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Copyright Challenges in the Age of Social Media Platforms

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In the digital age, production, distribution and consumption of creative content have radically changed with the emergence of social media tools. The ability of Instagram, YouTube, and Facebook to allow millions of people to distribute original works in real-time to an audience in every corner of the world is democratising the content creation process and increasing the opportunities for creative and economic expression. Nevertheless, this unprecedented access has come with a lot of copyright issues, such as the unlicensed reproduction, digital piracy, plagiarism, exploitation of copyrighted work, and the inability to determine the original creators. The sheer proliferation of user-generated content on social media has eroded the conventional lines of the copyright statute, making it hard to enforce and raising the question of intermediate liability, fair use and responsibility in technology. The existing legal framework set out under the Copyright Act 1957¹ was largely designed to fit in a traditional publishing environment and is facing greater scrutiny due to the dynamic and international nature of the digital landscape. In addition, the speed of content sharing and duplication over the internet often overshadows the abilities of legal systems to respond suitably to infringements. This paper delves into the major copyright concerns that arise out of the use of social media and discusses how the legal frameworks in place are coping with them. It also looks at how social media sites, electronic devices and regulators can protect intellectual property rights in the digital age. The paper wraps up by offering some practical solutions that can be implemented to enhance copyright protection, responsible Internet behaviour, and establish a moral legal system that safeguards both creators and users in the changing digital environment.

¹ Anup Das, 'An Analytical Study of Indian Copy Right Act, 1957 and Copyright Bill 2012' (2015) 4(7) International Journal of Innovative Research in Science, Engineering and Technology <https://www.ijirset.com/upload/2015/july/27_AN_NEW.pdf> accessed 10 March 2026

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INTRODUCTION

The twenty-first century has witnessed a massive digital revolution that has revolutionised the way people create, share and consume information. One of the most significant transformations has been the emergence of social media, which has become an indispensable component of communication, entertainment, education and trade. These sites allow users to upload, share and access various forms of creative materials, including photos, videos, music, artwork and written texts, often within seconds. The ease of access and user-friendliness of social media have promoted extensive involvement in content creation, resulting in the expansion of a worldwide digital economy fueled by influencers, artists, educators, and businesspeople. Despite the numerous benefits of social media, in the era when digital content is becoming a common occurrence, copyright security is now a major concern.

Authors and inventors are given rights under copyright law to exclusivity of their original works, which entails that they have the right to reproduce, distribute, adapt and communicate their works. These liberties are very important in encouraging creativity, innovation and economic growth. The copyright protection in India is mostly governed by the Copyright Act of 1957, which offers legal safeguards against illegitimate usage of the creative work and provides remedies for violations of the copyright laws.

The swift advancement of technology, however, has surpassed the traditional legal framework that tries to control intellectual property. Using social media, the contents are easily copied and distributed elsewhere, and it is hard to monitor and control unlawful use. Enforcement becomes complicated by the anonymity of the users, the virality of the internet content and the lack of clear jurisdiction. Besides, not all users understand the copyright legislation, and they mistakenly think that the content on the Internet can be utilised by individuals.

The problem of intermediary liability is one of the problems, especially in the sphere of social media. The social media sites work as mediators that aid and spread user-created materials, but do not create them. The other important question that comes about in the context of social

media is the question of intermediary liability. Social media platforms are middlemen, which connect and share user-created content, not as the creators. The scope of liability of such sites, as far as the violation of copyright is concerned, is a complicated legal issue. Courts have attempted to address this problem by judicial interpretation, but there continue to be inconsistencies in its enforcement. Moreover, the notion of fair dealing has grown more challenging to implement in the digital realm. Posting memes, reposting videos, and commenting on a copyrighted work or being entertained with a particular work are typically in a grey zone of legal matters. The copyright rights and the right of the populace to the freedom of speech and access to information must be legally and policy-wise reviewed with a view to striking a balance between the two.

Therefore, the growing reliance on social media platforms necessitates a critical review of the copyright issues in the era of the digital world. These are major concerns that one should be able to understand to establish an effective legal framework to secure intellectual property and stimulate innovation and technological advancements. The research paper is guided towards analysing the most pressing copyright issues concerning social media websites, evaluating the effectiveness of the existing law, and how to remodel the existing law to address the emergent technological and legal challenges.

MEANING OF COPYRIGHT

Copyright is a legal right which is given to the creators of the original work to control the usage and distribution of the work. The Copyright Law in the Copyright Act, 1957, entails the copyright of:

- Right to reproduce the work.
- Right to give duplicates.
- The right to perform or transfer the work to the general audience.
- Power to introduce changes.

The main aim of copyright law is to:

- Foster innovation
- Safeguard intellectual property

EXPANSION OF SOCIAL MEDIA PLATFORMS

Social networking sites have significantly transformed the online environment. Important Aspects of Social Media:

- Immediate content distribution
- Worldwide audience engagement
- Content created by users
- Opportunities for monetisation
- Viral dissemination of content
- Instances of Social Media Platforms
- Instagram
- YouTube
- TikTok

These platforms depend significantly on content created by users, raising the likelihood of copyright violations.

MAJOR COPYRIGHT CHALLENGES IN THE AGE OF SOCIAL MEDIA

Unauthorised Duplication of Material: A frequent issue in copyright is the reproduction of content without permission. Instances:

- Sharing images without authorisation.
- Transferring videos by downloading and uploading.
- Duplicating music for commercial purposes.
- Distributing copyrighted material without credit.

This activity is common on sites such as Instagram and YouTube, where material can be effortlessly downloaded and shared.

Online Copyright Infringement: Digital piracy denotes the unauthorised sharing of copyrighted content without consent. Typical Types:

- Film piracy
- Unauthorised distribution of music

- Illegal copying of software
- Ebook theft

Social media sites have evolved into key avenues for piracy as users can swiftly share links to unauthorised content.

Challenges in Recognising Copyright Holders: On social platforms:

- Content frequently gets shared numerous times.
- Original creators might not receive acknowledgement.
- Accounts without identification can submit content.

This creates challenges in:

- Determine the owner of the copyright.
- Establish ownership
- Uphold legal entitlements

Confusion Regarding Fair Use and Fair Dealing: A significant issue is establishing whether content sharing qualifies as fair dealing. According to Section 52 of the Copyright Act 1957,² fair dealing permits restricted usage of copyrighted content for:

- Study
- Personal research
- Reproach
- Evaluation
- Coverage of ongoing happenings

Nonetheless, social media users frequently exploit this exception, asserting fair use even when the content is utilised for profit.

² Arul George Scaria, 'Reading Sec. 52 (1)(za) of the Copyright Act 1957: Report of the Independent Expert appointed by the Delhi High Court in Phonographic Performance Limited v. Lookpart Exhibitions and Events Private Limited' (2022) SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4244428> accessed 10 March 2026

Content that Goes Viral and Quick Spread: Social Media enables content to disseminate quickly. Issues:

- Unauthorised sharing happens immediately.
- Copyright violations become prevalent.
- Eliminating infringing material becomes challenging.

For instance, a video posted without consent can be disseminated thousands of times in just minutes.

Copyright and Meme Culture: Memes serve as a widely used method of interaction on social media. Nonetheless, memes frequently:

- Utilise images that are protected by copyright.
- Alter original creations
- Disperse without authorisation
- This brings up inquiries regarding:
 - Violation of copyright
 - Fair use
 - Innovative change

Responsibility of Social Media Platforms (Intermediary Responsibility): Social media networks serve as middlemen between users and content creators. According to the Information Technology Act, 2000,³ intermediaries are exempt from responsibility if they:

- Refrain from starting the transmission.
- Avoid choosing the recipient.
- Eliminate violating content upon notification.

This is referred to as:

- Safe Harbour Protection

³ R G Pawar et al., 'Information Technology Act 2000 in India-Authentication of E-Documents' (2007) 2(2) The Journal of Digital Forensics, Security and Law
<<https://commons.erau.edu/cgi/viewcontent.cgi?article=1023&context=jdfsl>> accessed 10 March 2026

- Nonetheless, the issue occurs when platforms do not promptly eliminate infringing material.

REGULATORY STRUCTURE FOR COPYRIGHT ON SOCIAL MEDIA

Copyright Act 1957: The main legislation regulating copyright in India is the Copyright Act of 1957.

- Section 13: Copyrighted works.⁴
- Section 14: Definition of copyright: This section defines what copyright is.
- Section 51: Infringement of copyright.
- Section 52: Exceptions to fair dealing.
- Section 55: Legal remedies.⁵
- Section 63: Criminal Laws and Penalties.

Information Technology Act 2000: Digital communication and online platforms are regulated by the Information Technology Act of 2000.

Section 79: Safe harbour protection of intermediaries⁶.

All these safeguards are provided that due diligence is observed.

SIGNIFICANT LEGAL CASES REGARDING COPYRIGHT AND SOCIAL MEDIA

Super Cassettes Industries Ltd. v MySpace Inc:⁷ The plaintiff asserted that they had shared copyrighted music on the MySpace site without permission.

⁴ Zakir Thomas, 'Overview of changes to the Indian Copyright Law' (2012) 17 Journal of Intellectual Property Rights <[https://nopr.niscpr.res.in/bitstream/123456789/14460/1/JIPR%2017\(4\)%20324-334.pdf](https://nopr.niscpr.res.in/bitstream/123456789/14460/1/JIPR%2017(4)%20324-334.pdf)> accessed 10 March 2026

⁵ Dhruv Mittal, 'Intellectual Property Laws: Copyright and Remedies and Actions for Infringement of Copyright' (2018) 2(1) International Journal of Law, Management and Humanities <<https://www.ijlmh.com/wp-content/uploads/2019/04/Intellectual-Property-Laws-Copyright-and-Remedies-and-Actions-for-Infringement-of-Copyright.pdf>> accessed 10 March 2026

⁶ Rahul Kailas Bharati, 'Offences Related to Obscenity, Child Pornography, and Online Harassment (Sections 67, 67A, 67B of the IT Act, 2000)' (2025) SSRN <https://www.researchgate.net/publication/394682618_Offences_Related_to_Obscenity_Child_Pornography_and_Online_Harassment_Sections_67_67A_67B_of_the_IT_Act_2000> accessed 10 March 2026

⁷ Ashish Mishra, 'CASE COMMENT ON THE INFAMOUS CASE OF T-SERIES: SUPER CASSETTES INDUSTRIES V. MYSPACE INC AND ANR' (2022) 2(2) Indian Journal of Integrated Research in Law <<https://ijirl.com/wp-content/uploads/2022/04/CASE-COMMENT-ON-THE-INFAMOUS-CASE-OF-T-SERIES-SUPER-CASSETTES-INDUSTRIES-V.-MYSFACE-INC-AND-ANR.pdf>> accessed 10 March 2026

Assessment: The tribunal decided that when it is notified, platforms must then remove infringing content. Intermediaries must not overlook copyright infringements.

Importance: This case established the precedent of intermediary liability in India.

Shreya Singhal contra Union de India:⁸ The Supreme Court explained that the intermediaries should only delete content when they have received a court order or government notice. The freedom of speech must be balanced with the legal provisions.

Viacom International Inc. v YouTube LLC:⁹ The court decided:

- Platforms aren't responsible if they delete infringing content after receiving notice.
- Protection of safe harbour applies to intermediaries.
- This case impacted international copyright enforcement regulations.

EFFECTS OF COPYRIGHT VIOLATION ON CONTENT PRODUCERS

Infringements of copyright on social platforms may lead to:

- Financial Loss
- Creators forfeit income when their content is duplicated without authorisation.
- Decrease in Acknowledgement
- Original creators might not be acknowledged for their contributions.
- Diminished Motivation to Produce
- Regular violations hinder creativity and innovation.

This is especially significant for:

- Influencers
- Creators
- Camera Operators
- Performers
- Creators of digital content

⁸ Anshika Bhadauria, 'SHREYA SINGHAL V/S UNION OF INDIA (2013) 12 SCC 73' (2019) 9 Supremo Amicus <<https://supremoamicus.org/wp-content/uploads/2019/01/A8v9.pdf>> accessed 10 March 2026

⁹ *Viacom International, Inc v YouTube, Inc* [2012] 676 F 3d 19 (2d Cir 2012)

ACTIONS TO TACKLE COPYRIGHT ISSUES

Enhanced Copyright Enforcement: Governments ought to:

- Enhance consequences for violations
- Enhance observation mechanisms
- Enhance legal structures

Technology Utilisation: Technology can safeguard copyright by:

- Tools for identifying content
- Digital watermarking.

Community Awareness: It is important to inform users about:

- Copyright regulations
- Consequences of legal violations
- Accountable content distribution

Responsibility of the Platform: Social media networks ought to:

- Enforce tighter content regulations

CONCLUSION

The fast formation of social networks has transformed the digital sphere, which allows unparalleled creativity, communication, and information exchange. These sites offer people powerful means of expressing themselves, creating businesses, and communicating with the world communities. Simultaneously, the digital content has also posed a challenge to copyright protection as it may be easily copied, altered and shared, which threatens the financial and moral rights of writers.

This has augmented the copyright violation on social media due to various reasons, including technological progress, lack of knowledge among the users and the loopholes in the current law systems. Unlawful copying, online piracy, plagiarism, abuse of creative materials and undermining of intellectual property systems are all aspects that result in loss of copyright protection. The fact that the internet is borderless makes the situation more

complicated because infringement operations are most of the time executed in other jurisdictions.

Though the Copyright Act of 1957 provides a strong platform towards the protection of intellectual property in India, the law must be modified to address emerging challenges posed by the digital environment. Enhancing the intermediary liability clauses, technological control measures and educating individuals on the copyright laws are some of the necessary measures in the improvement of enforcement mechanisms. In addition, governments, social media, content creators and users need to work together in order to foster a just and sustainable copyright infrastructure.

Moreover, decision-makers need to work towards achieving a suitable equilibrium between safeguarding creators' rights and upholding the values of free expression and access to information. Excessive laws can kill innovation and creativity, and excessive laws can kill content creation and investment in the creative economy. Consequently, a responsive and adaptable legal system is needed to tackle the ever-changing aspects of digital technology.

Finally, one of the most important issues to consider is the problem of copyright in the era of social media to ensure that the further development of the digital economy would be secured and the rights of creators would not be violated. By embracing the latest legal changes, technological solutions and responsible digital practices development, societies will be capable of safeguarding intellectual property successfully and even reap the advantages that the digital revolution presents.