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NAVIGATING COPYRIGHT INFRINGEMENT REGULATION IN SOCIAL MEDIA

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ABSTRACT

Social media's explosive expansion has changed how people produce, distribute, and consume material, posing difficult copyright regulation questions. The effects of copyright laws on social media platforms are examined in this essay, with particular attention paid to how they affect user-generated content, freedom of speech, and striking a balance between creator rights and public access. The study looks at current copyright regimes and how they are enforced on social media sites like Facebook, Instagram, and Twitter. It also analyzes the effects of these laws on users, platform managers, and content producers. Strict copyright enforcement in digital domains has both beneficial and bad effects, according to research using a mixed-methods approach that includes case studies and legal analysis. The results show that although copyright laws are crucial for safeguarding the intellectual property of creators, its application on social media frequently inhibits artistic expression, restricts access to information, and disproportionately impacts smaller creators. In order to promote a more equitable digital ecosystem, the study explores prospective legislative changes and alternate regulatory approaches. In the end, it suggests a well-rounded framework that encourages both innovation and the preservation of original works in social media settings.

KEYWORDS:

Creative freedom, fair use, content ID system, safe harbour, content regulation, influencers.

INTRODUCTION

By guaranteeing that artists may profit financially from their intellectual property, copyright laws serve to safeguard original works of art and promote innovation and creativity. Fundamentally, copyright law grants authors the only authority to reproduce, distribute, perform, and generate derivative works of their creations. These limited-time rights provide artists the authority and acknowledgment they need to support a flourishing creative economy. In order to ensure that society benefits from an accessible corpus of creative works while

upholding the rights of artists, copyright's fundamental objective is to strike a balance between these rights and the public interest. As technology has advanced over time, copyright law has also changed to accommodate new media and distribution channels. The introduction of the internet fundamentally changed the landscape by making it possible for audiences all over the world to access and share creative works in previously unheard-of ways.

Because social media sites rely heavily on user-generated content (UGC), they are particularly impacted by copyright regulations. People may produce, share, and remix material on platforms like Facebook, Instagram, TikTok, and YouTube. However, because users may purposefully or unintentionally utilize copyrighted content in their posts—from well-known songs and films to artwork and literature—copyright problems frequently result from this freedom to share. Social media companies must strike a balance between user freedom and their legal duties to copyright holders since copyright enforcement is particularly challenging on these platforms due to the accessibility of sharing and reposting content.

CURRENT COPYRIGHT LAW AND SOCIAL MEDIA PLATFORM

In order to handle the particular difficulties posed by the digital environment, especially on social media platforms, copyright rules have undergone substantial change. Global copyright policies have been affected by important laws like the European Union's Copyright Directive and the United States' Digital Millennium Copyright Act (DMCA), which address the reality of online content sharing while still setting foundations for creative protection. The Copyright Act of 1957 is the main law governing copyright in India. It has been modified to take into consideration digital settings, with significant revisions made in 1994, 1999, and 2012. In addition to offering guidance for digital service providers and social media platforms, India's copyright laws seek to strike a balance between the rights of authors and public access¹.

The exclusive right to reproduce, distribute, and develop derivative works from one's own creativity is granted by copyright under Indian law. The Copyright Act also offers exceptions for specific purposes, such as criticism, review, reporting, and education, and safeguards fair dealing, which is India's equivalent of fair use. But compared to the fair use laws in the United

¹ Shankar, Ravi, and Tabrez Ahmad. "Information Technology Laws: Mapping the Evolution and Impact of Social Media Regulation in India." *DESIDOC Journal of Library & Information Technology* 41.4 (2021).

States, India's fair dealing exceptions are more constrained, which makes copyright enforcement on social media more rigorous. For example, if the work does not come under a specified exemption, it may be more difficult to justify remixing or reinterpreting copyrighted works under Indian law than under U.S. law.

To meet these legal obligations, Indian social media companies like YouTube, Instagram, and TikTok have put their own copyright rules into place. For instance, YouTube's video ID system enables copyright holders to control their intellectual property by detecting user-uploaded video that violates their rights and choosing whether to track, monetize, or ban it. Because Instagram and Tik Tok rely so heavily on the sharing of multimedia information, they also use automated detection systems to look for copyrighted content, especially music and video. These automatic methods of copyright enforcement are supported by Indian legislation since platforms are urged to take down illegal content as soon as possible to avoid legal repercussions. This is in line with Section 79 of the Indian Information Technology (IT) Act, which grants intermediaries "safe harbor" protections provided they take prompt action to limit access to or remove illegal information after being notified.

Even while these platforms have copyright rules in place to adhere to Indian law, enforcement may differ depending on the location, which presents particular difficulties for platforms with international operations. For example, the DMCA in the United States demands a "notice-and-takedown" procedure without necessarily needing automated filters, but the European Union's Copyright Directive, namely Article 17, requires platforms to install "effective" content-filtering methods. On the other hand, proactive filtering is not yet required in India, where notice-and-takedown compliance is the norm. However, as content businesses like Bollywood demand stronger protections against piracy, there is growing pressure on platforms in India to step up their copyright enforcement operations.

Due to these geographical variations, social media companies frequently use a hybrid strategy, utilizing international regulations while modifying them to meet local needs. Because of the stringent notice-and-takedown compliance procedures and the narrow definition of fair dealing, platforms in India must exercise caution while managing intellectual content. Legal repercussions and the possible loss of safe harbor protections under the IT Act may arise from noncompliance with these criteria. India's copyright regulations on social media strive to protect creators while providing reasonable exceptions through fair dealing. However, the

country's restrictive fair dealing provisions and lack of explicit requirements for content filtering pose unique challenges for social media platforms. Balancing compliance with Indian copyright law while addressing the varied expectations of international users is an ongoing challenge that requires continuous adaptation by these platforms.

IMPACT OF COPYRIGHT REGULATION ON CONTENT CREATORS

In India, copyright laws have a big impact on content producers, particularly when it comes to user-generated content (UGC), artistic expression, and social media revenue. On websites like Instagram, YouTube, and TikTok, user-generated content (UGC) is crucial (before it was prohibited in India). Popular music, movie snippets, and cultural allusions are frequently included into the work of Indian content producers, who use Bollywood, music, and popular imagery to engage viewers. However, the usage of these resources is restricted by copyright rules, which frequently result in content removals or limits. Platforms use automatic detection algorithms to delete or silence content that violates Indian copyright laws; if a creator's post is reported, this can lower their reach and engagement.

Since copyright rules in India prohibit using copyrighted content without the owner's consent, this restriction also has an impact on creative freedom and expression. Even if they are transformative works, instances when authors use popular music or Bollywood movie clips in remixes or parodies are usually taken down. Creators have few legal defenses for reinterpreting copyrighted content since India's fair dealing laws are more restrictive than the US fair use theory. Since producers may feel limited in their capacity to generate original or culturally relevant work, this constraint has the potential to stifle creative trends.²

The economic consequences for influencers, artists, and small enterprises in India are significant. Takedowns and content limitations have a direct influence on commercialization on sites such as YouTube, where revenue is typically related to viewing. Frequent copyright enforcement efforts might dissuade followers and limit brand partnerships, resulting in possible revenue losses. Copyright enforcement poses a financial risk to small companies and influencers that rely on engaging material to drive sales, emphasizing the need for more flexible

² Chowdhury, Ayan Roy. "The future of copyright in India." *Journal of Intellectual Property Law & Practice* 3, no. 2 (2008): 102-114.

copyright regulations to support India's thriving digital creative economy.

CHALLENGES AND COMPLIANCE OF SOCIAL MEDIA PLATFORM

In India, social media sites use technologies such as YouTube's Content ID, Facebook's Rights Manager, and automatic copyright filters to identify and regulate copyright-infringing content. These technologies detect copyrighted music, video, and photos in user submissions and automatically flag or remove illegal content. However, such content recognition technology has limits, particularly in terms of accuracy. False positives occur often, when non-infringing content, such as remixes, parodies, or brief snippets used for commentary, is wrongly identified. This overreach frequently affects producers, limiting their reach and lowering the quality of user contributions. In India, where fair dealing rights are weaker than in the United States, producers have little options if their material is incorrectly labeled. Enforcing copyright at scale is extremely difficult, especially on smaller platforms. Implementing sophisticated content recognition technology is costly and technically challenging, which disadvantages smaller Indian platforms with little resources. These platforms pose ethical quandaries, weighing compliance with copyright rules against the danger of over-policing user content. Overzealous policing can inhibit creativity and impede the production of culturally relevant material. As a result, platforms operating in India must negotiate these problems with care in order to preserve copyright while also building an atmosphere that promotes India's vibrant digital artist community.

USER RIGHTS AND FAIR USE IN SOCIAL MEDIA

Fair use, also known as "fair dealing" in India, is an essential legal clause that permits for the restricted use of copyrighted content without permission, often for purposes such as criticism, commentary, news reporting, and education. However, fair dealing in India is more limited than fair use in the United States, where a greater variety of "transformative" applications are protected. On social media, this distinction is important because producers regularly utilize copyrighted content in remixing, parody, and commentary, which may not necessarily qualify as fair dealing under Indian law. For example, while it is customary to add popular music or movie snippets to YouTube or Instagram videos, such uses are frequently identified as

infringing without a strong fair dealing response.³

In India, fair dealing does not specifically allow "transformative" uses, which affects artists who may be able to claim fair usage in other countries. This restricted breadth implies that Indian producers who use copyrighted content in creative ways, such as mash-ups or commentary films, may face legal challenges and takedowns that their counterparts in the United States do not. Notable Indian case law demonstrates these restrictions. In **The Chancellor, Masters, and Scholars of the University of Oxford v. Rameshwari duplicate Services (2016)**, the Delhi High Court upheld educational usage under fair dealing, allowing students to duplicate textbooks. However, in **India TV Independent News Service Pvt. Ltd. v. Yashraj Films Pvt. Ltd. (2012)**, the court decided against a news station for exploiting film snippets, indicating that commercial usage of clips may not be considered fair dealing, especially for private profit.⁴

These cases illustrate India's cautious approach to fair dealing, especially on social media where transformative and derivative works are common. Indian creators must navigate strict boundaries on fair dealing, while international platforms face the challenge of balancing fair use claims across diverse jurisdictions. This complexity underscores the need for clearer, more flexible fair use provisions in Indian copyright law to support creativity in digital spaces.

IMPLICATION OF USER AND USER PRIVACY

In India, copyright enforcement on social media frequently raises serious privacy issues for users, since platforms employ extensive surveillance technologies to discover copyrighted content. Automated systems monitor and evaluate user uploads, possibly collecting personal information and use habits as part of this monitoring. Such data collecting may violate user privacy rights, a worry heightened in India by the Personal Data Protection Bill (PDPB), which stresses personal information security. While platforms comply with copyright law, they must also be mindful of India's rising emphasis on data privacy, striking a balance between copyright monitoring and users' right to privacy.

³ Arora, Amishi, and Amlesh Mendhekar. "Threats to Security and privacy of Information due to growing use of social media in India." *Asian Journal of Managerial Science* 6.2 (2017): 42-49.

⁴ Saravanakumar, K., and K. Deepa. "On privacy and security in social media—a comprehensive study." *Procedia computer science* 78 (2016): 114-119.

When content is detected or deleted due to copyright violations, users face immediate penalties. Many Indian content producers use social media as their major source of interaction, money, and community growth. Copyright takedowns may result in the loss of important material, reduced exposure, and a loss of followers, all of which have a direct impact on user engagement and, for influencers and producers, money from business relationships. Suspensions or repeated takedowns can also have a psychological impact on users, as they may feel restricted or prevented from generating new material out of fear of account suspension or copyright penalties.

The possibility of copyright enforcement overreach is likewise high. Platforms sometimes establish too broad restrictions to prevent legal conflicts, resulting in lawful material being deleted or limited. Creators in India are especially vulnerable to such overreach since fair dealing affords limited defenses for transformative or derivative products. This is obvious in situations where parody, satire, or commentary—which are widespread on Indian social media—is reported as violating. Excessive copyright enforcement threatens to stifle creative expression and public discourse, limiting users' capacity to freely exchange culturally important or political information.

In conclusion, while copyright enforcement is essential, Indian law must also consider user privacy, fair dealing rights, and the potential chilling effects of overreach. A balanced approach is necessary to protect both copyright holders and users' rights, fostering a more open, creative online environment in India.

ECONOMIC AND LEGAL CONSEQUENCES FOR SOCIAL MEDIA COMPANIES

For social media companies operating in India, copyright disputes and legal challenges can be financially burdensome. Copyright lawsuits, settlements, and compliance requirements can significantly impact revenue and operational costs. Legal battles over copyright infringement require platforms to allocate resources to legal defenses, settlements, or fines, which can strain even large companies and disrupt revenue models based on user engagement and content monetization⁵. In India, where content industries such as Bollywood hold substantial influence,

⁵ Sensarkar, Nilanjana. "The potential impact of digital rights management on the Indian entertainment industry." *Journal of International Trade Law and Policy* 6, no. 1 (2007): 45-55.

social media platforms face constant pressure to monitor and remove infringing content to avoid costly litigation.

India's “safe harbor” provision, under Section 79 of the Information Technology (IT) Act, offers social media platforms immunity from liability for user-generated content as long as they comply with “notice-and-takedown” procedures. However, this protection is conditional; platforms must promptly act upon notification of infringing content, making compliance challenging. Recent Indian cases, like *My Space v. Super Cassettes Industries Ltd. (2017)*, highlighted this issue, where courts insisted on stricter compliance for platforms handling copyrighted material. This case underscores that the safe harbor doctrine may not fully shield platforms, especially as Indian courts push for proactive content moderation.

Compliance costs are especially taxing for smaller platforms in India, as maintaining sophisticated copyright detection systems is costly. Larger platforms like YouTube and Facebook can afford automated content recognition technologies, but smaller platforms often struggle with these expenses. This imbalance makes it harder for new entrants to compete, creating a challenging environment for startups that lack the resources to manage complex copyright systems. Balancing legal obligations with economic viability remains a significant concern for all social media companies operating in the Indian digital ecosystem.

FUTURE TRENDS AND POTENTIAL REFORMS IN COPYRIGHT LAWS

As digital platforms continue to change content generation and delivery, various revisions have been proposed to update copyright laws for the social media age. Changes proposed include widening fair use laws to provide more latitude for transformative and user-generated material, particularly in areas with rigid fair dealing regulations, such as India. Furthermore, some supporters argue for shorter copyright lengths to better fit with the quick lifespan of digital material, as well as the creation of carve-outs expressly for non-commercial, user-generated content, which might provide creators and influencers more freedom. Copyright reform arguments reveal complicated stakeholder interactions. Copyright holders, such as film studios and record companies, advocate for strict safeguards to preserve their economic interests. In contrast, social media sites and users place a premium on creative freedom and flexible copyright regulations that allow for current content-sharing activities. Lawmakers must strike

a balance between these interests, protecting intellectual property while fostering digital creativity and innovation.

Copyright enforcement may alter in the future as artificial intelligence advances, allowing for more accurate and contextual content detection, potentially lowering false positives. Blockchain technology has also shown promise in copyright verification, allowing for transparent and decentralized tracking of intellectual property rights. As global norms develop, copyright law may become more universal, creating an environment that benefits both copyright holders and creative users. These prospective revisions and technical improvements point to a future in which copyright law more accurately reflects the reality of digital material creation and distribution on social media.⁶

CONCLUSION

This paper highlights the complex interplay between copyright regulation and social media, revealing significant challenges and areas of impact. Key findings underscore the restrictive nature of current copyright laws, particularly in India, where fair dealing provisions limit creative expression and pose risks for user-generated content. Additionally, the financial and legal implications for social media platforms, particularly concerning compliance costs and liability issues, were emphasized.

Looking ahead, current developments in copyright enforcement point to an urgent need for regulatory changes. As content generation evolves with technological improvements, there is an urgent need to modify copyright laws to reflect the reality of social media, including expanded fair use provisions and explicit exclusions for user-generated content. Finally, the problem is to strike a balance between copyright protection and the necessity for creative freedom and open communication on social media. Effective legislation should create an atmosphere in which artists may develop and express themselves while still protecting the rights of copyright holders. By embracing digital-age changes, stakeholders may pave the path for a more fair and robust online ecosystem that promotes both intellectual property rights and the blossoming of creative expression.

⁶ Mishra, Madhusmita. "Social Networking Sites and its Legal Implications in India: A Comparative Study." *Available at SSRN 1746162* (2011).