



INTELLECTUAL PROPERTY RIGHTS

## COPYRIGHT INFRINGEMENT IN SOCIAL MEDIA PLATFORM



From memes to movies, social media has become a hub of creativity and sharing, however lurking beneath this surface lies a digital minefield of copyright infringement. It being a world of viral theft, legal battles, and blurred lines caught between inspiration and infringement in the realm of social media.

### Copyright infringement

Copyright infringement happens on the social media on posting pictures, films, or music without the appropriate authorizations or licenses. There may be still a violation of copyright on a person using the content without permission, even if they provide credit to the original author. In addition to affecting the rights of copyright holders, the illicit distribution of copyrighted content through social networks jeopardizes the enforcement of intellectual property rights in the digital era.

As observed by the Bombay High Court, the creators of the online series "Scam 1992: The Harshad Mehta Story" granted a special relief wherein 32 Instagram users were compelled to comply with an interim dynamic injunction after they violated the creators' rights by using clips from the web series for promotional purposes in December 2022. The series was exclusively available on SonyLIV's OTT platform with publicity and character rights purchased by Applause Entertainment Pvt Ltd. The court held that the Instagram 32 users have committed copyright

infringement and directed the Meta Platforms, the proprietor of Instagram to release information regarding the infringers. So, through this judgement we see a shift in the accountability on the platform holders for the activities carried by its users.

Like wise, the other domino where there is rampant infringement of the copyright is the Film Industry wherein film producers should object to the posting of copyrighted movie content on social media. But at times, these producers permit restricted material sharing to create hype and draw in a larger audience. Additionally, when there is so much user-generated content on social media, copyright enforcement becomes a difficult one. As the Producers generally take it to concentrate on more serious copyright infringement due to limited resources and which also involves multi complicity in taking recourse to safe guard one's copyrighted work. However, sharing of illicit copyrighted work by the users of the of the social media might have a detrimental effect on the rights and income of the creators and rights holders.

### Bending the rules of Copyright Infringement

In India, the Copyright Act, addresses fair dealing, it allows for the limited use of copyrighted material without infringing upon the rights of the copyright holder. It establishes a few exceptions to copyright infringement, enabling people to use copyrighted works for particular purposes without asking permission from the owner of the copyright. Fair dealing refers to the usage of copyrighted content for parody, legal procedures, research, private study, education, reporting on current events, criticism, reviews etc. Though it is that the doctrine is not applicable for cases where the copyrighted contents are used for commercial purposes.

Thus Copyright infringement on social media poses a significant challenge in the digital age making the movie producers, pictures, films, or music and other copy right holders to seek recourse only by taking legal action against copyright infringement and piracy, thereby protecting their creative works, safeguarding their investments, and ensure a fair and thus ensuring a sustainable use the social media for themselves and future generations.