
THE RISE OF COPYRIGHT INFRINGEMENT IN SOCIAL MEDIA

Mihir Kumar, Ph.D. Scholar, Maharashtra National Law University, Nagpur

ABSTRACT

The usage of social media platforms has increased many folds in recent times. At present, everything is on the social media platforms from news to entertainment. Although, it was developed with the purpose to connect people which has now evolved into a multipurpose usage tool. It provides virtual identity to its user, which gains popularity by the user-generated content. Such popularity also ensures income for the user through brand endorsements and advertising. The problem arises when the social media user shares the copyrighted content without attribution to the original proprietor. Such action leads to copyright infringement. This paper would be an attempt to deal with the issues arising due to such action and to find out whether the generated content qualifies for protection under the copyright law. In addition, the study will also explore the potential legal liabilities of social media platforms within the current regulatory framework.

Keywords: Copyright Infringement, Copyright Law, Social Media Platforms, User Generated Content, Virtual Identity.

Introduction

With the penetration of affordable internet, social media becomes a popular thing among users. Nearly 63.9% of the world's population uses some kind of social media platform,¹ which facilitates sharing of information and ideas at a very rapid pace. Even India has around 491 million active social media users.² Initially, social media was developed with the purpose to connect people which has now evolved into a multi-purpose usage tool. It offers both commercial and non-commercial services to its users. The popular platforms which offer such services are Facebook, Instagram, X (formerly twitter), WhatsApp and Pinterest. These platforms provide virtual identity to its user, which gets popular from the content generated by that user. The generated content is shared either in the form of feeds, reels or post. It is a prevalent notion among people that all the content available on the social media is free, therefore, it can be reshared freely. And here, the unintended race begins where people share more and more content to become popular without even taking permission from the creator of that content. Such sharing happens in the form of memes and reels which are the popular scrolled content in today's world, available mostly on all the platforms. Nearly 140 billion reels are scrolled every day on the Instagram.³ The problem arises where the content is used without due attribution to the original author, which constitutes a copyright infringement. In 2024, some cases of copyright infringement were reported on social media involving political campaigns in India. The Bharatiya Janata Party Karnataka Instagram account shared PM Modi's video featuring with Australian singer song in the background, allegedly without obtaining due permission from the author. Similarly, during Bharat Jodo Yatra rally, a song from the film 'Kgf 2' was used in the promotional video without prior permission from the authors.⁴ Though, after the intervention such contents were removed. However, such instances raise serious concerns about the unauthorised use of copyright content on social media, highlighting the need for immediate attention.

¹ Kepios, *Global Social Media Statistics*, DATAREPORTAL, <https://datareportal.com/social-media-users>, (last visited on April 05, 2025).

² Simon Kemp, *Digital 2025: India*, DATAREPORTAL, February 25, 2025, <https://datareportal.com/reports/digital-2025-india>, (last visited on April 05, 2025).

³ Tanmay Ratnaparkhe, *Instagram Reels Statistics You Need to Know*, PREDIS.AI, December 21, 2024, <https://predis.ai/resources/instagram-reel-statistics/>, (last visited on April 05, 2025).

⁴ Prerna Shree, *Impact of Copyright Law on Usage of Musical Work and Sound Recordings on MicroEntertainment Platforms Like Instagram Reels and YouTube Shorts*, MONDAQ, October 16, 2024, <https://www.mondaq.com/india/copyright/1531312/impact-of-copyright-law-on-usage-of-musical-workand-sound-recordings-on-micro-entertainment-platforms-like-instagram-reels-and-youtube-shorts>, (last visited on April 02, 2025).

Every original piece of content which exhibits literary, dramatic, musical, artistic, cinematography, or sound recording element is protected under the copyright law.⁵ Copyright law protects the expression of ideas but not the idea perse.⁶ There are certain exclusive rights conferred on the creator of that content.⁷ This exclusivity ensures that the author can exploit his work to the exclusion of the others for a definite period. Apart from these exclusive rights, which are known as economic rights, the copyright law also provides moral right for an indefinite period. These moral rights prevent mutilation of the creator's intellectual offspring. The original legislation does not have any provisions that deal with copyright infringement issues on social media platforms. However, after the amendment of 2012, certain provisions were added which will be discussed in the following content. The Indian judiciary also plays an active role in dealing with such issues, especially while solving a conflict between the Copyright Act 'fair dealing' provision and the Information Technology Act 'safe harbour' provision.

This paper attempts to address the challenges and issues pertaining to protection of the copyrighted content on social media platforms such as copyrightability of social media content and its authorship, and what all remedies available in copyright infringement cases. Further, it will address the legal liabilities of platforms as well.

Copyrightability of Social Media Content: Challenges and Issues

With the growing presence of social media in daily aspects of life, such as commenting, promoting or sharing contents. There is also an increase in sharing copyrighted content on social media without authorisation from the rightful author, which constitutes copyright infringement. In 2015, Getty Images received compensation after a German blog used its copyrighted 'Socially Awkward Penguin' meme without license.⁸ In another case, *Grumpy Cat Ltd. v. Grenade Beverage LLC*, where the copyrighted meme 'Grumpy Cat' was used by the defendant beyond the term of the copyright licensing agreement leading the California Jury to award relief to the plaintiff.⁹ In 2020, Sony Music Entertainment, an American multinational company, has filed a lawsuit against Marriott International hotel, alleging unauthorised use of

⁵ The Copyright Act, 1957, § 13, No. 14, Acts of Parliament, 1957 (India).

⁶ R.G. Anand v. Deluxe Films, (1978) 4 SCC 118.

⁷ *Ibid*, § 14.

⁸ Divanshi Gupta, *Laugh Out Loud, Legally: Copyright Considerations in Memes*, CHADHA & CHADHA IP, July 12, 2023, <https://www.candcip.com/single-post/laugh-out-loud-legally-copyright-considerationsin-memes>, (last visited on April 04, 2025).

⁹ 2018 U.S. Dist. Lexis 91342.

its copyrighted video content in promotion through social media posts.¹⁰ The case is still in trial phase. Similarly, T-series also sent legal notice to Triller, a social networking platform to avoid using its copyrighted content in 2020.¹¹ These instances highlight the need to explore the relationship between the copyright law and user-generated content on social media platforms.

Subject Matter of Copyright Law and its Relevance with Social Media Content

Copyright is an intellectual property rights conferred to the author for their original creation resulting from intellectual labour. It is an intangible right. “*An intellectual property is at times described as knowledge goods.*”¹² The legislation governing copyright in India is the Copyright Act, 1957. It was enacted with the objective that the act will guarantee the author right over their expression, while also enabling others to build upon that knowledge with due recognition of the original author.¹³ The Act protects all kinds of original authorial works. The term ‘work’ means that which encompasses a literary, dramatic, musical, artistic, cinematograph film or sound recording content.¹⁴ These are the subject matters in which copyright subsist.¹⁵ Section 13 states that copyright shall subsist in original literary, dramatic, musical, artistic, cinematograph films or sound recording works. However, it does not mention whether copyright subsist in case of social media content or not. There are certain exclusive rights conferred to the author of the work which includes right to reproduce, publish, adopt, translate, perform, and communicate with others, etc.¹⁶ The copyright protection term in India is, generally for the lifetime of the author plus sixty years after the author’s death. It is not necessary to register the work to acquire copyright. However, the registration will serve as prima facie evidence in the court of law with respect to copyright disputes.¹⁷

Now, the question arises that whether the social media content qualifies as the work in which copyright subsist or not. The social media content shared in the form of memes, which is an image, GIF or video that has been altered with text, would fall within the definition of artistic

¹⁰ Sony Music Entertainment v. Marriott International, Inc., <https://www.musicbusinessworldwide.com/files/2024/05/Sony-v-Marriott.pdf> (last visited on April 05, 2025).

¹¹ Supra note 4.

¹² V.K. AHUJA, LAW RELATING TO INTELLECTUAL PROPERTY RIGHTS, 3rd ed. 2019, p. 3.

¹³ *Ibid*, pp. 19-20.

¹⁴ The Copyright Act, 1957, § 2, cl. y, No. 14, Acts of Parliament, 1957 (India).

¹⁵ *Ibid*, § 13.

¹⁶ *Id* at § 14

¹⁷ Copyright Office, Government of India, *FREQUENTLY ASKED QUESTIONS*, COPYRIGHT OFFICE, <https://copyright.gov.in/frmfaq.aspx> (last visited on April 03, 2025).

work.¹⁸ If it is a reel, which is a short video, then it can be protected as a cinematograph film.¹⁹ But these works must be either original or derivative in nature in order to subsist under the copyright law. The concept of originality was well elucidated by the Honourable Supreme Court of India in the case of *D.B Modak v. Eastern Book Company*, the court held that “*the copyright work which comes into being should be original in the sense that by virtue of selection, co-ordination or arrangement of preexisting data contained in the work, a work somewhat different in character is produced by the author*”.²⁰ The same concept was also dealt by the United States Supreme Court in the case of *Feist Publications Inc. v. Rural Telephone Service Co.*, the court held “*when the work is independently created by the author (as opposed to copied from other works), and when it possesses at least some minimal degree of creativity*”.²¹ In essence, the work should involve some minimal amount of effort and should not be an exact imitation of the someone’s else original work.²² Accordingly, the reels and memes content which qualifies this criteria of originality will be protected under the copyright law.

Authorship and Ownership on Social Media Content

The pertinent question arises regarding the authorship and ownership of user-generated content on social media platforms. It would be a challenge to determine who the author is: the person who posted such content or whether such content was posted under any course of employment. Both these terms authorship and ownership are closely related, it can be said that the thread of ownership passes through authorship, which is necessary to determine copyright beneficiary. The author is the creator of the content on whose copyright subsist. The term author has been defined as the author of literary or dramatic work, the composer of the musical work, the artist of the artistic work, the photographer of the photograph work, the producer of cinematograph film or sound recording, or the person who causes the work to be created by the computer.²³ Generally, social media users post reels or memes, which is the subject matter of copyright law. Hence, if the users are posting original content on social media platforms, can claim

¹⁸ *Ibid*, § 2 (c) artistic work means “a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality”.

¹⁹ *Id* at § 2 (f) cinematograph film means “any work of visual recording and includes a sound recording accompanying such visual recording”.

²⁰ (2008) 1 SCC 1.

²¹ 499 US 340 (1991).

²² Prachi Tyagi, *Social Media and Copyright: An Indian Perspective*, NISPR, Vol. 28, 2023, p. 404, Stokes S, *Digital Copyright Law and Practice* (Hart Publishing) 2014.

²³ *Supra* note 14, § 2(d).

copyright over such expression. The platform would not be a relevant factor, whether it is virtual or physical, if the work possesses originality and inspires other, it can be copyrighted.²⁴ In the case of *Fairmount Hotels Pvt. Ltd. v. Bhupinder Singh*, the Delhi High Court held that the copyright exists on the photos posted by the users on Facebook.²⁵

The author of the work will be the first owner of such work and is entitled to all the exclusive rights associated with it.²⁶ However, the work which is produced under the course of employment or at somebody instance, the author does not remain the owner of such work. The terms and conditions of the social media platforms also plays a key role in deciding the ownership of the content posted on it. Although, nobody pays any heed to such conditions resulting in loss of some rights. According to Pew Research Centre survey, just 9 percent of Americans read social media terms thoroughly.²⁷

What Constitutes Copyright Infringement

The sharing of any content without the license from the original author would attract copyright violation.²⁸ It is a well-established principle that the copyrighted work must only be used with the permission of the author²⁹, or unless such use falls under 'Fair Dealing' doctrine. However, in all the cases it must be duly acknowledged. Fair Dealing can be referred as the limitation on the author's right to restrict others from using or reproducing his work. This doctrine exists in order to balance of the interests of the copyright holders and the public at large. There are certain acts which fall under fair dealing that do not constitute copyright infringement.³⁰ Such as, when the work is used for private purpose including research, review or criticism; reporting of current event in any medium; making copies of the computer program for non-commercial personal use; incidental or transient storage of the work purely in the technical process of electronic communication or communication to the public; reproduction of official records of the State; reproduction of the judicial proceedings; recitation of the reasonable extract of the published work in the public; use of work for educational purposes. However, this provision

²⁴ Supra note 22.

²⁵ (2018) CS(COMM) 111.

²⁶ Supra note 14, § 17.

²⁷ Brooke Auxier et al., *Americans' attitudes and experiences with privacy policies and laws*, PEW RESEARCH CENTER, December 19, 2019, <https://www.pewresearch.org/internet/2019/11/15/americansattitudes-and-experiences-with-privacy-policies-and-laws/>, (April 09, 2025).

²⁸ Supra note 14, § 51.

²⁹ Supra note 14, § 19.

³⁰ Supra note 14, § 39 and § 52.

does not expressly mention whether such exemptions will be applicable on social media content, but in the case of *ESPN Star Sports v Global Broadcast News*, the Delhi High Court observed that “*there are no rigid standards which are to be followed in every case, the cases have to be decided upon their facts and circumstances, hence, what is considered to be right in a particular case might not be right for some other case*”.³¹

The phrase ‘Fair Dealing’ has not been defined under the Copyright Act. This concept was well explained by the Kerala High Court in the case of *Civic Chandran v. Ammini Amma*, the court held that “*it may be reasonable to hold that the re-production of the whole or a substantial portion of it as such will not normally be permitted and only extracts or quotations from the work will alone be permitted even as fair dealing*”.³² The court also laid down certain factors to check if the reproduction constituted copyright infringement. Such as: “*The quantum and value of the matter taken in relation to the comments or criticism; The purpose for which it is taken; And the likelihood of competition between the two works*”. In another case, *India TV Independent News Services Pvt. Ltd. v. Yash Raj Films Pvt. Ltd.*, the Delhi High Court held that “*the use of copyrighted music in small parts during an entertainment television show would not be considered fair dealings under the provision of reporting current events*”.³³ This case will be instrumental while deciding copyright violations in reels content, where people generally incorporate background music of some movie or singer.

There is one more wider concept ‘Fair Use’ placed in the United States copyright law,³⁴ which also allows reproduction of the copyrighted work to a certain degree in public interest, while balancing the interests of the copyright holders. This concept was laid down by Justice Joseph Story in the case of *Folsom v. Marsh*, the court laid down four-factor test³⁵, “*In short, we must often... look to the nature and objects of the selections made, the quantity and value of the materials used, and the degree in which the use may prejudice the sale, or diminish the profits, or supersede the objects, of the original work*”.³⁵ Given that social media content has no geographical boundary, it would be prudent, if we apply this doctrine to decide the copyright infringement disputes on social media platforms.

³¹ [2008] (36) PTC 492 Del.

³² 1996 PTC 670 (Ker HC), p. 675-677.

³³ MANU/DE/3928/2012.

³⁴ 17 U.S.C. § 101 (1976).

³⁵ 9.F. Cas. 342 (C.C.D. Mass. 1841).

Remedies under the Copyright law

First, let us understand the legal status of social media in order to seek relief. The Information Technology Act defines intermediaries with respect to any particular electronic records as

*“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, webhosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes.”*³⁶

As social media platforms roles are confined to receiving, storing, and transmitting information among family or peers, it would fall under the above definition. The original Copyright Act, 1957 does not have any provision which deals with intermediaries. However, the 2012 amendment introduced provisions concerning anti-circumvention of technological measures and protection of digital management rights.³⁷ Although, this amendment does not specifically mention intermediaries, however, the report of the Standing Committee stated that these provisions were introduced with the intent to deal with intermediaries.³⁸ This amendment was brought in order to comply with World Intellectual Property Right³⁹ (WIPO) Copyright Treaty, and WIPO Performance and Phonogram Treaty. These treaties oblige the contracting parties to provide legal remedies in their national laws for anti-circumvention of technological measures⁴⁰ and protection of Digital Management Rights⁴¹. Both these provisions protect the copyrighted content of the user on the digital platform. These provisions make any person criminally liable, if he violates such provisions.⁴²

³⁶ The Information Technology Act, 2000, § 2, cl. w, No. 21, Acts of Parliament, 2000 (India).

³⁷ Supra note 14, § 65 A and 65 B.

³⁸ Arathi Ashok, *Internet service providers and copyright: Void in the Indian Law*, 10 RMLNLJ (2018) 234, <https://www.sconline.com/Members/SearchResult.aspx>, (last visited on April 17, 2025).

³⁹ The World Intellectual Property Organization (WIPO) is the United Nations agency that enable the creators, innovators and entrepreneurs to protect and promote their intellectual property (IP) across borders and acting as a forum for addressing cutting-edge IP issues, <https://www.wipo.int/about-wipo/en/> (last visited on April 10, 2025).

⁴⁰ Art. 6 to 8 of the World Intellectual Property Rights Copyright Treaty; Art. 8, 11, 13, 14, and of World Intellectual Property Rights Performances and Phonograms Treaty.

⁴¹ Art. 12 of World Intellectual Property Rights Copyright Treaty; Art. 19 of World Intellectual Performances and Phonograms Treaty.

⁴² The Copyright Act, 1957, § 65, cl. A (1), No. 14, Acts of Parliament, 1957 (India), states that “Any person who circumvents an effective technological measure applied for the purpose of protecting any of the rights conferred by this Act, with the intention of infringing such rights, shall be punishable with imprisonment which may extend to two years and shall also be liable to fine”; § 65 B, states that “any person knowingly alters the copyrighted work and/or distributes the copyrighted work without attribution shall be punishable with imprisonment which may extend to two years and shall also be liable to fine”.

Further, the 2012 amendment also introduced two new provisions under fair dealing provision which states that the incidental or transient storage cannot be copyright infringement, unless *“the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy”*.⁴³ The proviso under the same clause states that if any request for takedown comes alleging copyright infringement, such person responsible shall refrain the access of such work for twenty-one days or till he receives an order from the competent court.

In India, there is no provision for blocking orders against online sites which infringes copyright of a person. However, the Indian courts has exercised its discretion in such situations. The Indian courts have been issuing ‘John Doe’ under the inherent powers granted to the courts by the Code of Civil Procedure, *“to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court”*.⁴⁴ John Doe order is an ex-parte directive issued where it is difficult to identify infringing parties, or several sites were involved in leaking or displaying of such copyrighted content.⁴⁵ In the case of *UTV Software Communication Ltd. & Ors. v. 1337x.to & Ors.*, the Delhi High Court while dealing with the question that whether the infringer of the copyright on the internet would be treated differently than of the physical world. The court held that *“that there is no logical reason why a crime in the physical world is not a crime in the digital world especially when the Copyright Act does not make any such distinction”*.⁴⁶ Therefore, it can be concluded that the person can directly sought relief from the courts in case of copyright infringement by the social media platforms.

Legal Liabilities of Platforms

The Indian Copyright Act does not have any explicit provision to deal with issues of copyright infringement by the social media platforms. From the above discussions, it is clear that the Indian judiciary from time to time has been granting relief to the copyright holder in such cases under the same act. However, a conflict emerges between the Copyright Act and Information Technology Act, when the intermediaries take ‘safe harbour’ provision immunity from the latter act. Presently, there are guidelines also which accompany the Information Technology Act that

⁴³ Supra note 14, § 52 (1) (C).

⁴⁴ The Code of Civil Procedure, 1908, § 151, No. 05, Acts of Parliament, 1908 (India).

⁴⁵ Shounak Bannerjee, *Intermediary Liability In Usa and India: To Block Or Not To Block*, 4 CMET (2017) 1, <https://www.sconline.com/Members/SearchResult.aspx>, (last visited on April 17, 2025).

⁴⁶ CS (COMM) 724/2017.

is Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules superseded the Information Technology Rules of 2011.

Section 79 deals with “*intermediaries not to be liable in certain cases*”, hence, provides for safe harbour provision which exempts intermediaries from liability “*for any third party information, data, or communication link made available or hosted by him*”.⁴⁷ However, “*upon receiving actual knowledge, or on being notified by the appropriate Government or its agency*” that any unlawful act has been committed, “*the intermediary fails to expeditiously remove or disable access to that material*”, in the said circumstances, the intermediary cannot escape their liability by seeking the defence of this provision. However, this protection is limited by Section 81 of the Information Technology Act, which states that “*the IT Act shall not restrict any person from exercising any right conferred under the Copyright Act of 1957 or the Patents Act of 1970*”. Before 2015, the intermediaries have the discretion either to remove or block the access of the content which is considered as unlawful according to them.⁴⁸ However, in the case of *Shreya Singh v. Union of India*⁴⁹, the Supreme Court narrowed down the interpretation of this provision. After this judgment, the intermediary can only act once notified by the appropriate government. Hence, the copyright holder can complain to the government and request for the above action in case of copyright infringement by the social media platforms.

Now coming on to the Information Technology Rules to determine legal liabilities of social media platforms.⁵⁰ These rules were notified by Ministry of Electronics and Information Technology in order to amend the Information Technology Rules of 2011. It was introduced with the rationale that it will curb the violence instances instigated through any post on the social media platforms. These rules provide standard guidelines which intermediaries should follow while discharging their roles and responsibilities, and also for seeking defence under safe harbour provision. These rules aim to increase the accountability of the social media platforms and empowers the user of the social media platforms by establishing a three-tier redressal mechanism for efficient grievance redressal.⁵¹ In addition, there is also a code of ethics for social media intermediaries which have to be adhere by them, while discharging their

⁴⁷ Supra note 36.

⁴⁸ Supra note 36, § 79 (3) (b); Information Technology (Intermediaries Guidelines) Rules, 2011.

⁴⁹ AIR 2015 SC 1523.

⁵⁰ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules of 2021.

⁵¹ *Ibid*, Rule 3 (2).

duties.⁵² Rule 3(1) (b) (iv), states that the intermediary shall share any information to the user that their content “*infringes any patent, trademark, copyright or other proprietary rights*”, and must remove it. Rule 3 (2) provides Grievance Redressal Mechanism of Intermediary, which specifies the procedure and timeline for resolving complaint.⁵³

Copyright Act v. Safe Harbour Provision

There is a conflict between Section 51 (a) (ii) of the Copyright Act and Section 79 of the Information Technology Act. The former talks about liability on intermediaries with respect to third-party content posted on their platforms, while the latter talks about absolving the liabilities of intermediaries from such content. This conflict got resolved in the case of *Super Cassettes Industries Ltd. v Myspace Inc. and Anr.*⁵⁴ In this case, the defendant operates a social networking site where the copyrighted music content of the plaintiff was posted without his authorisation. The plaintiff raised this issue many times, however, no such action has been taken by the defendant. The Delhi High Court held that “*Myspace allowed the sharing of the content on its platform over which the copyright ownership was with the Super Cassettes, therefore, is liable for infringing the copyright of the owners*”. Further, Myspace filed an appeal before the division bench of the Delhi High Court which got dismissed and also upheld the decision of single bench.⁵⁵

Similar situation arises in United States in 2023, where the National Music Publishers Association alleges copyright infringement by X (formerly twitter). The content was not removed by X platform even after many notices sent to him. There also X seeks the defence of safe harbour provision which got rejected by the court.⁵⁶

Conclusion

The 21st century is often characterised as the digital age century where integration of technologies happens in a person’s life very quickly. Social media is a tool that facilitates the dissemination of information in a much smoother and faster way. The sharing of content

⁵² *Id* at Rule 3 (1).

⁵³ *Supra* note 50.

⁵⁴ [2011] (47) PTC 49 (Del).

⁵⁵ *Myspace Inc. v. Super Cassettes Industries Ltd.*, [2017] (69) PTC 1.

⁵⁶ Devesha Tudekar, *X vs. Music Labels: Intricacies Of The Safe Harbour Principle*, MONDAQ, March 28, 2024, <https://www.mondaq.com/india/copyright/1444358/x-vs-music-labels-intricacies-of-the-safeharbour-principle>, (last visited on April 16, 2025).

happens at a very rapid pace, and often without attribution to the proprietor of that content. Therefore, it is a much-needed situation where all the social media stakeholders must act in consonance with balancing the need for fostering creativity on the platforms as well as protecting the interest of the copyright holders. The terms and conditions of using social media platforms must be enacted unambiguously and accessible in user-friendly language. Social media platforms must act pro-actively while dealing with the complaints of copyright infringement.

Although, the Copyright Act has provisions that deal with intermediaries. However, the four-factor test of the fair dealing of the US copyright law should be inserted in the act itself to provide clear approach for determining the liability of copyright infringement by such intermediaries. Further, the Information Technology Act and Rules must be harmoniously read with the copyright law to protect the interests of copyright holders as well as intermediaries.

Suggestions

The copyright ownership of the shared content on social media should reside with the users, not be transferred to the social media platforms. The terms and conditions should be made in the interest of the users because of their role as a revenue generator. Although, every social media platform has their own redressal mechanism for dealing with intellectual property rights infringement issues, however, their response to such complaint is slow which needs immediate attention. The four-factor test of identifying fair dealing should be included in the fair dealing provision to make it more comprehensible for dealing with copyright infringement issues on social media platforms.

Although, the Indian judiciary has been issuing blocking orders against the social media websites that are violating the laws through its inherent powers, however, it would be prudent for the legislature to incorporate such powers within the copyright act itself. The legislature can also add provision which makes special courts for such disputes. Lastly, it is important that people must be aware about their rights and duties for using social media platforms in a responsible manner.