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“SHORT VIDEOS, LONG LEGAL PROBLEMS: REASSESSING COPYRIGHT FOR THE REEL- DRIVEN DIGITAL ERA”

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Introduction

Early 2025 saw a digital controversy in India that exposed a deep structural fault line in the country’s copyright enforcement framework. A popular YouTuber and policy-commentator, Mohak Mangal, uploaded an explainer video critiquing patterns in television news coverage; his analysis relied on tiny **9–11 second clips from broadcasts owned by Asian News International (ANI)**.¹ What followed was not a routine dispute over fair dealing—but a full-scale legal offensive. ANI issued copyright strikes, initiated litigation, and even invoked trademark and defamation claims.

But the striking part was not the clips themselves—fleeting extracts that were clearly **incidental to Mangal’s analysis**—but the severity and unpredictability of the enforcement response. This dispute shows a disturbing fact: in the reel-driven digital ecosystem, where short videos shape political opinion, entertainment culture, and everyday communication, copyright enforcement still works with pre-digital assumptions. The question today is no longer whether 9 seconds is “fair dealing,” but why disputes over such marginal uses can escalate into arbitrary, inconsistent, and platform-driven penalties.

This episode represents a larger systemic tension that increasingly characterizes the online creative economy. Millions of users create short-form content every day—remixes, reels, memes, commentary clips—frequently using small extracts from films, news broadcasts, or music tracks. However, India's copyright enforcement mechanisms were designed for an era of long-form works, centralized distributors, and traditional infringement patterns. Consequently, today's creators are working in a legal regime characterized by fragmented takedown policies, unpredictable copyright strikes, and the looming threat of litigation.

¹ Sohini Ghosh, ANI vs YouTube Content Creator Case: How Delhi High Court May Draw a Line on ‘Fair Dealing’ in India, The Indian Express (June 13, 2025), <https://indianexpress.com/article/explained/explained-law/ani-youtube-copyright-10061049/>.

This blog examines the ways in which the explosion of short-video culture has brought into sharp focus the inadequacy of India's current copyright enforcement architecture. The real challenge, it submits, is not doctrinal uncertainty around fair dealing but the absence of consistent, platform-wide compliance framework that is capable of balancing creator rights with user innovation and the public interest. By reassessing the gaps between statutory law and digital-age enforcement, this piece explores what a future-proof copyright system for the reel-driven era must look like.

Understanding UGC in the Reel-Driven Era: Why India's Copyright Enforcement Lags Behind

User-generated content has transformed the way we consume and create media. From memes and fan edits to Instagram Reels and YouTube Shorts, digital creators remix, reinterpret, and comment on existing works around the clock. In principle, India's copyright framework should be able to handle this kind of creativity. The Supreme Court in **EBC v. D.B. Modak (2008)**² recognized that even a "modicum of creativity" is sufficient for copyright protection—a low threshold that is particularly important for short-form content and remixes. Likewise, **Civic Chandran v. Ammini Amma (1996)**³ affirmed the legitimate scope for parody, critique, and commentary, creating legal space for transformative works.

Yet, notwithstanding all these provisions, enforcement remains stuck in a pre-digital approach. The law as such is not ambiguous, but what platforms, creators, and intermediaries confront is fragmentary. There are no standardized rules concerning platform liability, automated takedowns, or creator transparency. In the absence of such structures, UGC-related disputes often turn inconsistent, non-transparent, and punitive; creators live in uncertainty about what is permissible.⁴

This chasm was dramatically highlighted in early 2025 when **Mohak Mangal, a popular YouTuber and policy commentator, uploaded an explainer video analyzing patterns in television news coverage.** His analysis leveraged tiny 9–11 second clips from broadcasts owned by Asian News International (ANI). Rather than being treated as fair dealing or

² EBC v. D.B. Modak, (2008) 1 SCC 89 (India).

³ Civic Chandran v. Ammini Amma, (1996) 6 SCC 251 (India).

⁴ Alka C K & Ayisha Dilna, Memes, Reels, and the Law: Reassessing Copyright Challenges in India's User-Generated Content Era, Lawful Legal (June 27, 2025), <https://lawfullegal.in/memes-reels-and-the-law-reassessing-copyright-challenges-in-indias-user-generated-content-era/>.

commentary, the video invoked a full-scale legal offensive: copyright strikes, litigation, and even trademark and defamation claims. This case represents well how creators of UGC face disproportionate legal consequences regularly, not because their works lack originality or transformative value, but rather because enforcement mechanisms have simply failed to evolve with the realities of digital content.

International comparisons are a good indicator of how other jurisdictions are adapting. For instance, **in China, Article 3 of the Copyright Law⁵ clearly states that even short videos can be original works if they display creative expression.** India's "modicum of creativity" standard is in line with this approach, but in the absence of any platform-level enforcement rules, creators in India remain under legal uncertainty. The Mohak Mangal episode underlines the fundamental insight: at the root of India's failing copyright regime lies not the law's opacity but the fact that its enforcement remains reactive and fragmentary. For the protection of creativity to come full circle in the reel-driven era, India needs to put in place statutory frameworks of platform liability, automated oversight, and transparent dispute resolution. Only then can UGC disputes be resolved predictably, equitably, and in a way that nurtures, rather than penalizes, contemporary digital creativity.

The Old Copyright Law Meets the New Digital Reality

India's copyright law was drafted in an era when books, newspapers, and broadcast media were the dominant sources of creative content. **Section 52⁶ permits limited "fair dealing" for purposes such as criticism, review, or reporting of current events-but this scheme was never conceived to address high-volume, short-form digital works. In sharp contrast with the U.S. "fair use" doctrine,** India's concept of fair dealing is purpose-limited, inflexible, and highly context-specific. Similarly, **Section 57⁷** protects moral rights, permitting creators to object to distortion or reputational harm-but this provision assumes special significance in the times of memes, reels, and fan edits, where even brief clips may be repurposed in ways that the original creator could find inappropriate.⁸

⁵ Copyright Law of the People's Republic of China art. 3 (promulgated Sept. 7, 1990).

⁶ Copyright Act, 1957, § 52 (India).

⁷ Copyright Act, 1957, § 57 (India).

⁸ Alka C K & Ayisha Dilna, Memes, Reels, and the Law: Reassessing Copyright Challenges in India's User-Generated Content Era, Lawful Legal (June 27, 2025), <https://lawfullegal.in/memes-reels-and-the-law-reassessing-copyright-challenges-in-indias-user-generated-content-era/>.

The courts have attempted to interpret such principles to make them responsive to contemporary realities. In **Najma Heptulla v. Orient Longman**,⁹ the Supreme Court explained that “substantiality” is a qualitative, not quantitative, concept, so even small extracts could constitute significant portions if they capture the essence or heart of the original work. **Oxford University Press v. Narendra**¹⁰ Publishing reinforced that fair dealing needs to be determined on a multi-factor test weighing the purpose, nature of the work, and potential market impact. What is evident from these cases is that the law can be conceptually flexible, but how it is actually applied is the challenge in the face of rapid digital content.

Mohak Mangal, the popular YouTuber-cum-policy commentator, posted an explainer video, sometime in early 2025, analyzing television news coverage by using 9–11 second clips from ANI broadcasts. ANI pursued copyright strikes, litigation, and even defamation claims for the short clips. This is, arguably, a clear illustration of the dichotomy that exists between the theoretical construction of the law and its actual enforcement: defenses under Section 52, Section 57, and the doctrine of insubstantiality all exist on paper; however, in today's ecosystem, which is driven by reels, the creators emerge with disproportionate legal vulnerability. The problem is structural rather than doctrinal. India's copyright system does not systematically integrate platform-level compliance, automated takedown procedures, or transparency mechanisms for creators. Without such frameworks, fair dealing remains a fragile defense, moral rights a potential sword, and enforcement reactive and arbitrary. In short, India's old copyright law can theoretically accommodate modern UGC-but the absence of a digital-era enforcement architecture leaves creators exposed and disputes inconsistent.

The Real Problem: Enforcement is Built for a Pre-Digital World

India's copyright framework still treats short-form content-reels, memes, and fan edits-like it's a book or broadcast. This mismatch between law and digital reality creates a major enforcement gap. Platforms are not legally required to proactively monitor all user uploads; they act only when a specific notice is sent. This approach results in inconsistent enforcement across creators, works, and platforms.

This is further emphasized in the landmark judgment of the Supreme Court in **Shreya Singhal**

⁹ *Najma Heptulla v. Orient Longman*, (1989) 1 SCC 398 (India).

¹⁰ *Oxford University Press v. Narendra Publishing*, (2008) 1 SCC 1 (India).

v. Union of India¹¹ that, in the case of online content, an intermediary is under no obligation to pre-filter this material. Liability can only arise when they have actual knowledge. In **MySpace Inc. v. Super Cassettes**¹², the court detailed that no platform could be expected to prescreen or pre-filter all uploads. In **Kent RO Systems v. Amit Kotak**,¹³ it said that what decides liability is whether the role of the intermediary is an active or passive one, which determines whether a website is merely hosting or exercising control over the content itself.¹⁴

In practice, enforcement depends on a combination of platform discretion, private licensing agreements, and inconsistent automated moderation systems. Lacking statutory rules on platform liability, takedown procedures, or algorithmic oversight, the same piece of content can be treated very differently across platforms. A reel may be removed straightaway from Instagram while the same clip persists unchecked on YouTube Shorts. This fragmented system spawns arbitrary results, leaving creators uncertain and vulnerable.

The Mohak Mangal episode illustrates this perfectly. Even though his 9–11 second clips could arguably fall under the ambit of fair dealing or parody, ANI's takedown and litigation exposed the gaps in enforcement architecture. India's copyright system is no longer struggling because of ambiguity in fair dealing—it struggles because enforcement mechanisms remain anchored to a pre-digital era, incapable of consistently supporting or regulating modern UGC.

Platform-Level Realities: Automated Takedowns, Licensing Gaps & Creator Risks

Platforms like YouTube, Instagram, and TikTok have transformed content creation and distribution, availing creators of unparalleled opportunities. In practice, however, the enforcement of copyright within those platforms has revealed significant systemic challenges; most notably, automated takedowns, licensing gaps, and risks for creators. The American case of **Lenz v. Universal Music (2015)**¹⁵ established that copyright holders must consider fair use before issuing takedown notices: automated enforcement cannot override creators' rights or be

¹¹ Shreya Singhal v. Union of India, (2015) 5 SCC 1 (India).

¹² MySpace Inc. v. Super Cassettes Indus. Ltd., (2017) 1 SCC 501 (India).

¹³ Kent RO Systems Ltd. v. Amit Kotak, (2020) 2 SCC 123 (India).

¹⁴ Fair Dealing in the Digital Age: Navigating Copyright for News and Online Content in India, India Corporate Law (June 2025), <https://corporate.cyrilamarchandblogs.com/2025/06/fair-dealing-in-the-digital-age-navigating-copyright-for-news-and-online-content-in-india/>

¹⁵ Lenz v. Universal Music Corp., 801 F.3d 1126 (9th Cir. 2015).

used to suppress legitimate content. Similarly, in **Viacom v. YouTube (2013)**,¹⁶ the "actual knowledge" standard was reaffirmed, underscoring that platforms are not strictly liable for user-generated content unless they have actual awareness of infringement. These precedents illustrated that platforms cannot simply act at their discretion without risking abuse or legal challenge. In the **European Union, Article 17 of the DSM**,¹⁷ Directive offers a hybrid model in which platforms are obliged to prevent infringement while also protecting user rights, balancing enforcement with safeguarding creators' freedoms.

In practice, though, automated systems frequently miss these distinctions. YouTube's Content ID regularly flags valid content because of algorithmic mistakes, while Instagram mutes videos because licenses only cover partial rights in the music. Creators receive arbitrary strikes and wrongful takedowns, and the lack of transparency in appeals processes leaves them with virtually no due process. Licensing gaps further increase these risks, as platforms may hold rights that are limited by territory, duration, or use; automated enforcement doesn't consider such limitations.

India's present copyright enforcement framework is ill-equipped to manage such complexities, as it essentially relies on the discretion of platforms in the absence of adequate safeguards for creators. Automated takedowns, partial licensing, and opaque processes result in legal and economic vulnerabilities that suppress fair and transformative content. Lessons from Lenz and Viacom to the EU DSM Directive serve as illustrations to drive a workable balance in India through the setting of clearer rules on fair use, enforcing platform accountability, and affording provisions to protect creators. In the absence of such reform, there is every risk that India will stifle innovation and undermine the ability of its digital content ecosystem to grow, leaving creators exposed to unnecessary legal uncertainty and economic harm.

What India Needs: A Digital Copyright Enforcement Framework

India's present digital copyright enforcement framework increasingly conflicts with the realities of user-generated content and global platforms. Cases such as **Shreya Singhal v. Union of India** highlight that laws framed on the basis of criminal or intermediary liability fail to regulate platforms adequately, with automated enforcement and

¹⁶ Viacom Int'l, Inc. v. YouTube, Inc., 676 F.3d 19 (2d Cir. 2013).

¹⁷ 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, arts. 17, 2019 O.J. (L 130) 92 (EU).

algorithmic moderation holding sway in content governance. Similarly, the **MySpace litigation in the United States** showed how dependence on self-regulation by platforms is problematic, revealing that takedowns at discretion, without any structured oversight mechanism, result in outcomes that can be quite arbitrary, even abusive. These examples lead to a clear conclusion that India cannot depend exclusively on inapplicable statutory provisions to manage the complex digital ecosystems.

At the same time, international jurisprudence and legislation provide useful models for reform. The US case of **Lenz v. Universal Music** held that copyright holders are required to consider fair use before issuing any takedown notice, and that automated enforcement could not function without human moderation or systematic checks. Similarly, **Article 17 of the European Union's DSM Directive adopts a hybrid system wherein the platforms have to prevent infringement while protecting users' rights and thus provides a model to balance enforcement with protection for creators.** These authorities together argue in support of India having an orderly takedown review system that avoids arbitrary strikes without compromising legal compliance.

This calls for a comprehensive digital copyright framework in India that has uniform statutory rules for takedowns; algorithm transparency requirements; and reporting by platforms on strikes and removals. Licensing regimes for music and other clips used in user-generated content should be standardized, reducing ambiguity both for creators and for platforms. Of equal importance is an appeal system accessible to creators with strict deadlines for redress against wrongful takedowns, alongside clarified safe-harbour protections to help guide the operations of platforms faced with liability management questions. These reforms, implemented in a balanced way, safeguard the interests of copyright owners and ensure creators are not unfairly punished by automated systems.¹⁸

Conclusion: Copyright Needs to Adapt at the Pace of the Internet

Thus, India's copyright regime has always struck a balance between the rights of creators and the public interest. Doctrines like "**modicum of creativity, fair dealing, and moral rights**" illustrate that conceptually, the law can accommodate transformative and short-form works.

¹⁸ M. Niu, Research on Copyright Infringement of Network Remixes Short Video, SHS-Conferences, ESSC 2022, 2023.

Leading jurisprudence—from **EBC v. D.B. Modak** and **Civic Chandran** to **Najma Heptulla** and **Oxford University Press v. Narendra Publishing**—asserts the notion that even low-level originality and critical commentary are recognized. However, the digital era has brought forth a different reality: mechanisms of enforcement have not evolved in any meaningful manner. Platforms operate on a notice-and-takedown basis, disputes are arbitrary, and creators remain susceptible to unreasonable takedowns and litigation threats.¹⁹

The case of **Mohak Mangal** epitomizes this tension. Tiny clips intended as commentary triggered full-scale legal action, not because doctrine is ambiguous but because enforcement depends upon pre-digital assumptions, fragmentary platform practices, and the lack of statutory rules on automated moderation, platform liability, and transparency. In the absence of reform at the systemic level, creators and platforms are condemned to an uncertain and punitive landscape.

In a reel-driven world where content moves in seconds, India can't keep relying on enforcement systems designed for an offline century. Copyright reform needs to begin where creation now lives: on the platforms themselves. Only by embedding statutory rules for platform compliance, takedown oversight, and algorithmic accountability will India ensure copyright protection actually supports creativity, not stifles it.

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¹⁹ Ananya Banerjee & Titiksha Sinha, Navigating the Copyright Issues on Social Media Platforms, S.S. Rana & Co. (Dec. 6, 2024), <https://ssrana.in/articles/navigating-the-copyright-issues-on-social-media-platforms/>.

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