



Copyright Infringement On Social Media And Messaging Apps In India

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We are living in the digital era, where not only information but other products like newspapers, books, and films are easily available at our fingertips. The COVID-19 epidemic had a significant impact on the expansion of the internet. Internet adoption and usage increased quickly as a result of lockdowns and social isolation measures brought on by the COVID-19 pandemic. According to the Global Internet Phenomena Report, Internet traffic grew by around 40 percent between February and April 2020^[1]. Nowadays, businesses, governments, and individuals are frequently using online platforms and digital technologies for their purposes.

Internet users in India

India is the world's second-largest internet market after China, with over 900 million internet users^[2]. The increased availability and accessibility of the internet have resulted in the widespread use of social media platforms such as Facebook, Twitter, and Instagram, as well as messaging apps like WhatsApp, Telegram, and Signal. Through these platforms, people are sharing content like books, photos, videos, films, and other types of content. Unfortunately, it includes so much copyrighted content, which directly falls under copyright infringement. Unauthorised distribution, reproduction, and communication of copyrighted material jeopardise the copyright of the original content's owners.

There have been several cases of copyright infringement through social media and messaging apps in India.

Here are a few examples:

1. Music industry: The Indian music industry has been severely affected by piracy and copyright infringement through social media and messaging apps. Users or hackers are obtaining content from digital platforms and sharing them directly or via links on encrypted messaging apps like Telegram and WhatsApp etc. According to [Markscan^{\[3\]}](#), a company that works with the entertainment industry to fight piracy, during the pandemic pirated content on Telegram jumped 1092% or about 11 times. [Irdeto Global Consumer Piracy Threat Report^{\[4\]}](#) said that the Indian media and entertainment sector loses \$2.8 billion of its annual revenue due to piracy.

2. Film industry: The Indian film industry has also been affected by copyright infringement through social media and messaging apps. Several movies leaked on messaging apps. In 2021, Radhe: Your Most Wanted Bhai', was leaked on messaging apps. According to news reports, Zee Entertainment Enterprises filed a suit alleging that Radhe is being shared on messaging services like WhatsApp and Telegram. Uda Punjab, Paa, Manjhi, Mohalla Assi, Panch, Babumoshai Bندوقbaaz, Great Grand Masti, Toilet: Ek Prem Katha, there is a long list of films that leaked online just before or after its release.

3. Publishing and News industry: Several ebooks and other subscription-based publications often shared through social media and messaging apps. In 2021, Bennett, Coleman and Company Ltd (BCCL) filed a complaint against WhatsApp and Telegram for sharing copyrighted articles from its publications, including The Times of India and The Economic Times and Nav Bharat Times^[5]. In its plea, BCCL contended that e-papers of its publications are being shared on various WhatsApp groups and Telegram channels, which comes under the infringement of its copyright. India Today group and other publications filed the same complaints against messaging apps for violation of their copyrights^[6].

The rapid growth of internet usage made copyright protection in India challenging. Social media and messaging apps became the primary sources for sharing and distributing copyrighted content without proper authorisation.

Legal framework of copyright protection in India

The legal framework for copyright protection in India is primarily governed by the Copyright Act, 1957, which was amended in 2012. Section 13 of the Copyright Act 1957 defines the copyright as the exclusive right given to the owner of literary, artistic, musical, and other creative works to use, reproduce, publish, or perform the work, or to authorise others to do the same. The act provides protection to both published and unpublished works and covers a wide range of works like books, music, films, computer software, and creative content. This act provides for both civil and criminal remedies for infringement of copyright.

In addition to the Copyright Act, 1957, India is also a signatory to several international copyright treaties and agreements, like the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

The Information Technology (IT) Act, 2000 is another legal tool that provides copyright protection in the digital field. The IT Act was amended in 2008 to include provisions related to digital copyrights in the online environment. Section 65 of the IT Act provides for punishment for tampering with digital rights management information. Section 66 of the act provides for punishment for violations of copyright and other intellectual property rights through the use of a computer system. The penalties for such violations include imprisonment and fines.

India has also ratified the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, which are international treaties aimed at providing protection to copyrighted works in the digital environment.

Conclusion

Despite copyright laws, widespread copyright infringement on online platforms affects the income of the original content creators in India, as the creative industry relies on revenues from subscriptions. But copyright infringement on social media and messaging apps is a widespread problem that affects various sectors of the economy.

The main challenge is locating and removing illegal content because these messages are encrypted. Also, social media platforms and messaging apps have millions of users, and it is challenging to monitor all content shared on these platforms, especially messaging apps.

Lack of awareness among users regarding copyright laws and the consequences of copyright infringement is another challenge. Many users did not realise that they are violating copyright when they share content on social media or messaging apps.

So, copyright infringement through social media and messaging apps is a complex issue. A multilateral approach is required to address it. There is a need for a coordinated effort between copyright owners, social media platforms, messaging apps, and government agencies to combat copyright infringement effectively. Copyright owners can employ various technological solutions to detect infringing content, while social media platforms and messaging apps can invest in stronger content moderation and reporting mechanisms. Government agencies can provide legal support and take appropriate action against infringers. Educating users about copyright laws and the importance of respecting copyright owners' rights is crucial to reducing copyright infringement.

With these kinds of concerted efforts, it is possible to protect copyright owners' rights and ensure that they receive fair compensation for their creative works.

References

- 1)<https://www.sandvine.com/press-releases/sandvine-releases-covid-19-global-internet-phenomena-report>
- 2)<https://www.statista.com/topics/2157/internet-usage-in-india/#topicOverview>
- 3)<https://markscan.co.in/a-napster-moment-for-online-video-and-music-platforms-in-india-as-piracy-soars-in-lockdown/>
- 4)<https://indianexpress.com/article/cities/mumbai/cyber-cell-tracking-source-of-sites-that-uploaded-pirated-version-of-new-salman-khan-starrer-radhe-police-7317796/>
- 5)<https://timesofindia.indiatimes.com/india/stop-sharing-toi-e-paper-delhi-hc-tells-wa-telegram/articleshow/82896792.cms>
- 6)<https://indianexpress.com/article/cities/delhi/india-today-copyright-case-telegram-reveals-identity-users-delhi-hc-information-police-8308196/>

