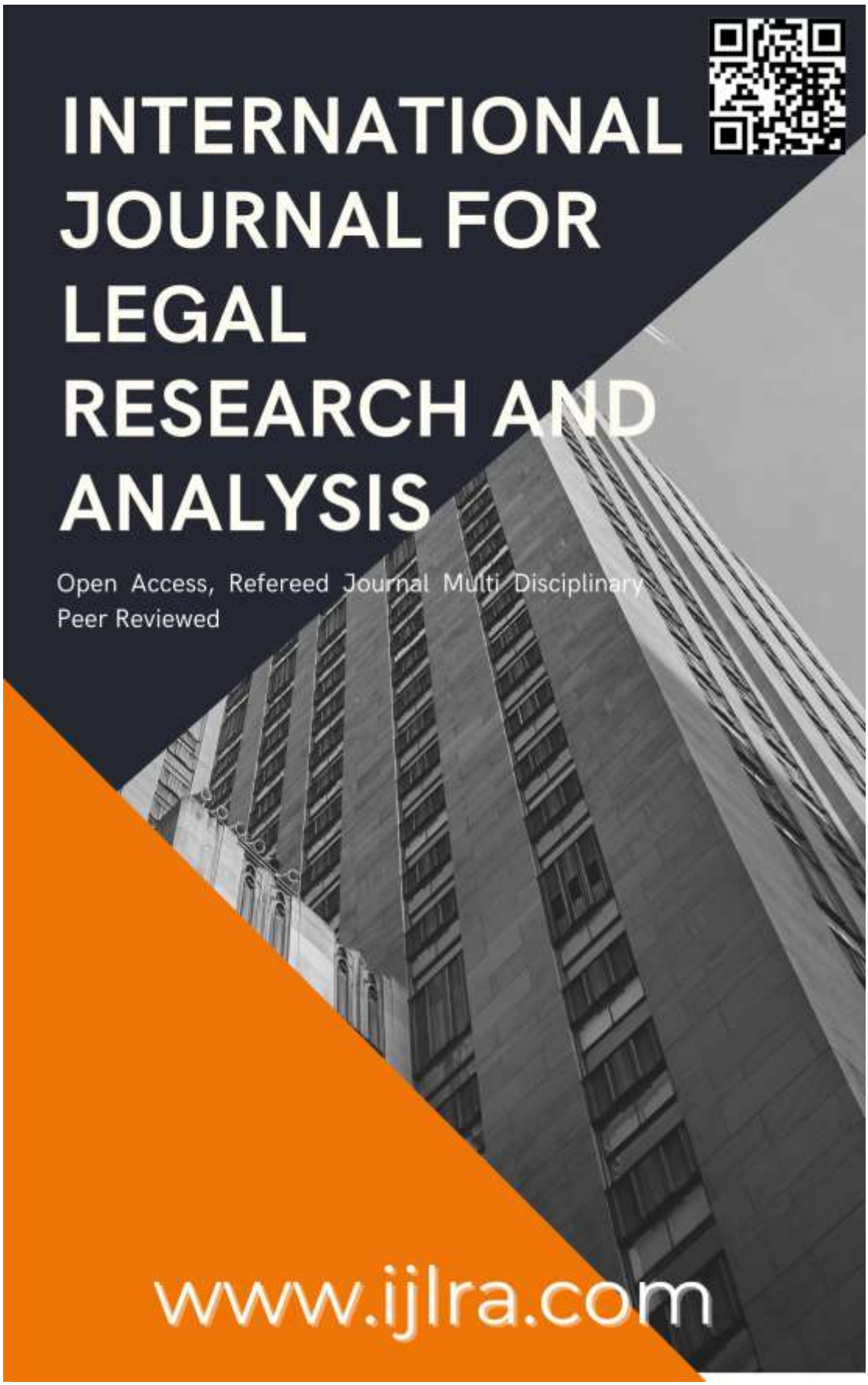

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RESEARCH ARTICLE

Copyright Infringement On Social Media Platforms: Challenges In The Digital ERA

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1. INTRODUCTION

Under section 14 of the Copyright Act, 1957, copyright means the exclusive legal right given to the owner of a work to perform or authorise certain activities relating to that work or any substantial part of it. In simple words copyright gives the owner the legal authority to decide how their work is copied, used, shared, modified or made available to the public. These rights include reproducing, distributing, performing, communicating, translating, adapting, selling and commercially renting their works, depending on the category of work. In India, the evolution of copyright law is closely linked to the colonial legal system. The first copyright legislation in India was enacted in 1847 under British rule, primarily to protect the interests of publishers rather than authors. Subsequently, the Indian Copyright Act of 1914 was introduced, which largely mirrored the English Copyright Act of 1911. After independence, the need for a comprehensive and indigenous copyright framework led to the enactment of the Copyright Act, 1957. This legislation marked a significant milestone in the development of copyright law in India, as it aimed to balance the rights of authors with the interests of the public and the needs of a developing nation. In India, amendments to the Copyright Act have been introduced to respond to these technological changes. Notably, the 2012 amendment strengthened authors' rights, particularly in the context of digital exploitation of works, and aligned Indian copyright law with international standards. These amendments recognized the growing importance of the digital environment and aimed to ensure fair remuneration for authors and performers. However, despite these legislative efforts, enforcement remains a major concern, especially in the online ecosystem dominated by social media platforms. The right differs depending on the type of work. Social media platforms have emerged as an important part of modern digital communication, providing users with opportunities to create, publish, distribute and access various forms of content, including photographs, videos, music, literary works and artistic creations. Platforms such as Instagram, Facebook, YouTube and TikTok have expanded the scope of content distribution beyond traditional media and enabled individuals to reach audiences across geographical boundaries. Unlike traditional publishing and broadcasting systems, social media platforms allow users to upload and circulate content without requiring prior involvement from conventional publishers or distributors. In conclusion, copyright law has developed from a limited system of printing privileges into a comprehensive legal framework that governs creative expression in the digital age. Its historical evolution, international influence, and adaptation to technological advancements highlight its dynamic nature. As social media platforms continue to reshape content creation and distribution, the foundational principles of copyright law provide the basis for analysing enforcement challenges and exploring effective solutions within the Indian legal context.

1.1 Research Questions

The present research seeks to address the following questions:

1. Whether the existing legal framework under the Copyright Act, 1957 adequately protects copyrighted works against unauthorised use and distribution on social media platforms?

2. To what extent can social media platforms be held liable for copyright infringement committed by their users under the Copyright Act, 1957 and the Information Technology Act, 2000?
3. Whether the existing notice-and-takedown mechanism provides an effective remedy to copyright owners against online infringement?
4. What are the major legal and practical challenges in identifying, preventing and addressing copyright infringement on social media platforms?
5. How do emerging technologies, particularly artificial intelligence and automated content-sharing mechanisms, affect copyright protection and enforcement in the digital environment?
6. How can copyright protection be balanced with freedom of speech and expression, fair dealing and the legitimate interests of social media users?
7. What legal, institutional and technological reforms are necessary to strengthen copyright protection and ensure accountability of social media platforms?

1.2 Objectives of the Study

The objectives of the present study are as follows:

1. To examine the concept and scope of copyright law in the digital and social media environment.
2. To analyse the role of social media platforms such as Instagram, YouTube, and Reels in the creation and dissemination of digital content.
3. To identify the major copyright issues and forms of infringement occurring on social media platforms in India.
4. To study the legal and regulatory framework governing copyright enforcement in India, with special reference to online and social media platforms.
5. To assess the challenges in enforcing copyright law on social media platforms and suggest measures for improving enforcement mechanisms in India.

2. LEGAL FRAMEWORK GOVERNING COPYRIGHT PROTECTION IN THE DIGITAL ERA

Under Section 14[1] of the Copyright Act, 1957, copyright means the exclusive legal right given to the owner of a work to perform or authorise certain activities relating to that work or any substantial part of it. According to the Copyright Act, copyright is defined as the exclusive authority to perform or grant permission for specific actions related to their work or a significant portion of it. It is a form of intellectual property protection that ensures the rights of creators are honoured and that they may profit from their businesses.

[1] The Copyright Act, 1957, No. 14 of 1957, Gazette of India, Extraordinary, pt. II, sec. 1 (June 6, 1957).

In the case, **Sulmanglam R. Jayalakshmi v. Meta Musical**[2], the Madras High Court established that "copyright" pertains to the rights an individual gains in their intellectual work, be it literary or artistic.

2.1 The right differs depending on the type of work.

a. Literary, dramatic and musical works.

In the case of literary, dramatic or musical works (excluding computer programmes), the copyright owner has the exclusive right to reproduction, distribution, public performance, film or sound recording, translation, adaption and rights over adaptions and translations.

b. Computer Programmes

In the case of computer programmes, the copyright owner has the exclusive right to reproduction, distribution, communication and adaptation. Owner also has the right to sell, commercially rent, offer for sale or offer for commercial rental any copy of the computer programme.

c. Artistic Works

In the case of artistic works, the copyright owner has the exclusive right to Reproduction, Communication to the Public, Distribution, use in films, adaptation and rights over adaptations.

d. Cinematograph Films

In the case of cinematograph films, the copyright owner has the exclusive right to make copies, sale and rental of the copies and communication to the public.

e. Sound Recordings

In the case of sound recordings, the copyright owner has the exclusive right to make copies, sale and rental of sound recordings and communication to the public.

2.2 Economic Rights and Moral Rights

Copyright grants certain exclusive rights to the creators of original literary, dramatic, musical and artistic works, cinematograph films and sound recordings. These rights are broadly classified into economic rights and moral rights. Both forms of protection are recognised under the Copyright Act, 1957 and play an important role in safeguarding the interests of copyright owners in the digital environment.

A. Economic Rights

Economic rights refer to the rights of copyright owners to commercially exploit their creative works and prevent unauthorised use by others. These rights enable authors and creators to receive financial benefits from their intellectual creations.

[2] (Sulmanglam R. Jayalakshmi v. Meta Musical, 1999)

Under Section 14 of the Copyright Act, 1957, copyright means the exclusive right, subject to the provisions of the Act, to do or authorise certain acts in respect of a work or any substantial part thereof.

In the context of social media, economic rights are frequently affected when users upload copyrighted photographs, music, videos or other creative works without obtaining the necessary authorisation. For instance, uploading a copyrighted song as background music in a reel or sharing a complete film through a social media account may involve unauthorised exercise of rights protected under Section 14. Such acts may amount to infringement under Section 51, depending on the circumstances and applicable exceptions.

B. Moral Rights

Moral rights protect the personal and reputational interests of authors in relation to their creative works. Unlike economic rights, which primarily concern commercial exploitation, moral rights recognise the connection between an author and their creation. In India, moral rights are recognised under Section 57 of the Copyright Act, 1957, which provides authors with special rights independently of their copyright.

For example, when a photographer's original photograph is uploaded on Instagram without acknowledging the photographer, the author's attribution rights may be affected. Similarly, substantially altering an artist's work in a manner prejudicial to the artist's honour or reputation may raise issues under Section 57.

Social media platforms have made it easier to reproduce, modify and circulate creative works on a large scale. Unauthorised reposting, removal of creator credits, editing of photographs and modification of videos may affect both the economic and moral rights of copyright owners.

Economic rights protect creators against unauthorised reproduction and exploit at ion, while moral rights safeguard their authorship and reputation. Therefore, effective copyright protection on social media requires recognition and enforcement of both categories of rights.

2.3 Copyright Infringement under the Copyright Act, 1957

The major issues faced by the creator will arise when some other party might have similar or identical idea expressed in a tangible object, where an infringement suit can be filed but practically cannot be compensated.

In other words, the original owner or creator has a legal right to file an infringement suit as copyright protection has been obtained but it is difficult to prove that such a general idea could be an original work of a creator.

In order to prove that the original work is the creator’s own work/idea registration of the copyright content can be considered as an added evidentiary advantage. The concept of modicum of creativity is always considered by registrar office to ensure that some amount of creativeness has been incurred in the original work.

During the registration process the registrar of copyright has a discretionary power to decide whether sufficient creativity has been incurred with the original work, the matter of creativity is subjective and no where defined under the act. Further to which the original copyright content does have copyright protection but the registration will be decided by the registrar office. Therefore, the entire concept of creativity under the act of 1957 is not a vital aspect rather it is subjective, during registration no prior art search is required has novelty or uniqueness is not requirement for copyright protection hence the original owner shall get copyright protection for the work but due to the current ambiguity infringement cases shall be faced with guaranteed compensation or reliefs

2.4 Exceptions and Fair Dealing under Section 52

It states that the Indian Courts shall consider the concept of fair dealing (taken from U.K) which means any third party may use a copyrighted material (literary work, artistic work, cinematic work) for any of the following purpose:

1. Research and development work
2. Criticizing or reviewing
3. Preparing any kind of content material
4. Producing own copyrighted material out of it with certain creativity

These purposes can be used by any party for using copyrighted material without the consent of the original owner given that there may not be any commercialization (earning of profits or defaming the owner in a public platform).

With regards to copyright infringement cases the judge has the discretionary power. However, the following consideration or factors shall be taken up:

1. The purpose of a party of copying the original owner's work
2. Whether there is lack of any creativity or uniqueness (modicum of creativity or mere creativity)
3. Whether there is commercialization of the copyrighted work
4. The nature of the copyrighted material
5. Registration of copyrighted material (necessary but not mandatory)

2.5 Civil and Criminal Remedies for Copyright Infringement

In case of any copyright infringement both civil and criminal liabilities will arise in which under civil liability (section 55) the infringer has to compensate the damages caused.

Under criminal liability (section 63) the infringer is punished from 6 months to 3 years of imprisonment and can be executed or fined of rupees 50,000 to 2 lakh could be imposed.

2.6 International Legal Framework

Copyright protection extends beyond national boundaries because creative works can be uploaded, shared and accessed by users across different countries through social media platforms. International agreements establish common standards for protecting authors and copyright owners against the unauthorised use of their works. The Berne Convention, TRIPS Agreement and WIPO Copyright Treaty provide the main international standards relevant to copyright protection.

A. Berne Convention for the Protection of Literary and Artistic Works, 1886

The Berne Convention was adopted in 1886 to protect the rights of authors over their literary and artistic works in member countries. It ensures that authors receive copyright protection in countries other than the country in which their works were originally created.

The Convention is based on three principles:

1. **National Treatment:** Member countries must provide foreign authors from other member countries with the same copyright protection available to their own nationals.
2. **Automatic Protection:** Copyright protection cannot be made dependent on registration or other formalities.

3. **Independence of Protection:** Copyright protection in one member country is generally independent of the protection available in the country of origin.

The Convention covers various creative works, including books, music, photographs, paintings and other artistic creations.

In the context of social media, the Convention provides a basis for protecting creative works that are shared across international boundaries. For example, when a copyrighted photograph or musical composition is uploaded and circulated without permission, the author's rights may be protected under the copyright laws of the relevant member countries.

B. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994

The TRIPS Agreement was adopted under the World Trade Organization (WTO) framework and came into force on 1 January 1995. It establishes minimum standards for the protection and enforcement of intellectual property rights among WTO member countries.

Article 9 requires member countries to comply with the substantive provisions of the Berne Convention, subject to the exceptions provided under TRIPS. Article 10 provides copyright protection for computer programs and compilations of data, provided that they meet the required conditions of originality. Articles 41 to 61 deal with the enforcement of intellectual property rights and require member countries to provide effective legal procedures and remedies against infringement.

The Agreement is relevant to social media because copyrighted material can be reproduced and distributed online without the author's permission. It requires member countries to maintain legal mechanisms through which copyright owners can seek protection and remedies against such violations.

C. WIPO Copyright Treaty (WCT), 1996

The WIPO Copyright Treaty was adopted in 1996 under the administration of the World Intellectual Property Organization (WIPO). It supplements the Berne Convention by addressing copyright protection in the digital environment.

The Treaty extends protection to computer programs and original compilations of data or other material. It also recognises the rights of authors in relation to the distribution, rental and communication of their works to the public.

Two provisions are particularly relevant:

1. **Article 8 – Right of Communication to the Public:** This provision gives authors the exclusive right to authorise the communication of their works to the public, including making their works available online so that individuals can access them from a place and at a time chosen by them.
2. **Article 11 – Protection of Technological Measures:** This provision requires contracting parties to provide adequate legal protection against the circumvention of technological measures used by authors to protect their copyright.

The Treaty is relevant to social media platforms because users can upload music, photographs, videos and other copyrighted material and make them available to a large audience. It provides international standards for protecting authors against unauthorised online communication and distribution of their works.

3. COPYRIGHT INFRINGEMENT ON SOCIAL MEDIA AND INTERMEDIARY LIABILITY

3.1 Major Forms of Copyright Infringement on Social Media Platforms[3] (naja, 2026)

A. Unauthorized Reproduction

The unauthorized reproduction of copyrighted content, including photographs, videos, music, software, and literary works constitute copyright infringement. On social media platforms, users frequently repost, download, and share copyrighted content they do not own or have permission to use.

B. Plagiarism

Plagiarism refers to the use of another's creative work or ideas without proper attribution or credit. On social media, plagiarism commonly takes the form of users copying and pasting blog posts, social media updates, or other content and passing it off as their own. Users may also plagiarize by paraphrasing another's work without citing the source.

C. False Attribution

False attribution occurs when a copyrighted work is attributed to the wrong owner or creator. For example, a social media user posts a famous quote or creative work and attribute it to the wrong historical figure or original author. False attribution can damage the reputation and credibility of the actual creator.

D. Trademark Infringement

A company's trademark, including names, logos, and brand elements, are also subject to infringement on social media. Users may incorporate trademarks of a company into their own posts, profiles, or pages in a way that is likely to cause confusion as to the source or sponsorship. Trademark holders must actively monitor for and report such unauthorized use to avoid weakening their brand identity.

Overall, copyright holders and brand owners should regularly monitor for social media copyright infringement and report violations to the appropriate parties. With active enforcement of their intellectual property rights, companies can help curb unlawful behaviour online and keep the integrity of their creative works and brands protected.

3.2 Unauthorised sharing of music, videos, photographs and literary works

Social media platforms provide users with the ability to upload and share different types of digital content. However, problems arise when users distribute copyrighted material without obtaining permission from the copyright owner. Such activities may amount to copyright infringement under the Copyright Act, 1957, particularly when they involve unauthorised reproduction, distribution or communication of protected works to the public.

[3] (naja, 2026)

A. Unauthorised sharing of music

Copyrighted music is frequently used in Instagram reels, Facebook videos and YouTube uploads. Users sometimes include songs, background music and recorded performances in their content without obtaining permission from the relevant copyright owners. Such use may violate the exclusive rights recognised under Section 14 of the Copyright Act, 1957, particularly the rights of reproduction and communication to the public. However, infringement depends on the circumstances, including whether the use is covered by a valid licence or a statutory exception.

B. Unauthorised sharing of videos

Films, television programmes and other audiovisual content are often uploaded and circulated through social media without the permission of their copyright owners. For example, sharing an entire film, uploading substantial portions of a copyrighted video or distributing recorded versions of paid online content without authorisation may amount to copyright infringement. Such activities can affect the commercial interests of filmmakers, producers and other copyright holders by allowing users to access protected content without following authorised distribution channels.

C. Unauthorised sharing of photographs

Photographs are commonly downloaded and reposted across social media platforms without the photographer's permission. In many instances, users remove the original creator's name or watermark before uploading the photograph to their own accounts. Section 14 of the Copyright Act, 1957 provides the copyright owner with exclusive rights over specified uses of a photograph. Section 57 also protects the author's special rights, including the right to claim authorship of the work. Therefore, unauthorised reproduction and removal of the photographer's credit may raise questions concerning both economic and moral rights.

D. Unauthorised sharing of literary works

Literary works, including books, articles, poems, blogs and research papers, are also shared through social media without the author's consent. Copying an entire article, circulating scanned copies of books or reproducing substantial portions of written material without permission may constitute copyright infringement. Digital platforms make it easier to reproduce and distribute such material, often without the knowledge of the original author or copyright owner.

Unauthorised sharing of copyrighted material makes it difficult for creators to control how their works are used and distributed. Once content is uploaded, other users can download, reproduce and circulate it through multiple accounts. This makes it difficult to identify the original source and prevent repeated infringement. Effective protection therefore requires greater awareness among users, appropriate licensing arrangements and stronger enforcement of existing copyright laws.

3.3 Digital Piracy and Unauthorised Distribution of Copyrighted Material

Piracy is defined as the unauthorised use of someone else’s work. Piracy in its literal and conceptual sense termed as “the unauthorised use of another’s production, invention, or conception, especially in the infringement of copyright.” Unauthorized reproduction of another person’s creation is a violation of his copyright. Piracy has grown in popularity in parallel with technological advancements. Piracy is most prevalent in the film industry. Pirated content is frequently downloaded from various illegal websites. Downloading or uploading any copyrighted materials from these websites, whether it’s a simple video, song, or movie, constitutes a violation of the owner’s copyright.

Forms Of Digital Piracy

There are multiple websites that provide unauthorized access to copyrighted content such as films, music, television, games, and software.

I. Streaming sites

Illegal streaming enables you to watch unlawful copyrighted content on demand without having to download the illegal file. Websites may stream content directly or link to content streamed live on other websites. It is illegal to host unauthorized content and to provide links to unauthorized content.

II. Cyber-lockers

A cyberlocker is a third-party online service that provides file-storing and file-sharing services which enable Internet users to easily and freely download and upload content from their hard drive to the one-click host's server, and vice versa. There are countless Internet forums where such links can be shared. One of the examples of the same is "Megaupload.com" which provide such a hosting services, which was shut down in 2012 due to copyright infringements.

III. Peer to Peer (P2P)

P2P networks connect and link computers together with the intention of exchanging files or data. The content may be legal, but these transfers may be used to distribute pirated content to network users. With an adequately large number of users in this network, any P2P-user can quickly find and rapidly download the content that he wishes, as the combined network of computers provide access to large number of digital resources. These networks encourage users to be both digital content consumers and suppliers.

IV. Torrent sites

group upload and share of content on private torrent sites which are usually funded by donations of the user. The material makes its way to public through search engines such as "Pirate Bay" which provides the link to torrent uploads.

3.4 Concept of Intermediary Liability

Intermediary is defined in the section 2(1)(w) of the IT Act 2000 as[4]-

intermediary, with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes

With the definition given above we do proliferate that intermediaries as a term under this law is a broad one and scopes towards the online as well offline service providers, simply meaning the persons alongside the person who acts certain criterion for intermediaries will be treated with same manner as the online platforms.

The essential element needed for recognition as an intermediary is that-

- There must be a person(judicial)
- It is its work to receive; store or transmit the information it has gathered from its user.
- The information received, stored or transmitted must be on behalf of the user meaning the record or information must be unhindered or untouched and the end user receives the information same as the first user has sent for him.

[4] (thakur, 2026)

Along with these the intermediaries also include telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes.

3.5 Safe Harbour Protection under Section 79 of the Information Technology Act, 2000[5]

General protection

An intermediary (such as a social media platform or internet service provider) will not be held legally responsible for information, data or links shared or uploaded by third parties on its platform, subject to the conditions given in this section.

Conditions for getting protection

An intermediary can claim this protection if:

(a) Its role is limited to providing access to a communication system through which information shared by other people is transmitted, temporarily stored or hosted.

(b) The intermediary:

- Does not start the transmission of information.
- Does not choose who receives the information.
- Does not select or change the information being transmitted.

(c) The intermediary follows the due diligence requirements under the IT Act and complies with the guidelines prescribed by the Central Government.

Sub-section (3): When protection is not available

An intermediary will lose this legal protection in the following situations:

(a) If the intermediary helps, supports, encourages or participates in an unlawful act, whether through threats, promises or any other means.

(b) If the intermediary receives actual knowledge or a notice from the appropriate Government or its authorised agency that unlawful information is being used through a computer resource under its control, but fails to remove or disable access to that information promptly without destroying or altering the evidence.

4. CHALLENGES IN COPYRIGHT ENFORCEMENT AND EMERGING TECHNOLOGICAL ISSUES

4.1 Difficulty in Identifying Copyright Owners and Infringers

Identifying copyright owners and people responsible for infringement can be difficult because copyright laws and digital platforms involve several legal and practical challenges. Creators may find it difficult to prove that they own a work and that it is original. Although copyright registration is not compulsory in India, the absence of registration may make it harder to establish ownership and prove infringement in legal proceedings[6].

[5] (Information Technology Act, 2000, section 79)
[6] (soni, 2024)

Enforcing copyright in the digital environment creates further difficulties. These include determining which court has jurisdiction, identifying individuals who hide their identities online, and dealing with the easy sharing and circulation of unauthorised content. Digital platforms and the Information Technology Act, 2000, also have an important role in addressing online copyright infringement and determining the legal responsibilities of intermediaries.

To deal with these problems, creators should understand their legal rights, collect evidence of ownership and infringement, and take appropriate steps to stop the unauthorised use of their work. They can also seek legal remedies available under Indian copyright law. Understanding the different forms of copyright infringement and the remedies provided by law can help creators protect their work.

Creators such as authors, YouTubers, designers and brand owners should also understand the copyright registration process in India. Registration can help them maintain records of their creative works and support their efforts to protect their intellectual property against unauthorised use. Under the Copyright Act, 1957, copyright protection arises automatically when an original work is created; registration is not a mandatory condition for acquiring copyright. Also, the absence of registration does not automatically prevent a copyright owner from claiming legal remedies.

4.2 Cross-Border Copyright Infringement and Jurisdictional Issues

Social media platforms operate in different countries and allow users to share content with people around the world. Because of this, copyright infringement may involve users, copyright owners and platforms located in different countries. For example, a person in India may upload a copyrighted film produced in the United States on a platform whose servers are located in another country. The content may then be viewed by people across the world.

This creates difficulties in deciding which country's copyright law applies and which court has the authority to deal with the dispute. Copyright protection is generally territorial, which means that the laws of the country where protection is claimed govern the protection and enforcement of copyright. As a result, the same act of uploading or sharing content may be treated differently under the laws of different countries.

The Berne Convention, TRIPS Agreement and WIPO Copyright Treaty establish international standards for copyright protection. However, they do not provide a single system for enforcing copyright throughout the world. Copyright owners may still need to approach courts or authorities in different countries to obtain legal remedies.

In India, jurisdictional matters are governed by the Copyright Act, 1957 and the Code of Civil Procedure, 1908. Section 62 of the Copyright Act provides a special rule for filing certain civil proceedings relating to copyright infringement and other matters under the Act. However, this provision does not automatically solve every jurisdictional problem involving foreign platforms or infringement across national boundaries.

Identifying the person responsible for uploading infringing content is another major difficulty. Users may use anonymous accounts, foreign servers or virtual private networks (VPNs), which can make investigations more complicated. Differences in legal procedures and enforcement practices between countries may also delay action.

Therefore, cross-border copyright infringement creates several difficulties for copyright owners. Effective enforcement requires cooperation between countries, clearer jurisdictional rules and proper procedures through which copyright owners can seek remedies for infringement taking place across national boundaries.

4.3 Limitations of Notice-and-Takedown Mechanisms

Notice-and-takedown is a process through which copyright owners inform social media platforms that certain content has been uploaded or shared without their permission. After receiving a complaint, the platform may examine the notice and remove the content or restrict access to it, in accordance with the applicable law and its policies.

In India, the liability of intermediaries is mainly governed by Section 79 of the Information Technology Act, 2000, along with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as amended. The Copyright Act, 1957 also contains provisions dealing with online copyright infringement and intermediary liability. For example, Section 52(1)(c) deals with the temporary storage of works or performances for providing electronic links, access or integration, subject to certain conditions. It also provides for the removal or disabling of access to such material upon receiving a written complaint from the copyright owner or an authorised person.

However, the notice-and-takedown process has certain limitations. First, copyright owners may find it difficult to identify every unauthorised use of their work because the same content can be uploaded by different users through several accounts. Even after one copy is removed, another user may upload it again. As a result, copyright owners have to keep identifying and reporting the same material.

Second, the effectiveness of this process depends on the accuracy and completeness of the complaint. Copyright owners generally need to provide enough information to identify their original work and the content that allegedly infringes it. If the notice contains incomplete or incorrect details, action may be delayed.

Third, social media platforms receive a large number of complaints and may not have sufficient time to examine each one carefully. Although automated systems can detect copyrighted material, they may fail to recognise whether the use is covered by a licence or permitted under an exception provided in Section 52 of the Copyright Act.

Therefore, notice-and-takedown provides a way to deal with online copyright infringement, but it cannot completely prevent repeated uploads or ensure that every complaint is handled correctly. An effective system should allow platforms to take timely action while also protecting users whose content has been wrongly reported.

4.4 Misuse of Copyright Claims and False Takedown Notices

Copyright law gives creators and copyright owners the right to prevent the unauthorised use of their works. However, this system can sometimes be misused through false or unjustified copyright complaints. Such complaints may be made by individuals or organisations who do not actually own the copyright or have no authority to act on behalf of the owner.

False takedown notices may lead to the removal of lawful content from social media platforms. For example, a user may upload a video containing a short extract from a copyrighted work for criticism, review or another purpose permitted under Section 52 of the Copyright Act, 1957. If another person files an incorrect copyright complaint, the platform may remove the video without properly checking whether its use was lawful.

Problems may also arise when different parties claim ownership over the same content. This can happen when there is a dispute regarding copyright ownership, licensing or permission to use a particular work. Platforms may find it difficult to identify the actual rights holder, especially when they receive conflicting complaints.

False copyright complaints can affect freedom of expression, education, criticism and creative activities. Content creators may lose access to their accounts, face restrictions on their videos or suffer

financial losses because of incorrect claims. Smaller creators may face further difficulties because they may not have enough resources to challenge such complaints.

The Copyright Act recognises certain uses of copyrighted material that do not amount to infringement. Section 52 provides exceptions for specific purposes, including fair dealing for private or personal use, research, criticism or review, and reporting of current events, subject to the conditions of the provision. Therefore, the filing of a copyright complaint should not automatically be treated as proof that infringement has taken place.

To prevent such misuse, platforms should follow a fair process for examining complaints, verify ownership claims where reasonably possible and give affected users an opportunity to challenge incorrect notices. Copyright protection should not become a means of removing lawful content or restricting legitimate expression.

4.5 Balancing Copyright Protection with Freedom of Speech and Expression

Copyright law protects creators by giving them certain rights over the use and distribution of their original works. At the same time, social media platforms allow users to express their views, share information, criticise existing works and take part in public discussions. It is therefore necessary to maintain a balance between copyright protection and freedom of speech and expression.

In India, freedom of speech and expression is guaranteed under Article 19(1)(a) of the Constitution, subject to the reasonable restrictions mentioned in Article 19(2). Copyright protection also serves an important purpose by recognising the rights of authors and encouraging creative work.

Conflicts may occur when users include copyrighted material in their posts, videos, reviews, educational content or online discussions. For example, a person reviewing a film may use a short clip to explain a particular scene. Similarly, a user discussing a book may reproduce a small portion of it to explain its ideas. Such uses may be permitted under the exceptions provided in Section 52 of the Copyright Act, 1957, depending on their purpose and circumstances. However, using copyrighted material for commentary or expression does not automatically make the use lawful.

The problem becomes more serious when social media platforms remove content after receiving copyright complaints. If platforms remove material without properly considering the exceptions under copyright law, they may also restrict lawful criticism, educational discussions and creative expression. On the other hand, allowing unrestricted use of copyrighted material may affect the rights of authors and their ability to earn from their work.

Therefore, copyright enforcement should take into account both the rights of copyright owners and the legitimate interests of users. Platforms should carefully examine complaints, provide users with an opportunity to challenge wrongful removals and avoid treating every use of copyrighted material as infringement. A proper balance is necessary to protect creators while allowing users to communicate, criticise and share information within the limits of copyright law.

5. CONCLUSION

In conclusion, strengthening copyright enforcement on social media platforms requires a multi-layered and forward-looking approach. Legislative harmonisation, platform accountability, algorithmic oversight, accessible remedies, international cooperation, and creator empowerment must operate together to address the complex realities of digital infringement. While judicial intervention has played a vital role in filling enforcement gaps, sustainable protection of copyright in the digital age depends on comprehensive policy reform. Implementing these suggestions would help restore the balance between innovation, freedom of expression, and the protection of creative rights in India's rapidly evolving digital ecosystem.

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