Convention Concerning the Protection of the World Cultural and Natural Heritage (adopted 16 November 1972, entered into force 17 December 1975) 1037 UNTS 151

3. Convention for the Safeguarding of the Intangible Cultural Heritage (adopted 17 October 2003, entered into force 20 April 2006) 2368 UNTS 3
4. Council of Europe Framework Convention on the Value of Cultural Heritage for Society (Faro, opened for signature 27 October 2005, entered into force 1 June 2011) CETS No 199
5. UNESCO, Charter on the Preservation of the Digital Heritage (adopted 15 October 2003)
6. UNESCO, Recommendation concerning the Preservation of, and Access to, Documentary Heritage Including in Digital Form (adopted 17 November 2015)
7. UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (adopted 24 June 1995, entered into force 1 July 1998) 2421 UNTS 457
8. WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (adopted 24 May 2024, not yet in force)

## **Secondary Sources**

1. '610 Stolen Antiques Were Recovered Between 2020-24, Highest From USA, Modi Govt Tells Parliament' (The Print, 21 July 2025) <<https://theprint.in/india/610-stolen-antiques-were-recovered-between-2020-24-highest-from-usa-modi-govt-tells-parliament/2697232/>> accessed 12 August 2026
2. Historic Environment Scotland, 'Rani ki Vav, India — The Scottish Ten' (Engine Shed) <<https://www.engineshed.scot/about-us/the-scottish-ten/sites/rani-ki-vav-india/>> accessed 12 August 2026
3. Ministry of Culture (Government of India), 'Museums of India: National Portal and Digital Repository' <<https://museumsofindia.gov.in>> accessed 12 August 2026
4. 'Mukurtu CMS' <<https://mukurtu.org/about/>> accessed 12 August 2026



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5. National Museum, New Delhi, 'Collections' (Google Arts & Culture)  
<<https://artsandculture.google.com/partner/national-museum-delhi>> accessed 12 August 2026
6. 'NFT Group Shamed for Thinking It Bought Jodorowsky's Dune Rights' (The Art Newspaper, 17 January 2022) <<https://www.theartnewspaper.com/2022/01/17/nft-group-shamed-jodorowsky-dune-book-copyright>> accessed 12 August 2026
7. 'Palmyra's Arch of Triumph Recreated in London' (Phys.org, 19 April 2016)  
<<https://phys.org/news/2016-04-syria-palmyra-arch-recreated-london.html>> accessed 12 August 2026
8. WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, 'The Protection of Traditional Cultural Expressions: Draft Articles' (WIPO)  
<[https://www.wipo.int/en/web/igc/draft\\_provisions](https://www.wipo.int/en/web/igc/draft_provisions)> accessed 12 August 2026