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COPYRIGHT ISSUES IN SOCIAL MEDIA CONTENT CREATION

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Introduction

For anyone starting out in the world of online content creation, understanding **copyright** is one of the most important steps you can take to protect your work and avoid serious legal trouble. Think of copyright as the law that gives a creator *exclusive ownership* over their original artistic work—like a photograph, a piece of music, a script, or a video. The moment you film a unique video or write a post, the copyright shield automatically goes up, meaning you alone get to decide who can copy, share, or change it.

The challenge on social media platforms like TikTok, YouTube, and Instagram is that they are built around **sharing** and **remixing**, which often causes creators to accidentally step over the line of ownership. When you use someone else's copyrighted material without their explicit permission—whether it's adding a popular song to your Reel, reposting a funny image you found on Google, or using a clip from a TV show in your commentary video—you are committing **copyright infringement**. It doesn't matter if you give credit or link to the original source; the law says you must have the owner's permission or a legal license to use their work.

If you break these rules, social media companies are legally required to act. This usually starts with a **takedown notice**, which means your post is immediately removed. If you keep infringing, you risk getting **strikes** on your account, which can lead to your page being permanently shut down. In the worst-case scenario, the original owner could even choose to sue you for significant financial penalties.

While there are some exceptions, like **Fair Use** (which allows limited use for things like commentary, criticism, or news reporting), these are complex and risky to rely on. Therefore, the safest and best strategy for any content creator is to prioritize **original content**

and to only use music, images, or video clips for which you have either created yourself, obtained a clear license, or are certain belong to the public domain.

What is Copyright?

In the simplest terms, **copyright** is a legal right that gives the creator of an original work like a photo, a song, an article, or a video—the power to control how that work is used.

- **It's Automatic:** The moment you create something original and save it (you take the photo, you write the song), the copyright protection is yours. You don't usually need to register it for this initial ownership.
- **It's the "Right to Copy":** This right means that only you can decide who gets to reproduce, share, sell, or change your creative work.

Think of it like this: If you bake a unique cake (your original work), copyright is the law that says only you can sell slices or give away the recipe, unless you give someone else permission.

Why Does Copyright Matter on Social Media?

Copyright matters a lot on social media because the platform's culture of **instant**

sharing and remixing constantly bumps up against the law of **exclusive ownership**.

1. To Protect Your Own Content (Be the Owner)

When you create a viral Reel, a beautiful photo, or a catchy short, copyright is your legal shield.

- It lets you demand that a platform **take down** your content if someone steals it and re-uploads it without your permission.
- It ensures you get the **credit and potential payment** for your time and effort. Without it, anyone could profit from your work.

2. To Avoid Getting into Trouble (Be the User)

Social media makes it incredibly easy to break copyright rules without realizing it. This is where most beginners get in trouble.

- **The Trap:** Just because a song or image is "on the internet" or easy to download **does not** mean it's free to use in your own videos.

1. The Core Conflict: Sharing vs. Owning

Legal Concept	Social Media Culture
Copyright Law (The "Old Rule")	Sharing & Remixing (The "New Rule")
Protects the exclusive right of the creator to control their work (photo, song, video).	Encourages users to instantly repost, borrow, mix, and send content to everyone.
Action is restricted: You must get permission before you use someone else's work.	Action is easy: Many people mistakenly believe that if it's public and online , it's free to use.

The problem is that the entire *spirit* of platforms like TikTok and Instagram which reward viral trends, remixes, and quick reactions is completely opposite to the *spirit* of copyright law, which is about control and permission.

2. Why People Violate Copyright (Unknowingly)

The culture of social media creates three main reasons why copyright is frequently broken:

- **The Consequence:** If you use a copyrighted song, image, or video clip without a legal license or explicit permission, the platform will often **remove your post** (a Takedown Notice), and repeated violations can get your **account banned** or even lead to a lawsuit from the original owner.

The Golden Rule: If you didn't create it, you need permission to use it. Knowing copyright law protects your **own** creations and keeps you safe from accidentally violating **someone else's** rights.

Copyright Violation and Social Media

The relationship between **copyright violation** and **social media culture** is essentially a clash between old-school legal ownership and a new, fast-paced world built on sharing.

Here is a simple breakdown of how the two ideas interact and why this creates so many problems for beginner creators:

- **The "Everything is Free" Illusion:** Because content is so easy to download, screenshot, and repost, many users genuinely think that hitting the "share" button means they are legally allowed to use the material however they want. **Fact:** Public visibility does not equal public ownership.
- **The Remix/Meme Culture:** Social media thrives on taking an element like a

catchy song, a movie clip, or a funny image and **reimagining it**. This is called a **derivative work**. Legally, creating a derivative work requires permission from the original owner, even if you are just making a joke or a critique.

- **The Speed and Volume:** Millions of posts are uploaded every day. It's impossible for platforms to manually check everything. This high speed makes it easy for violations to slip through until the copyright owner or an automated system (like YouTube's Content ID) catches it.

3. The Inter-Relation: What Happens Next?

The conflict between the two cultures forces social media platforms to constantly mediate between users and copyright owners:

- **Content Identification Systems:** Platforms use automated tools to scan every upload for copyrighted music or video clips. This system is their legal defense against being sued.
- **Takedown Notices:** If a system or an owner finds unauthorized use, the platform must quickly remove the content (the **takedown**). This stops the copyright violation, but frustrates the user who was simply "sharing."
- **User Education is Lacking:** Most social media apps do not clearly educate users on the difference between a "Share" feature (which usually keeps the content within the app's rules) and a "Download/Re-upload" feature (which is a high-risk violation).

In short, social media's core function is to encourage **violation** by making sharing simple, and copyright law's core function is to **punish** that sharing if permission wasn't given.

The Four Factors of Fair Use: How Judges Decide

Fair Use (U.S.) and **Fair Dealing** (many other countries) are the only ways you can use

someone else's copyrighted work without asking permission. But it's not a clear-cut rule; it's a **legal test** used by judges to weigh the rights of the original creator against the public's need to use the material.

To determine if a use is truly "fair," judges look closely at **four key factors**. You don't have to win all four, but the more factors that lean toward "fair," the safer your use is.

Factor 1: The Purpose and Character of Your Use

This is the most important factor and asks: **"Why are you using the material, and how are you changing it?"**

- **Favors Fair Use:**

- **Transformative Use:** This is the magic word! It means you take the original work and change it in a fundamental way, giving it a **new purpose, message, or meaning**. For example, taking a celebrity photo and turning it into a piece of art that *criticizes* celebrity culture is transformative. You're not just re-sharing it; you're using it to say *something new*.
- **Non-Profit & Educational:** If your use is for school, research, or a project that is purely educational and makes no money, it weighs heavily in your favor.
- **Commentary, Criticism, or Parody:** Using a clip from a song to make a comedic parody, or using a short news clip to comment on the event, is strongly favored.

- **Weights Against Fair Use:**

- **Simple Copying:** If you are just using the work to entertain or decorate your post without adding anything new or transformative.

- **Commercial Use:** If your primary goal is to make money (e.g., you are selling a product or making money from ads on your video).

Factor 2: The Nature of the Original Work

This factor looks at **what kind of work** you are using. Some types of content have stronger legal protection than others.

- **Favors Fair Use:**

- **Factual Works:** Using material that is more based on **facts, history, or science** (like a diagram from a textbook or a clip from a historical documentary). Facts themselves cannot be copyrighted, so using them is usually easier to defend.
- **Published Works:** It is generally safer to use a portion of a work that has already been made public by the creator.

- **Weighs Against Fair Use:**

- **Creative/Fictional Works:** Using highly imaginative, creative works like novels, original songs, poems, or fictional movies. These are considered the "core" of copyright protection, so the law is stricter here.
- **Unpublished Works:** Using a work that the creator has *not yet* released to the public. The creator has the right to decide when and how their work is first seen.

Factor 3: The Amount and Substantiality of the Portion Used

This factor asks: "**How much of the original work did you use, and was it the most important part?**"

- **Favors Fair Use:**

- **Small Amount:** Using only a tiny clip or a few lines of text that is necessary for your purpose.
- **Non-Essential Part:** Using a part of the work that is not the main reason people love or buy the original.

- **Weighs Against Fair Use:**

- **Large Amount:** Using the entire photo, an entire chapter of a book, or a large percentage of a song.
- **The "Heart" of the Work:** Even if you only use 5 seconds of a song, if that 5 seconds is the famous, instantly recognizable *hook* (the most valuable part), a judge might rule against you.

Factor 4: The Effect of the Use on the Potential Market

This factor asks: "**Does your new content hurt the original creator's ability to make money from their own work?**"

- **Favors Fair Use:**

- **No Market Harm:** Your use is so unique or targets such a different audience that people who watch your video would **never** substitute it for buying the original work.
- **Licensing is Unavailable:** If the original creator doesn't offer a license for the type of use you need.

- **Weighs Against Fair Use:**

- **Market Substitution:** If your content acts as a **substitute** for the original. For example, if you post an entire new song for free, people will listen to your free version instead of buying the song.

- o **Loss of Licensing Revenue:** If the original creator could have charged you a fee (a license) for using the work, and your free use costs them that potential income.

Final Takeaway

Fair Use is like a fuzzy, gray area. There is **no magic percentage** (like "you can use 10 seconds") that guarantees you are safe. If a copyright owner challenges you, a judge must carefully weigh all four of these factors together to decide if your use was fair. **When in doubt, it is always safest to get permission or create your own content.**

The Biggest Pitfalls for Social Media Creators (What NOT to Do)

When you're creating content, it's easy to make small, common mistakes that can lead to big copyright trouble. Think of these as the traps every beginner must avoid:

1. The "If It's Online, It's Free" Mistake

- **What You Think:** "I found this image/song/video clip using Google/TikTok search, so it must be available for everyone to use."
- **The Reality:** The moment a photo, song, or video is created and saved, it's automatically protected by copyright. Its existence on the internet, even if it has no watermark, **does not** mean it's free. This is the **single biggest mistake** creators make.
- **What NOT to Do: Don't** right-click and save images from Google, or download videos from other creators to re-upload on your own channel.

2. The Music Trap

- **What You Think:** "I bought the CD/downloaded the song from iTunes, so I can use it as background music for my video." OR "I'm only using 10 seconds, so that's fine."

- **The Reality:** Using a song in a video requires two main licenses: one for the **song itself** (the composition) and one for the **recording** (the master). Your purchase only gives you the right to *listen* to it, not to *re-broadcast* it to the public. Even a few seconds of a famous song can be flagged by automated systems.
- **What NOT to Do: Don't** use popular, copyrighted songs in your videos unless you find them in the platform's **official, licensed music library** (like the music feature in Instagram Reels or TikTok) or you pay for a license from a royalty-free music service.

3. Relying on "Giving Credit" or Disclaimers

- **What You Think:** "I'll just add a tag that says 'Credit: @OriginalCreator' or put a disclaimer like 'I don't own the rights to this music.'"
- **The Reality:** Giving credit is a nice gesture, but **it is not a substitute for permission**. Copyright law requires you to have permission or a license. A disclaimer is useless; you can't break the law and then say "No infringement intended" to make it okay.
- **What NOT to Do: Don't** think a credit or a disclaimer protects you from a copyright strike or a lawsuit.

4. Thinking "Fair Use" Is a Magic Shield

- **What You Think:** "My video is a parody/commentary, so it's Fair Use and I can use any clip I want."
- **The Reality:** Fair Use is a **legal defense**, not a clear rule. It's a complicated test that a judge uses. If you are challenged, you have to prove you qualify, which is expensive and risky. Simply making small changes, adding music, or making a joke is often **not** enough to be considered "transformative" (the most important Fair Use factor).

- **What NOT to Do: Don't** rely on Fair Use unless your content is clearly focused on **criticizing, teaching, or directly commenting on** the clip you are showing.

5. Reposting Without Permission (Even with a Tag)

- **What You Think:** "I'm just reposting this cool photo from another creator to my feed, and I tagged them. It's promoting their work!"
- **The Reality:** The act of taking a photo from one account and posting it on your own account (unless you use the platform's native **share** or **repost** feature that links back directly) is an act of **unauthorized copying**. Many professional creators and photographers actively sue people who do this, even when they are tagged, because it steals their control over how their work is displayed.
- **What NOT to Do: Don't** download and re-upload content from other creators unless you have a direct, written (or DMed) agreement from them allowing you to do so.

What Happens When You Get a Copyright Strike?

A **Copyright Strike** is a serious warning that social media platforms use to tell you that a legal owner has officially requested your content be removed because it infringed their copyright.

Think of the strike system as a **three-strikes-and-you're-out** policy.

1. What Happens Immediately?

When you get a copyright strike, these are the first things that occur:

- **The Content is Removed:** The video, photo, or post that caused the issue is instantly **removed** from the platform. It is

gone forever, and deleting it yourself **will not** stop the strike.

- **You Get a Formal Warning:** You will receive an email and an in-app notification telling you that a copyright owner has legally filed a complaint against your content. This notice names the person or company that filed the request.
- **Features are Restricted (First Strike):** Your account is immediately put in "bad standing." This often means you **lose access** to certain platform features, such as:
 - The ability to **Live Stream**.
 - The ability to **upload new videos** for a set time (often one week).
 - The ability to **earn money** (monetization) from *all* your content may be paused.

2. The Three-Strike System (The Danger Zone)

Most major platforms (like YouTube and TikTok) use a 90-day window for strikes. This is the timeline you must worry about:

Strike Number	Consequence	How to Resolve
First Strike (Warning)	Content is removed. You lose features (like live streaming) for about a week. You may have to take a short "Copyright School" quiz to show you understand the rules.	Strike expires after 90 days if you complete any required educational steps and receive no further strikes.
Second Strike	If you get a second strike while the first	Both strikes must expire (90 days from each strike date) or

Strike Number	Consequence	How to Resolve
	one is still active (within 90 days), the penalties are worse. You might lose all uploading and live streaming ability for two full weeks .	be successfully appealed/retracted.
Third Strike (The Ban Hammer)	If you receive a third active strike within the same 90-day window, your entire channel or account will be permanently terminated (deleted) .	You lose all your videos and subscribers. You are usually banned from creating new accounts on that platform ever again.

3. How to Deal with a Strike

If you receive a strike, you have three options:

- Wait it Out:** If you know you made a mistake, the easiest path is to wait 90 days for the strike to expire. This only works if you stop infringing and don't get a second or third strike.
- Request a Retraction:** You can politely contact the person or company that filed the strike and ask them to **withdraw** their complaint. This is the fastest way to remove the strike, but they are under no legal obligation to agree.
- File a Counter-Notification:** If you are **100% sure** you had the right to use the content (e.g., you believe it was truly Fair Use, or you actually own the content), you can file a legal appeal. This is serious, though, because if you lose, the strike remains, and you face the risk of

the claimant filing an actual lawsuit against you.

In summary, a Copyright Strike is a **legal penalty** that removes your content and puts your entire channel at risk. It is a severe tool used to enforce copyright law.

Conclusion

Navigating copyright on social media might seem complicated, but the final conclusion is simple and empowering: **You can protect your work and stay out of trouble by being smart and respectful.**

Think of copyright as the fundamental rulebook for playing fair in the digital sandbox. If you understand and follow these rules, you won't have to worry about losing your account or facing legal action.

1. The Core Takeaway: Be Original or Be Licensed

The most important lesson for any beginner is to follow one of these two paths for every piece of content you upload:

- Be Original:** The safest content is the content you create entirely yourself your own footage, your own photos, and your own voice. If you made it, you own the copyright, and no one can take it down.
- Be Licensed:** If you need to use something else (like music or a stock photo), make sure you have **permission**. This means using the platform's official music library, or paying for a license from a royalty-free music or image provider.

2. The Golden Rule of Sharing (Think Before You Post)

Stop relying on the social media culture of easy sharing. You must separate what is *easy* to do from what is *legal* to do.

- Sharing a Link/Using a Native Button is Safe:** If you click the "Share," "Repost," or "Embed" button provided by the

platform, you are usually safe because the platform handles the legal details.

- **Downloading and Re-uploading is NOT Safe:** If you download someone else's video or photo and then re-upload it as your own content, you are violating their exclusive right to copy, even if you tag them. **Avoid this at all costs.**

3. Fair Use is Not an Excuse (Use With Caution)

Remember that **Fair Use** is not a license; it's a legal defense.

- Never assume that making a small change or adding a simple disclaimer protects you.
- Only rely on Fair Use when your content clearly focuses on **criticism, commentary, teaching, or news reporting** about the specific copyrighted work you are using, and not just for entertainment.

Final Summary: Your Future Content

By understanding these few critical points—especially the danger of the music trap and the illusion of "free" content online—you can focus all your energy on **creating great content** without the fear of the dreaded **Copyright Strike**. Protect your channel, protect your creativity, and enjoy your journey as a safe and smart content creator!

