



Copyright And Social Media: Examining Infringement And User Rights In Video Content In India.

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Abstract:

The complexion of tasks in the face of copyright protection and users' rights has totally changed when it comes to how content is created, shared and consumed today using social media. The opportunities for this kind of interaction at the intersection between social media platforms and copyright laws are many including issues such as infringement and the balance between copyright enforcement and user rights. This results in Copyright infringements occur massively due to its existence as described above where information spreads like a bush fire. Works are reproduced, distributed, and publicly exhibited without proper authorization. The issue has compelled the copyright holders to pursue legal action, but mechanisms of rights enforcement in the digital age are faced with challenges like jurisdictional complexities and the overwhelming volume of infringing material. It seeks to deliberate on the main legal frameworks that control copyright on social media incorporating the Copyright Act and Information Technology Act of India and the Digital Millennium Copyright Act of the United States and strike a good balance between the two goals of protecting creators' rights and letting users engage with content on social media in ways that are socially acceptable. It is finally expected to get some enlightenment with regard to rules of fair use, regulation, and the enhanced cooperation between content providers and right holders. The paper will consist of an exhaustive examination of the present problems and possible solutions from the perspective of copyright rights with the constant change of social media, using case studies and legal precedents. It not only contributes to the discussion on copyright laws in the digital sphere but also demonstrates how legal frameworks can be adapted to cover the continuous use of digital technology.

Keywords: social media, copyright, infringement, fair use.

Introduction:

The proliferation of short-form video platforms including but not limited to TikTok, Instagram Reels, YouTube Shorts, and Facebook Reels has revolutionized the way content is produced, consumed, and shared around the world. These services channel the success of earlier pioneers such as Vine and Musical.ly, where users could create and share videos across a wide range of topics in entertainment, education, and social commentary. Internet penetration in India is expanding rapidly, and short videos have emerged as a powerful medium of expression where millions of users can engage with an incredible diversity of content. Among those core challenges is the fact that copyrighted material is heavily used within user-generated videos. From music clips to film snippets, creators often embed their works with existing content-available as a tribute, to parody, or to join a viral trend. Such practices help make social media vibrant and collaborative in nature but tend to blur the line between fair use and copyright infringement. Not very clearly explaining short-form video content in the laws of the Indian Copyright Act, 1957, these provide intellectual property rights with legal protection and have users stuck between copyright claims and their rights to creative expression, therefore seeking answers about the efficacy of existing laws and policies pertaining to platforms to resolve such conflicts. Moreover, platforms are guilty of profiting from users' copyrighted content with the rights holders deriving little value. Instead, this pawns copyright owners against users, who fear posting content because of infringement allegations. To make things worse, copyright laws are unevenly enforced; sites often proactively take down works as a precaution against liability and in the process, end up removing legitimate creative work. The relationship of copyright law and social media, especially in the context of India and its short video content, will be explored. Challenges of enforcement from a copyright perspective, a balance between intellectual property protection and user rights, and some suggestions such as Creative Commons licensing with respect to a more equitable digital environment are all expected to be discussed in the paper.

Background :

Social media, in itself, is a meteoric rise and has single-handedly changed the dynamics of creating, distribution, and consumption of content. Facebook, Instagram, and YouTube have empowered billions to post videos at an unprecedented scale, truly connecting and creating a global digital community. As internet penetration accelerates here in India, video is emerging as the top medium through which Indians express themselves, entertain themselves, and learn. From short clips to long-form content, millions of users log on daily to these digital platforms to share their stories or get noticed with their business ventures or just reach a more comprehensive audience. However, this proliferation in user-generated content brings its own problem copyright disputes are now more common than ever. Artists, filmmakers, and rights holders often struggle to protect their intellectual property in this vast digital ecosystem. Copyright infringement of inappropriate material has become rife, irrespective of whether it is due to either intentional or accidental actions, and that requires strict enforcement. Indian copyright law is based on the Copyright Act of 1957 and provides a legal framework for such problems. However, provisions made for the pre-digital period are often not up to the task in the realities of social media. It is demanding on such sites that are vivid and swift with regard to content sharing to be compliant and responsible. Users normally stand accused of violating copyrights only once. While some are blatant violations, others fall into a gray area which states permissibility, such as the fair use doctrine that allows certain limited uses of copyrighted works without permission. This is broadly for purposes of criticism, commentary or parody. However, what is fair use often gets muddled, raising debates between authors of content and owners of rights. Often, social media works as an intermediary and acts proactively, smothering or restricting access to materials to avoid legal problems, often at the expense of legitimate artistic expression. This tension between the implementation of copyright law and protection over the rights of users with respect to creativity and freedom of speech reveals a serious weakness in the armour. On one hand, though the legal and policy frameworks have been established, arbitrary handling, often obscure, with regards

to video content infringement brings about the need for more matured and sophisticated action on this front. There has to be an effective balance that exists between intellectual property rights of creators and the freedom in the creative expression of the growing digital landscape in India.

Literature review:

1. Enforcing Copyright on Online Streaming Platforms: Challenges Faced by Rights Holders in the Digital Era, by Zeeshan Rahman:

This has brought about a really fast change in the mode of consumption of media. Almost all sorts of material are brought within the reach of audiences, and content creators have become democratized. Still, online streaming platforms significantly challenge the intellectual property rights of such content creators. Some of the important issues with copyright enforcement in these platforms include unlawful use, piracy, and inefficiencies in the takedown process. These issues are often escalated because of the anonymous nature of such platforms, consistency in policies, and the grey area around the principle of fair use. The solutions to these issues call for cooperation from the platform, creators, and other stakeholders towards industry-wide standards and best practices. Technological innovation, especially in AI and machine learning, would be able to enhance content recognition and improve the process for takedowns. Campaigns about education are also a crucial factor to increase awareness over copyright laws and fair use. Through investment in advanced tools and fostering transparency, the industry can create sustainable, protected digital ecosystems that maintain the rights of creators while audiences enjoy diverse content responsibly and ethically.

2. The Creative Commons Solution: Protecting Copyright in Short-Form Videos on Social Media Platforms, INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES [ISSN 2581-5369]

For short-form video producers on social media, Creative Commons licenses provide a versatile answer to copyright issues. By giving authors the ability to define the uses of their creations, these licenses promote cooperation, knowledge exchange, and creativity. Platforms should simplify their application, guarantee compliance, and give clear information on license types for successful implementation. Creative Commons adoption should continue to be optional, with both monetary and non-monetary rewards to encourage involvement. By using these strategies, platforms may promote a fair and inclusive creative environment, giving content producers the ability to share their work while keeping control over how it is used.

3. Blockchain for Secure Adaptive Video Streaming: Addressing Copyright Protection and Anti-Piracy Challenges Koffka Khan

This holds much promise in terms of media security and copyright protection with the integration of blockchain technology and adaptive video streaming. However, much needs to be done and implemented practically. This would include the resolution of some scalability concerns to allow more widespread adoption without performance glitches. Off-chain scaling and better consensus mechanisms can improve transaction throughput and even real-time content delivery. Blockchain networks need better energy efficiency. Alternative mechanisms of consensus like proof of stake or proof of authority are therefore essential to the process of minimizing the environmental implications and bringing blockchain technology closer to sustainability objectives. Legislation and regulations also must be improved. For instance, there is a need for standardized guidelines regarding smart contracts, decentralized identities, and blockchain-based copyright systems since these are essential in the enforcement of intellectual property laws. Such collaborations can be brought together by legal experts, policymakers, and industry stakeholders. Another important variable is user adoption. For the adoption of blockchain for content authentication, trust building and user friendliness is of prime importance through education and interfaces. Continuous collaboration between industry, academia, and technology developers is critical. Partnerships and pilot projects can be used as a basis to evaluate the feasibility

and effectiveness of blockchain solutions. A holistic approach to technical, environmental, legal, and user-centric challenges will unlock blockchain's potential in adaptive video streaming, ensuring security, transparency, and equitable access in the digital media era.

4. Legal Protection Against Song Covers in Snack Video Applications Judging from Law Number 28 of 2014 concerning Copyrights by Muhammad Lukman Alghofiki, Hardian Iskandar, Dodi Jaya Wardana.

Based on research results and discussion of the legal protection of the song covers within Snack Video application using Law Number 28 of 2014, we can conclude that The form of violation of the Snack Video application of the cover of the song is double in form as a multiplication of the number of songs covered within a video content. This violates on behalf of the uploader intentionally to make the video on the album cover reachable by the people for the uploader's benefit. The Related Rights Holder is not given permission nor royalties by the Uploader. Types of Legal Protection for Song Covers in the Snack Video Application, namely Preventive Legal Protection and Repressive Legal Protection. Preventive legal protection, namely on procedures on the registration of works and related rights products. Such protection can be employed to prevent disputes before they occur. Registration application is filed, in writing, in Indonesian to the Minister of Law and Human Rights. Other than that, protection acquisition does not necessarily require recording of the creation but this recording will make it easier for the Creator to prove that the creation is his creation. Repressive legal protection is arbitration or commercial courts method of resolving the dispute. There are two forms of such a protection namely civil suits and/or criminal charges.

5. The Public as Creator and Infringer: Copyright Law Applied to the Creators of User-Generated Video Content by David E. Ashley

The major technological and market evolutions, dating from the time the DMCA was enacted back in 1998, have revealed flaws within the Safe Harbor Provisions, especially in its Takedown Notice Procedure. This system often leads to the inappropriate deletion of User-Generated Video Content because of misidentified copyright infringement neglecting fair use provisions. To remedy this, the DMCA should be amended in incorporating fair use in the review process more explicitly in connection with the takedown notices. Although it would increase the cost of monitoring and burden a portion from the Copyright Holders to Online Service Providers, it ensures better public representation. This solution would balance the interests of Copyright Holders, OSPs, and Users because Copyright Holders would be forced to consider fair use when filing notices of takedown. On the other hand, OSPs would be given greater responsibility to review claims under this solution, while Users would have fewer procedures to follow in order to assert rights. In doing so, it would provide more protection of the public interest and how the copyright law meets its objectives for the digital age.

Research problem :

The rise of copyright infringement in video content on social media platforms in India has highlighted the lack of clarity in user rights and fair use provisions under Indian copyright law. This has led to inconsistent enforcement and confusion. This research aims to examine the challenges in the current legal framework and propose recommendations for balancing copyright holders' rights with the freedom of expression and creativity of social media users.

Research objective:

- To analyze the effectiveness of Indian copyright laws in addressing video content infringement on social media.
- To examine the responsibilities and liabilities of social media platforms under Indian law.
- To identify gaps in the current legal framework and suggest practical recommendations for reform.

Research methodology:

The paper will employ a doctrinal research approach, analyzing statutes, case laws, and legal commentaries.

Research questions:

- How does Indian copyright law apply to videos shared on social media platforms?
- What are the potential gaps in the Indian legal system regarding copyright and social media?
- What mechanisms are in place for users and creators to claim their rights against misuse or false copyright claims?
- What legal reforms could improve the balance between copyright enforcement and user rights in India?

Findings:

1. How does Indian copyright law apply to videos shared on social media platforms?

Indian copyright acts, more particularly the Copyright Act, 1957, are liable to be applied on videos shared over social media in several ways. When a user uploads a video on Facebook, Instagram, or YouTube, they retain all the copyrights associated with the same unless they have transferred those rights to another party. However, in using these services, they usually grant the service a license to use and share that content, which creates a degree of confusion concerning who owns the copyrights and the rights.

Fair Use and Fair Dealing: The other very important principle in Indian copyright law is fair use, which allows for a limited use of copyrighted works without the consent of the copyright owner. The activities specifically listed in Section 52 of the Copyright Act of 1957 as falling under the umbrella of fair use are research, criticism, journalism, and even educational purposes¹. These exceptions are not clearly defined; hence, social media is not referred to with special reference to the extent to which content from the information owned by one may be shared and repurposed by many users without permission. On social networking sites, people can share videos, images, and other forms of information; however, they must comply with copyright. Distribution of someone else's material without permission may be considered copyright violation unless it satisfies the fair use provisions. For example, using short portions from a copyrighted film for teaching and criticism purposes would be qualified under the doctrine of fair use. However, this depends on several factors that involve the purpose, nature, amount of material used, and the effect of such use on the original work.

Social Media Sites and Copyright: Sites like Facebook, Instagram, Twitter, and YouTube have unique terms of service that the user agrees to once they share content. Many of these sites have terms that allow them to use the content uploaded by the users. However, this does not mean that anyone is allowed to use that content without limits. Third parties are not allowed to use or redistribute videos, photos, or music from social media unless they are granted permission from the creator of that piece of content, unless it is fair use. Despite this, copyright infringement on social media is common. Users upload so many pieces of content without permission and often do not realize that they are violating copyright law. The creator is given credit, but it is still a violation of copyright for the user. These social media platforms are safeguarded by the safe harbour rules of the Digital Millennium Copyright

¹ COPYRIGHT VIOLATION IN SOCIAL MEDIA CULTURE – A LEGAL STUDY IN INDIAN SCENARIO Susmita Dhar & Anshu Kumari Singh

Act (DMCA) and are not held liable for the content uploaded by users. However, they do remove infringing material once they receive notice from the copyright owner.

Content creators under legal safeguards: The Indian government amended the Copyright Rules in the year 2021 to address copyright infringement cases on social media platforms more effectively. These changes underscore the growing concern over the misuse of social media in violating copyright. Social media today is called upon to react faster on infringement claims and ensure the protection of rights of content creators. According to Copyright Act 1957, the creators have a right to file a lawsuit for infringement by anyone or any party using their work without permission. They can seek redress in terms of damages, fines, or even criminal remedies. However, copyright still presents a challenge in the digital environment because there is swift and widespread information dissemination on social media.

2. What are the potential gaps in the Indian legal system regarding copyright and social media?

A few potential shortcomings of Indian legal systems dealing with copyright issues pertaining to social media could be pertinent: it suffers from lacunas which arise as an after-effect of the rapid proliferation of online platforms, the complexity of user-generated content, and the dynamic nature of copyright law. Problems in Copyright Enforcement Social media platforms make available vast amounts of content generated by users, creating strong challenges for copyright owners to ensure control and protect their respective rights. Since the ability to upload, share, and transfer such material on other countless platforms is so rapid that any infringement activity cannot be monitored, this means that the existing manner of copyright enforcement lacks any ability to deal with the volume involved in digital distribution.²

Jurisdictional Issues: The biggest drawback in the Indian Copyright Act pertaining to social networking is the jurisdiction issue. Social networking caters worldwide, creating a problem for enforcing protection over intellectual property rights. Posts can be put up in one country and spread throughout the world thereby forcing the Indian government to claim jurisdiction over matters where they are not well accommodated, which in the given cases most of the time demonstrates differences in international treatment regarding the infringement of copyright.

Fair Use Uncertainty: Always present in each and every case of copyright violation on social media is the word "fair use," whose meaning continues to befuddle Indian law. Section 52 of the Copyright Act mentions "fair dealing," but it still does not clarify in clear terms how that applies within social media jurisdictions. This ambivalence complicates the capacity of creators to protect their works and makes it difficult for users to recognize where the acceptable limits of fair use exist. Social media often allow a user to make use of the copyright material under the doctrine of fair use, but this can be very easily misapplied, leading to the improper use of protected works.

Unsuitable legal framework: Internet platforms Lack Indian Copyright Act, 1957 was drafted when social media did not exist. Its provisions are incongruent enough to face the complexities of digital copyright issues. The Act gives certain protections to online content but does not specifically contain provisions appropriate to the age of digital where one will have to encounter the role of the platforms in the self-regulatory mechanisms of content moderation and help copyright holders protect their works on the internet.

² Blockchain for Secure Adaptive Video Streaming: Addressing Copyright Protection and Anti-Piracy Challenges Koffka Khan1

3. What mechanisms are in place for users and creators to claim their rights against misuse or false copyright claims?

Notifying Removals of the Identifying Content: There exist several video sharing sites which offer a Content ID system that scans all uploaded content on their site and automatically identifies any copyrighted work or will identify that features in videos. If content is reported, the host service can delete the video, impose a strike to the user, or monetize the content for the copyright holder. Users who feel that their own content has been incorrectly claimed can challenge such removal notices by filing a counter-notification.

Process for Counter Notification: This process allows the filing of a takedown notice to be contested by the uploader who believes that the copyright was misapplied or the material is exempt by reason of fair use or some other limitation.³ For example, where a video has been flagged to contain a song, the owner might argue that the use is commercial or has some transformative character such as in a review or satire. If the asserted claim is found to be false, the service will restore the video.

Reporting Wrong Claims and Fraud: The platforms have instituted ways of handling false claims. For instance, YouTube offers a Dispute feature that enables anyone to dispute decisions made by the automated systems or other users when the content is removed. If the claim was filed in bad faith or constitutes a fraudulent notice of copyright, the platform may sanction the filer, and these sanctions may include suspension of the account and other legal ramifications. Such sanctions ensure that the intent of any harmful activities should not be carried out within the system.

Learning and Awareness: Creators and users have to know their rights and how to use them with the help of resources. Usually, most platforms provide guidelines and resources to aid users in understanding copyright laws, fair-use circumstances, and mechanisms for resolving disputes.

4. What legal reforms could improve the balance between copyright enforcement and user rights in India?

Indian legal changes may be necessary to harmonize the rights of copyright enforcement and user rights, especially in issues that pertain to social media and video content. Many reforms may help address the changing concerns in the intellectual property area while ensuring that the rights of the users are protected.

Definition of Fair Use and User Rights: Among the most important areas that must be reformed is the definition of fair use and its extent. The current practice is ambiguous and the application most often benefits copyright owners more than users. Social media users and social media platforms generally rely on fair use, especially where a work is shared or re-shared to comment on, parody, criticize, or for other transformational purposes. Far less ambiguous, user-focused practices will actually provide better protection for the users involved who so actively engage within permitted limits with copyrighted works. This would clearly define exactly under what conditions user-generated content comes under fair use and does not, therefore, violate copyrights. The Notice-and-Takedown mechanism as deployed in the United States under the DMCA has been partly adopted in India. However, this mechanism still fails and is largely misused. Its alteration would give transparency and also protect the creators from getting groundless notices, thereby becoming beneficial for both copyright owners and consumers. More robust mechanisms to check the misuse of this process should be put in place, in particular, wrongful removals without adequate verification. The Indian framework on resolving online copyright disputes is often cumbersome and slow. With the rising proliferation of social networking sites, users and content creators face grave delays in redressing their grievances as well. A specialized online

³https://www.newmediarights.org/business_models/artist/what_are_penalties_false_copyright_infringement_claims

mechanism for resolving the copyright dispute may soften the process, making the negotiation process easier for both copyright holders and users.

Increasing Awareness and Education: A good policy change measure is also to invest in user education. Most users are not even aware of the dangers of copyright infringement when sharing content over social media sites. Public outreach activities and educational events can help users understand copyright laws, rights, and the consequences of violating these rights. Such efforts will also reduce the instances of accidental intellectual property violations.

Reccomendations :

To address the challenges of copyright infringement and safeguard user rights in video content on social media in India, it is essential to update the **Copyright Act, 1957** and related laws to reflect the digital age.

- A clear and detailed definition of fair use should be introduced, specifically accommodating transformative works such as parodies, reactions, and critiques.
- Intermediary liability provisions under the **IT Act, 2000** must be enhanced to hold platforms accountable while ensuring they act transparently and without bias in takedown processes.
- Introducing fast-track mechanisms for copyright dispute resolution can curb the misuse of takedown notices, while penalties for false claims should be strengthened to deter abuse.
- Encouraging blanket licensing agreements between rights holders and platforms can simplify content-sharing while ensuring fair compensation.
- Algorithms used for flagging or removing content should be audited and transparent to prevent unjustified censorship, thus fostering a balanced ecosystem that respects both creators' rights and user freedoms.

Conclusion:

Copyright infringement is a serious issue of the digital age because platforms like Vine and Musical.ly are truly important in that they enable videos to be created and shared over topics of interest. However, existing rights-enforcing mechanisms have proven to be ill-equipped in dealing with jurisdictional issues as well as the sheer volume of infringing content. Copyright law regarding social media, especially with regards to the country of India is discussed, and the Copyright Act of 1957 serves as the legal framework on which these issues operate. It is against this backdrop that users' rights, especially creativity and freedom of expression, clash with a fast-paced media transition. Copyright issues regarding this network are infringement, piracy, and ineffectiveness of the takedown process. Creative Commons licenses offer a flexible choice for the creators of short-form social media videos by promoting cooperation, information dissemination, and innovation. The apparent increase in copyright violations in video content on social media platforms in India has highlighted the ambiguity that has surrounded user rights and fair use regulations in Indian copyright law. This has led to unequal implementation and a high degree of ambiguity. Indian copyright law, at least as enacted in the Copyright Act of 1957, could be interpreted in relation to social media videos in several ways. Fair use and fair dealing are crucial concepts, but the current approach to copyright enforcement is insufficient to the task of managing the scale of digital distribution. Jurisdictional issues are an issue as there is no indication at all from the Indian Copyright Act regarding the application of "fair dealing" to the jurisdictions of social media. Some ways India could handle these issues include legal reforms, for example, rewriting what comprises fair use and rights of the user, increasing awareness and education, and setting up effective systems for making complaints over copyright infringement on social media networks.

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