
FROM REELS TO RIGHTS: ADDRESSING COPYRIGHT VIOLATIONS ON SOCIAL MEDIA IN INDIA

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ABSTRACT

A copyright is one of many kinds of intellectual property that generally, for a specific time period, grants its owner the sole right and authority to use it in any way he wishes to, including reproduction, transmission, adaptation and exhibition of the property. It is an exclusive legal right which provides authors of original work related to literature, musical, dramatic or artistic work, or audio recordings, cinematographic films protection for their works.

Social media is the platform that allows people to share various aspects of their life with the world, including the works created by them using their own intellect. Copyright of a person may get infringed on social media platforms without him even realizing about it. This research paper focuses on the stark contrast between the basic ethos of copyright and the nature of social media platforms that encourage users to share their creativity. The paper further focuses on terms and conditions of various social media platforms like Facebook, Instagram and YouTube, and various measures taken by such platforms to prevent infringement of copyright material of the users. This paper further focuses on the issue of authorship/ownership of the content posted on social media platforms, and how the terms of use of the such platforms restricts the author of the copyright to gain from his creation to the full extent.

INTRODUCTION

Since the turn of the 21st century, there have been advancements in the field of science and technology. Internet in particular has transformed the way people communicate and connect with each other. Access to information is just at the click of a finger. Various social media platforms like Facebook, Instagram, YouTube, X (formerly twitter), TikTok encourage their users to share, re share and retweet events of their lives, including day to day mundane activities to special achievements and occasions. Social media is also a platform for original creators of copyrighted works to share their creations with the world. The users of these platforms are encouraged to share their original works as well as works of other users through various features of these applications such as re-post, share and retweet. These social media platforms also help people to advertise and conduct digital business. The main source of revenue generation for these social media platforms is advertisements by various sellers. The more the number of users on the platform, the greater is the reach of advertisements.

The basic ethos of Copyright protection is in sharp contrast to the concept of social media platforms. Copyright protection grants the author of the original literary, dramatic, musical, artistic work, audio recordings and cinematograph films an exclusive right to reproduce, translate, adapt, and distribute the work for monetary gain.

Users of such social media platforms may knowingly or unknowingly infringe upon the protected work. Terms of use of such social media platforms are vague regarding the protection afforded to copyrighted works of the authors. As per the terms of use¹ of Instagram, it is possible that a user may infringe the protected work of another user even on giving credit to the owner, including a disclaimer stating no intention of infringement, thinking it is fair use, not intending to profit from it and modifying the work or adding original matter to it. It is better to get written permission from the author of the work before posting it. The evolution of social media platforms and sharing culture among users has been a challenge for the Copyright Law around the world. The sheer volume of data uploaded on the social media platforms makes it even more difficult to keep track of copyright violations. According to statista², the number of

¹ INSTAGRAM HELP CENTRE, https://help.instagram.com/126382350847838/?helpref=search&query=COPYRIGHT&search_session_id=0449c3befbab9595cd15d97f8ed8c1df&sr=0 (last visited March 6, 2026).

² STATISTA, <https://www.statista.com/statistics/183585/instagram-number-of-global-users/?srsltid=AfmBOorsdYsvnHcMuaVeZGgOwkhQGjEOG9mfocxkJMqg8G80a7rvTdFo> (last visited March 5, 2026).

monthly Instagram users have increased from 1.04 billion in 2020 to 1.44 billion monthly active users in 2025. The rise in online copyright infringement is a result of increased digital engagement and insufficient awareness/enforcement.

ORIGIN OF COPYRIGHT LAW

The invention of the printing press around 1440 by Johannes Gutenberg is widely regarded as one of the most transformative technological developments in human history. This innovation played a crucial role in accelerating and dramatically improving the production and distribution of written material. Prior to the invention of printing press, books were copied manually, which was a slow and expensive process that limited access to knowledge. Gutenberg's printing press changed this by enabling the mass production of books and other printed works. As a result, information began to circulate more rapidly across Europe and eventually throughout the world.

The increased availability of printed materials contributed significantly to the spread of ideas in fields such as science, literature, and education. Knowledge became accessible more easily than before. Literacy levels gradually improved, and intellectual exchange expanded across regions and social classes.

However, the rapid multiplication of printed works also created new challenges. Since books could now be reproduced on a large scale, authors and printers faced the risk of unauthorized copying and reprinting of their works. In earlier times, the limited and labour-intensive process of manuscript reproduction naturally restricted duplication. With the emergence of printing technology, however, piracy and unauthorized reproduction became significant concerns. Printers and publishers invested considerable resources in producing books, yet others could easily copy and sell the same works without permission.

These developments highlighted the need for legal mechanisms to regulate the printing industry and to protect the interests of authors and publishers. Early efforts to address these concerns often took the form of printing privileges granted by authorities or agreements among printer guilds. Such arrangements attempted to control who could print certain works and to prevent unauthorized reproduction. Although these early measures were not fully developed legal systems, they laid the groundwork for the future evolution of intellectual property law.

A major turning point in this development occurred with the enactment of the Statute of Anne³ in England in 1710. This legislation is frequently recognized as the first modern copyright statute. Named after Queen Anne, the law introduced the concept that authors, rather than printers or publishers, should hold the primary rights over their creative works. It granted authors the exclusive authority to print and publish their writings for a limited period, typically fourteen years, with the possibility of renewal if the author was still alive at the end of the initial term.

The Statute of Anne represented a significant shift in the legal treatment of creative works. Prior to its introduction, the printing industry was largely controlled by publishers and booksellers who often benefited financially from authors' works without adequately compensating them. By granting legal recognition to the rights of authors, the statute sought to correct this imbalance. It provided creators with greater control over the reproduction and distribution of their writings while also encouraging the production of new intellectual and literary works.

At the same time, the legislation attempted to maintain a balance between private rights and public access to knowledge. By limiting the duration of copyright protection, the law ensured that works would eventually enter the public domain, where they could be freely used and disseminated for the benefit of society. In this way, the statute sought to promote both creativity and the broader circulation of knowledge.

The principles introduced by these early legal measures gradually evolved and influenced copyright systems across the world. Over time, different countries adopted similar frameworks to protect authors' rights while regulating the use and reproduction of creative works. Although modern copyright law has become more complex due to technological advancements and global communication, its fundamental concepts can be traced back to these early efforts.

Thus, the invention of the printing press not only transformed the production and distribution of knowledge but also created the situations that made legal protection of intellectual creations necessary. The development of early copyright laws, particularly the Statute of Anne, laid the foundation for modern intellectual property systems that seek to balance the interests of

³ Statute of Anne, 8 Ann., c. 19 (1710) (Eng.).

creators, publishers, and the public in an ever-changing information landscape.

COPYRIGHT LAW: INDIAN PERSPECTIVE

Copyright is a form of intellectual property right which gives the original authors a bundle of rights over their works. Copyright Act 1957 governs copyright in India. As per section 14 of Copyright Act, 1957⁴ copyright is the exclusive right in respect of literary, dramatic or musical work that allows the author or any person authorised by him to do so, to reproduce the work in any medium, issue copies of the work, perform the work in public, make translation and adaptation of the work, or to make cinematograph film or sound recording in respect of the work. Various international conventions have been held to make laws related to copyright protection, with the Berne Convention in 1886 being the first that protected literary and artistic works created by the author in the form of book, painting, sculpture, music, films etc. Copyright protection is provided to the expression of the idea, rather than the idea itself. The author should have expressed his idea with some level of creativity. Rather than protecting the ideas, the law of copyright protects the manifestations of such ideas. It gives the owners of copyright the exclusive right to enjoy their creation. The owner of the copyright has economic and moral rights to use his creation for financial gain. Copyright is in a sense a negative right that the author has against the world. The owner of copyright can prevent others from using his original work. This right includes economic rights which are given to the owner as financial form and moral rights to protect their work from violation and take action. The owner can prevent others from copying his original work.

The history of Copyright in India goes back to 1847 when Indian Copyright Act of 1847 was introduced. The act was inspired from the British Copyright Law. The act got repealed in 1911 when Indian Copyright Act was made applicable across all of British India. This act was further amended in 1914 which remained in force till 1957, when Copyright Act 1957 was enacted. The Act was enacted with dual purposes of providing protection to original owners of works so that they can gain financial and moral benefits from their creation. It also promotes creativity as the authors know that their intellect is being recognised and rewarded. The objective of Copyright protection is not to restrict the use of copyrighted works by people but to encourage individuals to use their creativity for creation of original works that may be beneficial to the society. Copyright in India for an original work subsists for a period of lifetime of author + 60

⁴ The Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India)

years. After the expiry of said period, the work is available for general period to use. There is certain unrestricted use of contents of copyrights ensured by the legislation for establishing harmony between the copyright owner's rights and the welfare of the public for the betterment of the society. The Madras High Court has observed that the law of copyrights aims to preserve the fruits of the efforts, and labour and test of a man from annexing by other persons.⁵ Section 52⁶ of the Copyright Act 1957 describes certain acts that are not considered as infringement of copyright. The act of fair dealing with any work except computer programme for the purpose of personal use including research, criticism or review of that work or any other work, or the reporting of current events, including lecture delivered in public.

THE EVOLUTION OF SOCIAL MEDIA

Social media platforms began to grow in the last decade or so as the most popular means for people to interact with each other. Various platforms such as Facebook⁷, Instagram⁸, YouTube⁹ have users in large numbers. As per the report published by Datareportal, there were 5.66 billion social media "user identities" around the world at the start of October 2025. This data shows that more than 2 in 3 people on Earth now use social media in a month.¹⁰ It may be noted that the figures may not be presenting the true picture as people use and operate multiple accounts. Still, the figures show the global influence of Social Media platforms in people's lives. The data indicates that 93.8 percent of the world's internet users regardless of age now use social media each month. A total of 16 social media platforms now reports at least half a billion active users.

1. Facebook has **3.07 billion** monthly active users
2. WhatsApp has **3 billion** monthly active users
3. Instagram has **3 billion** monthly active users
4. YouTube's potential advertising reach is **2.58 billion**

⁵ Sulamangalam R. Jayalakshmi v. Meta Musicals, Chennai, (2000) 20 P.T.C. 681 (Madras).

⁶ The Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India)

⁷ FACEBOOK, "About Facebook," Facebook, <https://www.facebook.com/facebook> (last visited Dec. 5, 2025).

⁸ INSTAGRAM, <https://www.instagram.com/> (last visited Dec. 5, 2025)

⁹ YOUTUBE, <https://www.youtube.com/> (last visited Dec. 5, 2025)

¹⁰ DataReportal, "Global social media statistics", DataReportal, <https://datareportal.com/social-media-users> (last visited Dec. 5, 2025).

5. TikTok ads can potentially reach **1.99 billion** adults over the age of 18 each month¹¹

According to a survey on teens in the age group of 13-17 years conducted in 2022, it was found that 35% of teenagers use at least one of YouTube, TikTok, Facebook, Instagram and Snapchat.¹² These platforms initially were a means for people to connect with each other, but over the period of time as the technology progressed, use of such platforms has increased manifold. Businesses now use such platforms to advertise their products and connect to customers directly. Social media platforms do not charge any subscription fees from their users for basic features. The source of revenue generation for these platforms is advertising. So, the higher the number of users on platforms, higher is the revenue for them. Various similar features on these social media platforms such as share, re-tweet, re-share allow users to use content posted by others. Sharing content created by others may inadvertently lead to infringement of copyright. Copyright Act 1957 does not talk about infringement on social media platforms. Global nature of these platforms makes it even difficult to keep track of copyright infringement on these platforms. Punishment or penalising the acts of infringement is even more difficult.

The concept of sharing content upon which social media platforms function is in contrast with the basic principles of Copyright wherein the author of original work possesses a bundle of rights that allow him to restrict use of his work by others and use his work for personal, financial and moral gain. Social media has evolved far beyond its original purpose of facilitating communication among friends and family. Today, it functions as a multifaceted ecosystem enabling a wide range of activities, with commerce emerging as one of its most prominent domains. The reach of these social media platforms, more specifically Facebook and Instagram have made them an ideal platform for various business-related activities. These social media platforms now play a major role in the marketing strategies of the businesses. Well known social media influencers and personalities across the world- be it sportspersons or actors, are paid good amount of money to advertise the products on their social media handles by many recognised national and international brands.

¹¹ Id

¹²Monica Anderson, Emily A. Vogels, Andrew Perrin, Lee Rainie Connection, *Creativity and Drama: Teen Life on Social Media in 2022*, PEW RESEARCH CENTRE (Dec. 7, 2025, 3:36 PM)

RELATIONSHIP BETWEEN SOCIAL MEDIA AND COPYRIGHT INFRINGEMENT

While social media platforms facilitate user expression by allowing individuals to share their opinions, creativity, and talent with the public, they concurrently generate complex legal concerns, particularly related to copyright infringement. A prevailing misconception is that material posted online is freely available for reproduction without permission or authorisation. This presumption is wrong. Any content uploaded in the form of text, images, music, videography, or other original expressions attracts copyright protection under the Copyright Act. In fact, copyright protection in original work subsists the moment work is created. A written opinion constitutes a literary work; a photograph or graphic design qualifies as an artistic work; choreography or staged performance is categorised as a dramatic work; an original musical composition is treated as a musical work; and a video incorporating elements such as music, movement, or performance is protected as a cinematographic work. The threshold of originality under copyright law is minimal — the work need not exhibit exceptional creativity or novelty. It is sufficient that the work involves a minimal degree of skill, labour, and judgment and is not a mere mechanical reproduction or duplication of an existing work.

Copyright legislations across multiple legal systems confer exclusive rights upon authors over their original works, thereby restricting third parties from reproducing, distributing, or publicly communicating such works without prior authorisation. Nonetheless, the effectiveness of these protections within digital environments, particularly on social media platforms, is conditional upon the users' awareness of the contractual terms governing content submission.

Where platform policies provide that intellectual property rights in uploaded material wholly or partially vest in the platform, users who assent to these conditions are generally precluded from asserting infringement claims against the platform for subsequent use of their content. Moreover, contemporary copyright enforcement mechanisms, especially in the context of online infringement, increasingly require the issuance of a takedown notice to both the platform administrator and the alleged infringer as a preliminary remedial step.

This procedural safeguard reflects harmonisation trends that can be observed among states that are parties to the WIPO Copyright Treaty (1996) and the WIPO Performances and Phonograms Treaty (1996), many of which have incorporated notice-and-takedown protocols into their domestic frameworks as a prerequisite to initiating litigation.

REGULATION OF COPYRIGHT INFRINGEMENT ON SOCIAL MEDIA UNDER INDIAN LAW

In India, copyright protection is governed by the Copyright Act, 1957, which extends legal safeguards to literary, dramatic, musical, and artistic creations, as well as cinematograph films and sound recordings. The Act has undergone multiple revisions, the most significant being the 2012 amendment, introduced to align domestic law with the obligations under the WIPO Treaties—namely, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). These treaties recognise a suite of rights for authors, including the rights of distribution, commercial rental authorisation, communication or making works accessible to the public, and reproduction¹³. Additionally, these treaties mandate signatory nations to incorporate legal mechanisms preventing the circumvention of technological protection measures¹⁴—such as encryption, digital watermarking, and electronic authentication—and to ensure protection of rights-management information, including identifiers such as author names and work classifications. Although the Copyright Act, 1957 does not expressly refer to social media platforms or intermediaries, judicial interpretation in recent years reflects a willingness to apply its provisions to content disseminated online.

In contrast, intermediary liability is expressly addressed under the Information Technology Act, 2000, which sets out “safe harbour” protections for online intermediaries. The IT Act has since been supplemented by the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which replaced the earlier 2011 Rules to regulate intermediary responsibilities more comprehensively.

The Copyright Act, 1957

The Copyright Act, 1957, enacted after the independence, constitutes India’s primary statutory framework governing copyright protection.¹⁵ The Act defines copyright as a cluster of exclusive economic rights vested in the author of a qualifying work, including the ability to personally exercise such rights or authorise somebody else to exercise the rights on his behalf.¹⁶

In India, copyright generally endures for the author’s lifetime plus an additional sixty years

¹³ WIPO Copyright Treaty, Art 6-8

¹⁴ WIPO Copyright Treaty, Art 11; WIPO Performances and Phonograms Treaty, Art 8,11,13,14,15.

¹⁵ Copyright Act, 1957, No.14, Acts of Parliament, 1957 (India)

¹⁶ Id, Sec. 14

after the death of author¹⁷. The Act further enumerates instances that amount to infringement, including unauthorised exercise of exclusive rights or commercial exploitation of a protected work without a valid licence, subject to limited defences that are exceptions (acts not amounting to infringement).¹⁸ The scope of copyright protection under Indian law is not confined to works embodied in physical form; judicial developments increasingly indicate that the Copyright Act, 1957 is applicable to works circulating in digital spaces as well. Courts have recognised that material uploaded online, including photographs, qualifies as protectable artistic works under the statutory framework. This interpretation was reinforced in *Fairmount Hotels Pvt. Ltd. v. Bhupender Singh*¹⁹, wherein the Delhi High Court acknowledged that images posted on Facebook constitute copyrightable subject matter. The dispute arose when a former employee of the plaintiff allegedly appropriated and re-uploaded photographs belonging to the plaintiff for advertising his own hotel enterprise. The plaintiff filed a suit alleging copyright infringement on account of unauthorised use and commercial exploitation of its photographic works. The Court's decision in favour of the plaintiff was significant because it affirmed the subsistence of copyright in online content and underscored the liability of individuals who exploit such content without authorisation. The judgment thus illustrates the judiciary's evolving approach toward extending traditional copyright principles to digital platforms, recognising that online dissemination does not diminish legal protection and that unauthorised reuse—especially for competitive gain—constitutes actionable infringement.

WHO OWNS CONTENT ON SOCIAL MEDIA PLATFORMS?

There are various popular social media platforms that allow users to share images and videos, the most popular being Facebook, Instagram and Snapchat. These platforms give users the opportunities to share their life moments with friends and family. Users post content that they create using their intellect on these platforms. Copyright law in India and across the world, as per WIPO states common tenets: ownership of the work created by author. However, terms of use of popular social media platform state that the users on agreeing to sign up on the platform grant Instagram a non-exclusive, fully paid and royalty free, transferable, sub-licensable,

¹⁷ Id, Sec. 22-29

¹⁸ Id, Sec. 51-52

¹⁹ Apoorva Mandhani, *Delhi HC Recognizes Copyright On Photos Uploaded On Facebook*, LIVELAW (Dec. 7, 2025, 8:50 PM), <https://www.livelaw.in/delhi-hc-recognizes-copyright-photos-uploaded-facebook-read-order>

worldwide licence to use their content. (permissions that you give to us 4.3)²⁰

An elaboration of these rights and what they entail for the users is as follows:

- Non-exclusive - users can licence their work to third parties apart from Instagram
- Fully paid & Royalty free - Instagram can use the user's content without paying anything
- Transferable - Instagram can pass the rights it has been granted to use the content. Instagram can assign the rights granted to them to any third party
- Sub-licensable - Instagram can licence the use of content to any third party
- World-wide – Instagram can do so anywhere without any geographical restrictions

As these conditions indicate, although Instagram does not own the content posted on its website and the ownership is with the users, Instagram virtually possesses all the rights of a user, bar exclusive licence. Users have little recourse in case of infringement of their copyright but still join the platform due to its popularity.

These conditions of use may be detrimental to the users, especially to certain users who, for instance, do photography or sketching as profession. Such users may licence their copyrighted material to third parties under an exclusive agreement. If they post the same material on social media and the platform further licences it to another party using sub licence clause under terms of use, it may lead to violation of exclusive licence agreement on part of author.

Instagram claims that users own their content on the platform and Instagram does not claim ownership of the content, but the terms of use have been devised in such a manner that Instagram can still use the content online without facing any legal action for violation of copyright.

Terms of use further state that the users may infringe upon the protected material online even without intending to do so even if they

²⁰ Instagram, Terms of Use, Instagram Help Ctr., <https://help.instagram.com/581066165581870/> (last visited July 30, 2025).

- Gave credit to the copyright owner
- Included a disclaimer mentioning no intention to infringe copyright
- Think that the use is a fair use
- Didn't intend to profit from it
- Legally bought or downloaded the content (e.g. a copy of a DVD or a song from the Internet)
- Modified the work or added own original material to it
- Found the content available on the Internet
- Recorded the content on to a recording device (e.g. from a film, concert or sporting event)
- Saw that others have posted the same content as well

The 1957 Act was enacted at a time where there was no technology and social media did not exist but we are now living in the era where social media is part of life. We post our personal content on various platforms, some of which we are the authors of. Every information shared online is susceptible of falling prey to Copyright violation. Fair use principle of the act of 1957 allows the use of copyrighted content to a limited extent, after giving due credit and acknowledgement to the author, and with prior permission to use.

JUDICIAL ASPECT OF COPYRIGHT VIOLATION

The Delhi High Court issued summons for copyright misuse in the digital sphere in a matter involving People of India Social Media (P) Ltd. (POI)²¹. In this case, Humans of Bombay Stories (P) Ltd., the plaintiff, alleged that POI had replicated its creative content and therefore instituted a suit for copyright infringement. Humans of Bombay, which commands an online audience of more than 2.7 million Instagram followers, sought injunctive relief to restrain POI from reproducing interviews, narratives, captions, and visual content that appeared across the

²¹ Humans Of Bombay Stories Pvt. Ltd vs Poi Social Media Pvt. Ltd. & Anr, CS(COMM) 646/2023

latter's website, social media pages, and YouTube channel. Upon reviewing the material, Justice Prathiba M. Singh observed prima facie instances of substantial copying, noting that several photographs and visuals were either identical to or closely resembled the plaintiff's original works. The Court accordingly issued summons to the defendants.

A contrasting judicial approach emerged in *Super Cassettes Industries Ltd. v. Myspace Inc. & Anr.*,²² where the Delhi High Court declined to grant an interim injunction sought by T-Series against Myspace for allegedly hosting copyrighted works without permission. Although Super Cassettes claimed infringement, the Court analysed Myspace's role within the meaning of an "intermediary" under Sections 79 and 81 of the Information Technology Act, 2000²³. It held that Myspace was entitled to safe harbour protection, insulating it from direct liability for user-uploaded content. This ruling underscores the jurisprudential balancing required between protecting copyright owners' interests and recognising statutory immunity extended to online platforms, thereby revealing the nuanced challenges in enforcing intellectual property rights within digital ecosystems.

CONCLUSION

Contents uploaded on social media, if used without permission from the author may result in copyright violation. It can have legal consequences. Copyright violations are widespread on social media, often through practices like sharing, re-tweeting and reposting. Contents circulated on platforms like WhatsApp or Facebook without proper attribution constitutes copyright infringement. The original creators may be unaware of their content's viral misuse but it does not absolve infringement of copyright. The Indian Copyright Act prohibits the unauthorised use of copyrighted material, though fair use exceptions are mentioned under section 52 of the Act. However, using content without permission violates Intellectual Property Rights.

Social media platforms need to form stricter policies to protect copyrighted material on their platforms. Vague terms of use which grant virtual ownership over content to the platforms must be amended to give owners effective control over their content. Users must be alert in their use of such platforms to avoid infringing upon somebody's original content unknowingly. Social media platforms must enact robust filtering systems to take down copyrighted material as soon

²² *Super Cassettes Industries Ltd. vs Myspace Inc. & Another*, 2011 (47) PTC 49 (Del)

²³ The Information Technology Act, 2000, Sec. 79, No. 21, Acts of Parliament, (2000)

as possible so that owner/author of that material may not suffer. Mechanism to obtain explicit permission from content owners must be created.

Government should amend Copyright Act 1957 to incorporate provisions safeguarding copyrighted material on social media platforms. In the era on social media and internet, current mechanisms to safeguard authors of original copyrighted works are vulnerable to infringement of their rights. A balance between the basic ethos of copyright that grant rights to authors of original works, and the sharing nature of social media platforms must be found, taking in consideration the interests of all the stakeholders.