

# Liability of Social Media Platforms for Copyright Infringement

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## Abstract

The rapid growth of social media platforms has completely changed the way people communicate, share information and consume digital content in modern society. Platforms such as Facebook, Instagram, YouTube and X (formerly Twitter) have made it easier for individuals to upload videos, photographs, music, reels and other creative works within seconds. Although this digital revolution has increased access to information and freedom of expression, it has also resulted in a significant rise in copyright infringement cases across online platforms. Unauthorized sharing, reproduction and distribution of copyrighted content have become common practices on social media websites.

This begs the question of when and how social media companies can be liable for their users' copyright infringement. In India, Copyright is protected under the Copyright Act of 1957 and we grant some immunity to intermediaries as per Section 79 of Information Technology(IT)Act of2000. Nevertheless, this protection is conditional and contingent on the intermediary meeting due diligence requirements. Several significant judgments by Indian courts have also been instrumental in defining the contours of intermediary liability.

In this article, the researcher has discussed the liability of social media platforms for copyright infringement under Indian law. The researcher has explained the legal framework relating to intermediary liability, the protection given to intermediaries, important judicial interpretations, practical challenges faced in regulating online copyright infringement and the future development of digital copyright laws in India.

## Introduction

The development of electronic technology and internet communication has changed the way human beings live and communicate with each other. Social media is now an essential aspect of daily living. Tens of millions of individuals utilize these tools every day for uploading, sharing and socializing with videos, music, photos and live streams as well as in watching movies and other creations. Social media opened many new avenues for creativity, communication and business growth. But it has also raised issues of how the internet has opened up new channels to abuse and unauthorized

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4.  Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).
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sharing of copyrighted material on the net. Copyright law offers some of the creator's rights in India—specific rights for original work. Such rights include copying, sharing, publishing and communicating the artists' creative work to the public. Yet with the internet, content spreads far and wide and unauthorized copying and sharing are common. People are able to freely upload copyrighted music, movie scenes, images, movie clips or other material to the internet without having to ask the owner for permission. Such activities are broadly treated as copyright infringement in law. A significant legal issue has been whether a sole responsibility should lie on the user hosting copyright and not that of the content creator, nor if social outlets should also bear responsibility for permitting the upload of this content. Because these platforms act as intermediaries, Indian law affords them some legal protection. But such protections are not comprehensive and not wholly automatic. India's courts have sought regularly to find a balance between copyright protection and freedom of speech and the growth of technology. Thus, with the rise in the piracy of online content, digital income-generating outlets and algorithm-based content promotion in India, the problem of intermediary liability has become more relevant. Social media platforms not long ago had increasingly been taking a role in spreading and promoting content online, which naturally makes their legal responsibility a question that will prove more relevant than ever in the digital age.

## KEYWORDS:

- **Copyright Infringement** – Unauthorized use, sharing or copying of someone else's creative work without permission.
- **Social Media Platforms** – Online platforms like Facebook, Instagram and YouTube where users upload and share digital content.
- **Intermediary Liability** – Legal responsibility of online platforms for content uploaded by users.
- **Safe Harbor Protection** – Legal immunity given to intermediaries under certain conditions so they are not directly liable for third-party content.
- **Section 79 IT Act** – Provision under the Information Technology Act, 2000 that provides safe harbor protection to intermediaries.
- **Copyright Act, 1957** – Main Indian law that protects literary, artistic, musical and digital works from unauthorized use.
- **Information Technology Act, 2000** – Indian law regulating electronic communication, cyber activities and intermediary liability.
- **Digital Copyright** – Legal rights related to protection of online and digital creative content.
- **Online Piracy** – Illegal uploading, downloading or distribution of copyrighted content through the internet.
- **Notice-and-Takedown System** – Process where infringing content is removed after receiving a legal complaint or notice.
- **Intellectual Property Rights (IPR)** – Rights given to creators over their original inventions and creative works.
- **Content Moderation** – Monitoring and removal of unlawful or harmful content from online platforms.
- **Cyber Law** – Laws related to internet usage, digital communication and online activities.
- **Active and Passive Intermediaries** – Passive intermediaries only host content, while active intermediaries promote or participate in content distribution.
- **Grievance Redressal System** – Mechanism created by platforms to handle users complaints and copyright issues.
- **Digital Platforms** – Internet-based services used for communication, entertainment and content sharing.

## Legal Analysis

In India, copyright infringement on social media platforms is mainly regulated by two key laws: the Copyright Act, 1957 and the Information Technology Act, 2000. By protecting copyrighted work and the obligations of online intermediaries, such as social media companies, these laws contribute to protective mechanisms. With a number of

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individuals utilizing media such as videos, songs, photos and other creative content on the Internet, the responsibility of intermediaries in relation to liability has become far more relevant than it has in the past few years. The Copyright Act, 1957 protects original literary, artistic, musical, dramatic and cinematographic works. It grants copyright owners certain exclusive rights, such as the right to copy, publish, distribute and share their work with the public. Section 51 of the Copyright Act, 1957 states that using copyrighted content without the owner's permission is considered copyright infringement. The use of social media — in which users often upload copyrighted films, songs, TV clips, photos and other content without authorization — has become more common. Allowing its own users to share content freely has raised a central legal question here: Is the platform itself responsible for sharing material illegally? To address the problem, the Information Technology Act, 2000 introduced safe harbor protection under Section 79 for intermediaries. This means that intermediaries are generally not liable for third-party content if they only provide a service as a platform or host and comply with the law. The primary aim of this protection is to facilitate the development of digital services and avoid unwarranted litigation against a platform for users uploading content. Yet this protection isn't entirely free. Intermediaries can claim this immunity only when they remain neutral and do not actively participate in unlawful activities. The safe harbor protection may not apply if an intermediary itself starts the transmission of unlawful content, changes the information being shared, chooses the receiver of the content or becomes actively involved in illegal activities. Because of this, intermediaries are expected to act carefully and follow due diligence requirements while operating their platforms. The responsibilities of intermediaries became even stricter after the introduction of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules require social media platforms to clearly publish their user policies and guidelines, warn users not to upload illegal or infringing content, create grievance redressal systems and appoint grievance officers to handle complaints. The rules also state that platforms must remove unlawful or infringing content within the prescribed time after receiving proper notice. If intermediaries fail to follow these rules, they may lose safe harbor protection and can become legally responsible for the unlawful content available on their platforms. Indian courts have also played a very important role in explaining the legal principles related to intermediary liability and online copyright infringement. Through different landmark judgments, courts have tried to maintain a balance between protecting copyright owners' rights and protecting freedom of speech and the proper functioning of digital platforms. These judgments have helped clarify the responsibilities of intermediaries and the situations in which safe harbor protection can be available under Indian law. One of the most important cases in this area is *Shreya Singhal v. Union of India*. In this case, the Supreme Court explained the meaning of "actual knowledge" under Section 79 of the Information Technology Act, 2000. The Court said that intermediaries are required to remove unlawful content only after receiving a valid court order or an official government notice. This judgment protected online platforms from unnecessary or arbitrary takedown demands and also supported the constitutional right to freedom of speech and expression.

### Case Law Analysis

A further case of note is *Myspace Inc. v. Super Cassettes Industries Ltd.* in which the Delhi High Court ruled that it is practically impossible for intermediaries to verify, follow and inspect every single piece of content that millions upon millions of people upload to digital platforms. But the court did also say, immediately when an intermediary receives a proper notice regarding copyright infringement, it must rapidly remove or block access to content that infringes. The matter illustrated the importance of the notice-and-takedown system in Indian law. The court in *Kent RO Systems Ltd. v. Amit Kotak* opined that intermediaries are not under a duty to continuously monitor all online content available on their platforms. It said that an intermediary's responsibility only grows if it is served a sufficient notification with regard to illegal or infringing content and it still does nothing in a reasonable amount of time. *Christian Louboutin SAS v. Nakul Bajaj* also stands as a pertinent case with the court establishing the distinction among active and passive intermediaries. The decision held that those platforms that are engaged in advertising, promoting or selling products may not be considered neutral intermediaries and may be deprived of protection in the form of a safe harbor order. The

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finding showed that it is an intermediary's degree of participation in commercial activities that determines its legal responsibility. With respect to intermediaries liability and online copyright violation, there are country-wide variations in the interpretation. Each country has its specific legal system and technological framework which informs which rules regulate the responsibilities of social media platforms and digital intermediaries. While some countries offer various legal protections to intermediaries, others impose stricter obligations — to watch for illegal content, to remove it, for example — on online platforms.

## Challenges

In India, intermediary liability is primarily regulated via the conditional safe harbor provision given to intermediaries under Section 79 of the Information Technology Act, 2000. In this system, intermediaries receive legal protection for third-party content only if they follow due diligence rules and act as neutral platforms. Social media companies are required to follow certain legal duties, such as removing unlawful content after receiving proper notice and maintaining grievance redressal systems for users. In a lot of Western countries where the digital environment is well-organized and established, Indian law in this sphere is much more nascent, evolving through court cases, official regulations and shifting digital approaches. As a result, Indian courts have a significant part in determining the range and boundaries of intermediary liability. India also has multiple legal and practical challenges in controlling copyright infringements on social networks as well. Owing to the fast growth of digital communication and user generated content, regulation of online copyright violations has become very difficult. An example of this difficulty is that there is an extraordinary amount of content uploaded each day on social media websites. There are millions of videos, photos, songs and other content going through platforms every day, so it's almost impossible to manually observe platform activity. The other big issue is that there is limited technology for identifying copyrighted content. While many platforms employ automated systems to spot infringing material, these systems can never be exact. For instance, even legitimate material might be accidentally removed (in cases of fair use, criticism, educational or commentary purposes). This engenders worries about the safeguard of real online expression and the right to freedom of speech on digital platforms.

Over-censorship is also one of the issues raised that is frequently included in intermediary liability. To prevent legal issues and eventual liability, the platforms frequently remove content before they have even been able to verify whether copyright infringement has occurred or not and take the first step to check this out of the process (or be able to check that it is actually a case of 'copying someone else's content'). As a result, for example, real-life content can equally be taken down, with the knock-on effect of eroding internet freedom of speech (and, consequently, expression on the Internet). Another obstacle comes from the wrongful use of the notice-and-takedown system with false copyright complaints. Other times a company or a person makes it wrong even to claim copyright rights for such work, as it is not the "real" protection of that intellectual property, but a way to stifle criticism, delete undesirable content from the site or target competitors. Such abuse undermines the fairness and efficiency of the takedown process. But another major issue is that India does not yet have a fully specialized and comprehensive digital copyright enforcement system built specifically for social media companies and quickly growing internet technologies. The Copyright Act, 1957 and Information Technology Act, 2000 are basic laws that outline the fundamental legal framework, but new technological developments pose new challenges which prevailing laws cannot address effectively. Some legal and practical reforms will help get better control over copyright infringement in India, particularly in social media platforms. With the rapid development of digital technology, a comprehensive and up-to-date legal system which is able to tackle online copyright infringement with users' rights protection is required. Also, India should have a digital copyright enforcement system specially for e-platforms and new technologies. The peculiar problem of social media and digital content sharing that emerges from this system can be confronted.

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## Suggestions

We need better and more consistent technology to detect copyrighted material online. The automated systems that many platforms are using today aren't always accurate and may inadvertently take down lawful content. As a result, better technology can assist social media platforms with not only better detection of infringing content on platforms, but also limit unnecessary censoring of genuine content. A further important step is to create greater awareness about copyright laws and online responsibilities. People often upload or share copyrighted material with a lack of understanding of the legal implications. Awareness programs, educational campaigns and digital literacy initiatives can help users understand why respecting intellectual property rights is important in the online world. Intermediaries must also be held to a more accountable and efficient grievance redressal system. Social media companies must ensure that users can conveniently report copyright infringement and receive proper responses within a reasonable amount of time. If they are strengthened — accountability will improve and if the notice-and-takedown process is not abused, it can be a very effective tool to solve the problem. In the same breath, courts must continue striking a balance between copyright protection and the constitutional entitlement to freedom of speech and expression. Too many restrictions to contain certain content online, on the other hand, can negatively affect public communication and participation on digital platforms. This will therefore demand judicial interpretation in balancing these interests. There is also lack of clarity on laws on how to distinguish active and passive intermediaries. This will assist in determining the legal liability of social media platforms more clearly and reduce confusion in law. Moreover, faster dispute resolution systems for online copyright cases should be introduced so that such matters can be resolved quickly and efficiently in the digital environment.

## Conclusion:

According to my article, social media platforms' liability for copyright infringement has become an increasingly important legal issue in the 21st century. The introduction of social media had a significant impact on the form of communication, how we interact, share information and create artworks to submit to the platform. Simultaneously, the increased use of these platforms has led to an influx in unauthorized sharing and misuse of copyrighted content like films, songs, images and videos. Thus, intermediaries have become one of the central cases of Indian cyber law. In India, online copyright infringement is primarily regulated by the Copyright Act, 1957 and the Information Technology Act, 2000. These pieces of legislation attempt to balance copyright holders' rights on one hand and users' interests on the other and allow intermediaries to provide such services. Safe harbor protection under Section 79 of the IT Act provides that intermediaries do not need to engage in unlawful activities. Indian courts have also shaped and explained the concept of intermediary liability in several key cases. Court rulings have also helped us understand questions such as actual knowledge (knowing), notice-and-takedown duties and active versus passive intermediaries. Nevertheless, as digital technology and the internet grows rapidly, new regulatory and practical problems arise in preventing effective copyright infringement. In this respect, The researcher maintain a balanced and always-evolving set of laws is needed if intellectual property rights are to protect them while at the same time being shaped and strengthened out of technological development, which also fosters freedom of speech and expression and digital technology. As India's digital economy expands the laws pertaining to intermediary liability and online copyright protection will also continue to evolve.

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