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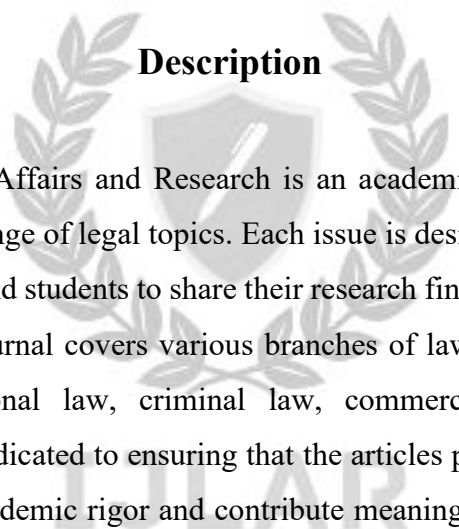
Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

The logo is a circular emblem featuring a shield in the center. The shield contains a stylized quill pen. The shield is flanked by two olive branches. The entire emblem is surrounded by a laurel wreath. The text 'IJLAR' is written in a large, serif font across the bottom of the emblem.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

COPYRIGHT OWNERSHIP AND CREATIVE EXPRESSION IN SOCIAL MEDIA

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Introduction

The emergence of the online social media platforms in the digital era has changed the face of creative expression for the millions of people around the globe who have voice through these new forms of media. But, underlying the surface of the new era of virtual communities, there exists a complex system of copyright rules that define the ownership of the information being shared through these new forms of media. This research paper aims to explore the complex relationship between copyright ownership and creative expression, particularly within the context of social media platforms. It attempts to explore the complexity that exists within the new environment of innovation by studying the relationship between copyright ownership and creative expression, particularly within the context of social media platforms such as Facebook, Instagram, Youtube etc., where the rights of the creators of the content are constantly being challenged by the new forms of media being created through these platforms.

Social media services have emerged and have radically changed how people produce, disseminate, and consume information. Instagram, YouTube, Tik Tok, and Facebook services have allowed people to become content makers who can reach audiences across the world in real-time. Social media has democratized creativity by enabling anyone who has internet access to create and share creative content as opposed to traditional media systems where the production house and broadcasting networks controlled the creation and distribution of creative works.

The proliferation of social media has however also brought with it a lot of legal issues that include the ownership and protection of digital content in terms of copyright. The copyright law was initially intended to safeguard literary, artistic, musical and dramatic works in the traditional media like books, films and broadcast media. Due to the emergence of digital platforms, content creation

and dissemination has dramatically evolved. Memes, short videos, reels, remixes, and digital art become viral quickly and are frequently distributed without adequate credit and without authorization of the original author.

In this regard, the copyright law is vital in deciding the rightful ownership, control and protection of the creative contents exchanged on social media. The Indian Copyright Act, 1957 offers copyright protection to original works and gives exclusive rights to its creators such as the right to reproduce, distribute, and communicate their work to the population. Nevertheless, the fact that the digital ecosystem allows duplicating, modifying, and remaking the content within a few seconds make the practical implementation of such rights complex.

One more significant aspect of this question is the connection between the content creators and social media platforms. When creators are uploading content, they typically accept the terms and conditions of the service, and typically provide the service with a license to use, distribute, and display the content. A lot of creators are not aware of the legal implications of such contracts. This creates the concern of who owns and has control over digital content.

Moreover, the culture of re-posting, remixing, meme-making on social media is destabilizing the idea of copyrights. Whereas copyright is designed to safeguard original work, the nature of digital culture that involves collaboration and participation, tends to imply adaptation and transformation of the existing work.

Thus, there is an increasing desire to explore the relationship between copyright law and the creative activities of social media content creators. The paper critically evaluates the connection between copyright ownership and creative expression in the social media world. Its purpose is to discover the legal issues of content creators, gauge the appropriateness of current copyright structures, and propose the potential changes to bring about an improvement in the protection of creators in the computer age.

Though some studies already investigated the problem of copyright within the social media context, the majority of available research is concentrated largely on copyright infringement, legal

frameworks, and regulations of the platform. These works frequently focus on the platform significance and difficulties of the copyright law implementation in the online settings.

Nevertheless, little literature examines the connection between copyright ownership and creative expression through the prism of individual social media content creators. Numerous academic sources do not critically explore the role of copyright laws and platform policies to determine their impact on the creativity, independence, and economic possibilities of digital creators.

This gap is the focus of the essay, which tries to analyze critically the interaction between copyright ownership and creative expression within the social media ecosystem. This research is notable because unlike other studies that largely discuss legal enforcement and infringement, the emphasis is made on the experiences and issues of content creators themselves. It examines the way in which copyright law safeguards creativity and limits it, and the imbalance of power between platforms and creators influences the control and distribution of digital content.

The copyright and expression of creativity is a concept.

Copyright is a legal claim that safeguards original authorship works and offers the creators the exclusive authority to the usage and dissemination of the original work. The main aim of copyright law is to reward creativity and innovation in that the creators of the intellectual efforts are given credits and economic gains. In India, copyright protection is regulated by the Copyright Act, 1957, according to which the legal framework of copyright protection is formed including the literary, artistic, musical, and dramatic creations, the cinematograph films and sound recordings protection.

Section 13 of the Act stipulates that copyright exists in original work which exhibits a level of creativity and originality. Section 14 goes further to establish the right of the copyright holder such as the right to reproduce the work, to distribute the works, to perform the work in a public place, to communicate the work to the people and to adapt it to other forms. These rights give the creators a legal right to regulate the use of their works as well as to prevent unauthorized reproduction or exploitation.

Creative expression is a notion that defines how people introduce ideas, feelings, or views using artistic or intellectual media. The copyright law does not protect the ideas but only the expression of ideas. This rule is referred to as the idea-expression dichotomy which constitutes one of the core principles of the copyright law. Although general ideas, concepts, or themes are not a subject to protection, the manner in which they are specifically expressed is a legally protectable issue.

As an illustration, the concept of making a type of travel vlog or a morning routine video cannot be registered as copyrighted since the concepts are not novel and widely employed. Nonetheless, the particular video produced by a certain person, the type of its narration, editing technique, images, and display can be considered as a certain creative work that is protected.

Within the social media platform, creative expression encompasses any type of digital content, including photographic, video, podcast, blog, and meme work, as well as digital art. They tend to be very creative and individualized and therefore the need to protect the copyright in order to protect the right of the creators in the digital world is paramount.

The Social Media and the emergence of Content Creators.

The emergence of social media sites has greatly changed the conventional framework of producing and distributing media. Previously, production and distribution of content was dominated by the mainstream culture including television networks, film studios, publishing houses and news media. These organisations possessed the material and means of creating and distributing media content to masses.

But creation of content has been democratized through the emergence of digital platforms whereby people are able to create and share their content. The social media platforms give features where users can create videos, photos, text and digital art with no equipment and institutional guidance. Consequently, former consumers of media have turned out to be creators of digital content.

Such a progress has created a new type of professional that is usually known as a content creator or influencer. These people create followers using the Internet by creating interesting content regularly that shows their abilities, experiences, or views. In most instances, content makers build

a close relationship with the audience and shape the opinions, trends and consumer behaviour of the people.

New economic opportunities have also been established as a result of the growth of the creator economy. A significant portion of the content creators earn money by employing advertising profits, sponsorships, brand partnerships, and the subscription-based services. Digital platforms have thus not only become platforms of creative activity but have also been turned into platforms of entrepreneurship and economic activity.

Meanwhile, the emergence of the creators of social media has brought complicated legal issues regarding the right to and the ownership of digital materials. Creators might suffer because content can be shared, copied, and redistributed with ease and the content creator might not have a control over his work. This case leads to some significant questions regarding the way in which the copyright law must evolve to ensure that those who create are safeguarded without causing the digital culture to become closed and closed off.

Copyright Protection and its Theoretical Viewpoints.

Several theoretical frameworks support the development of the copyright law and the purpose and justification of protecting the creative works. These theories are the conceptual basis of the operation of the copyright and its significance in the contemporary societies.

The natural rights theory is one of the most widely recognized theories and is based on the philosophical works of John Locke. This theory states that the person is entitled to the moral right to regulate the products of intellectual activity. When an individual invests time, energies and innovativeness in creating a piece, he or she gains an automatic right to utilize and manage the piece. This approach lays stress on the significance of treating creators as the lawful proprietors of their intellectual property.

The other significant school of thought is the utilitarian theory, which is concerned with overall social values of the protection of copyrights. This theory states that the copyright law is not only there to protect the creators but to enhance creativity and innovation to the advantage of society.

The copyright law is incentive-based because it gives creators a period after which they can enjoy exclusive rights to encourage people to produce new works that can help in the cultural and intellectual growth.

Another theory that is important in present-day copyright systems is the economic incentive theory. Creative works can be of commercial interest, especially in other areas of the industry like entertainment, publishing and digital media. Copyright protection provides the author or producer with the ability to commercialize their input in the form of licensing, royalties and commercial sales. In the event that such protection is not in place, producers would be demotivated to spend time and resources in generating original content.

Nevertheless, the use of these theories in the digital space is more complicated. The internet has enabled the artistic works to be exchanged immediately to the world wide networks and it becomes hard to regulate illegal copying. Moreover, digital culture frequently incorporates collaborative acts like remixing, parody and adaptation that provoke the traditional concept of exclusive ownership

Copyright ownership on the social media

The idea of owning copyright is even more complicated when it comes to social media platforms. Conventionally, the copyright law gives the copyrighter or the creator of a unique work the ownership rights. In the Indian Copyright Act, 1957, the person to which the copyright belongs, as a rule, is the author of the work unless the work was produced under special contractual agreements, e.g. employment. Nonetheless, the dynamics of the digital platform introduce several players in the copyright system, such as creators, platforms, as well as users who engage with the content.

In most cases, when a creator posts contents on a social media platform like Instagram, YouTube, or Tik Tok, they maintain the copyright of the contents. Nonetheless, the creator must agree to the terms of service under which the platform may provide and tend to afford the uploaded content an extensive license to utilize, disseminate, alter, and display. Such licensing arrangements are typically non-exclusive and royalty-free and means platforms have permission to host and promote

such work whilst technically retaining ownership by the creator. Although this is formal ownership retention, the actual control of the content is frequently handed to the platform. Platforms may through their own policy choose to remove, suppress or monetize content. This can lead to a scenario where the creators are caught up in cases of their own material being removed or blocked as a result of so called copyright infringement or policy infractions.

The other major problem is the culture of reposting and copying the content that is very common in the social media. Viral content is more often than not shared on various accounts and platforms without acknowledging the original authors. This is a step backward to the appreciation of the original creator as well as to their economic opportunities, especially when larger accounts repost the work of smaller creators. To illustrate, a digital artist can post an original drawing on Instagram, and then discover that it has been shared by multiple profiles without referencing. Although the copyright law is theoretically designed to protect the work of the artist, there is a difficulty in applying them in practice. The pace and magnitude of digital distribution render creators with a difficult task of tracking and managing how their work is used.

The second consideration is automated systems of copyright protection by platforms. The example of YouTube is Content ID system which automatically scans videos uploaded by users and tracks the presence of copyrighted content. Although such systems may aid in the protection against the unauthorized use of copyrighted works, they may also result in the false claims and the unjust removals. Authors are occasionally faced with copyright infringements despite their legitimate use of a content under the requirements of legitimate use exception like commentary, criticism or parody.

Judicial decisions have also been done on the issue of platform liability. The High court in *Super Cassettes Industries Ltd v. MySpace Inc.* was looking at whether online platforms could be responsible to bear the burden of hosting infringing material that had been uploaded to the sites. The court ruled that websites have a duty of ensuring that copyright infringement is averted through reasonable efforts after they are informed about the infringement by such sites. This ruling indicates the increased appreciation of the role that digital platforms can play in the enforcement of copyright.

Altogether, the ownership of copyright on social media is a complicated process between creators, platforms, and users. Although copyright law is a legal protection scheme to protect the creators, the challenge of practical implementation of such rights is still a problem in the ever-changing digital landscape.

Implication of Copyright on Creative Expression.

The copyright law has a significant role to play in ensuring a high level of creativity because creators enjoy exclusive rights over their creations. The copyright legislation can motivate people to take time and efforts to create original content because they are likely to get accepted and even economic gains out of their creations. Within the social media platform, copyright law can enable artists to protect their creative works by ensuring that their works are not reproduced or exploited by others. Nevertheless, there are also some conflicts between copyright protection and the participatory and collaborative digital cultural environment. The fast dissemination, remixing, and adaptation of content are the key to the success of social media platforms. Memes creation, parody videos, reaction videos and remixes are some of the practices where existing work is used. Although the practices are beneficial towards cultural dialogue and digital creativity, they can also provoke an issue of copyright violation.

For example, most social media producers use popular music songs to add value to their videos. An author can make a dance video with a trending song played or make a funny reel with videos of a famous movie. These practices, as much as they are being used to make creative storytelling and involvement of the audience, can cause claims of copyright violation by the rights holders. Consequently, creators can be fearful of employing some types of content as a result of the threat of copyright strikes or the removal of content. It is commonly referred to as a chilling effect in which fear of legal action keeps creators from trying something new or trying a new creative form. Simultaneously, the copyright legislation has some exceptions aimed at striking a balance between the rights of the creators and the masses. In India, fair dealing doctrine also allows the use of the copyrighted works with restriction to the purpose of criticism, review, and reporting of the current events. Other jurisdictions have similar notions in their doctrine of fair use. In spite of the above exceptions, the social media sites tend to apply the automation control systems that do not focus

on the legal interpretation but on the caution. Therefore, platform algorithms can still remove or limit the availability of content that can legally be considered fair dealing. The copyright protection and the creative expression have then a fine balancing act. On the one hand, copyright law gives the necessary security to the creators since their work will not be used without their permission. Conversely, excessive application of the copyright laws can restrict the vibrancy and participatory culture that define social media.

Copyright and Social Media Trends In the Recent Past.

The fast pace at which digital technologies have been developing has greatly affected the manner in which the copyright law applies in the social media ecosystem. There are a number of new trends that are changing the way copyright protection and digital creativity relate to each other.

Among the most noticeable ones is the increase in the use of artificial intelligence (AI) in the creation of content. There are some tools of AI cars, which are increasingly generated to make images, music, videos, and written content. Although these technologies provide new creativity possibilities, they also make complex issues of authorship and ownership. When an AI system creates a work of art or a musical masterpiece, it is not clear who would be considered a creator of it, the user, the creator of the AI system, or the AI itself.

One more significant tendency is the growth of the dependency on the algorithmic copyright-detecting systems. The automated systems of platforms like YouTube, Facebook, and Instagram find and block copyrighted content to stop the unlicensed usage. These systems scan audio and visual data to determine possible correspondence to a work in databases that is copyrighted. Even though these technologies enhance efficiency in the copyright enforcement, they are not devoid of restrictions. Automated systems can give false positives or eliminate content that can be considered legitimate use. Consequently, creators will have problems challenging automated copyright claims.

Another issue that is still a major problem in the online world is digital piracy. The illegal reproduction of content under copyright by means of streaming websites, file-sharing platforms, and the social media remains the obstacle to the rights of creators and copyright owners. Some of

the measures that have been adopted in various jurisdictions include dynamic injunctions which enable authorities to restrict infringing websites in a more effective way.

The other development which is coming up is the investigation of blockchain technology in managing copyright. The blockchain systems have the potential to generate permanent electronic records of creative pieces, whereby the creators can demonstrate authorship, as well as monitor the flow of their content through the digital medium. The technology can enhance accountability and minimize ownership disputes.

The copyright issues are also being shaped by the rising power of the influencer economy. The influencers frequently use the copyrighted music, photos and branding in their works. Some of these uses can be categorized under the license agreement, whereas others can cause a court fight on unauthorized use.

Problems with Copyright protection by the creators of the content on social media.

1. Lack of Copyright Awareness

The ignorance of the copyright laws by the social media creators is one of the greatest challenges. A lot of people, who produce and post their content online, are not aware of their rights concerning the law and what kind of protection can be granted by the copyright law. Due to this fact, creators can unconsciously and unintentionally enable others to infringe their work or even themselves break the copyright laws, utilizing the copyright material without a license. Indicatively, most of the creators incorporate music, pictures, or videos in their work without knowing that they are copyrighted. Such ignorance heightens copyright lawsuits and deletion of contents.

2. Simplicity in Duplicating and Re-Sharing.

The existing social media sites allow users to copy, download and repost a work written by others with extremely ease. After any piece of content is uploaded into the internet, it can be shared on several platforms within seconds. This puts a case where the original

producer could lose track of the distribution of his work. Large accounts tend to repost viral content without crediting the original creator. This does not only influence the recognition, but it also denies creators economic benefits of their efforts.

Example:

A small creator posts his or her original reel on Instagram. A bigger influencer will download and repost the same reel and not give the credit, which will provide more views and engagement.

3. Platform Terms and Conditions.

It is also quite complicated with the creators and social media, which is another major challenge. In the case of content on the platform being uploaded, the user must also accept the terms and conditions of the platform. Such arrangements frequently give the platform a license to use, distribute and promote the content. Although creators still own the copyright technically, platforms have a great level of control over the manner in which the work is presented or monetized. Most creators do not know about these legal implications and they may restrict their own control over their creative work.

4. Copyright enforcement systems are automatic.

The use of social media is full of automated systems where the copyright violation is detected. An example is the Content ID system of YouTube which is used to detect copyrighted content in video posts. Although this type of systems assists in safeguarding the copyright owner, they may as well bring out false lessees or elimination of content in an unjust manner. Even when the content of creators can be considered as a parody, commentary, or fair use, copyright strikes can take place. Such automated processes fail to analyze the surrounding of the material in a proper way.

5. Copyright Fear and Content Takedown.

The policies of high copyright enforcement can put off creators to venture into new ideas. Some of the creators do not use any kinds of content, e.g. music clips, film scenes, or remix formats, as they are afraid of being copyrighted or their accounts will be banned. This fear

may restrict creativity and minimize the variety of the content that should be generated on social media platforms.

Conclusion and suggestion

The social media sites have grown so fast and have created a great impact on how creative contents are created, shared, and consumed. Instagram, YouTube, and Tik Tok have enabled people of varying backgrounds to become content creators and present their work to the rest of the world. This has fostered innovation, creativity and engagement in digital culture. Such platforms, however, as they allow more opportunities to express creativity have posed a complicated question of ownership and protection of copyright.

This paper has explored the relationship between the copyright law and the practices of social media content creators. The research notes that despite the provision of copyright law to creators to have exclusive rights over their original works, it is hard to enforce the same in the digital space. The simplicity in copying, reposting and redistributing content online has many times resulted in unlicensed usage of creative ideas without their authorization or consent. Consequently, creators can lose an opportunity to be recognized and gain economic advantages of their activity.

The other important problem which has been revealed in this study is the role of platform policies in ownership of copyright. Social media networks usually have terms and conditions that a creator is required to sign before accessing the site, which the site is empowered to legally use and share the uploaded content. Although the service cannot operate without these agreements, several creators do not understand the legal aspect of such policies in full. This may cause confusion with who the real control is of their own content by creators.

Moreover, the rigorous protection protocols on copyright such as automatic content detection can at times interfere with the act of creativity. Producers are afraid of copyright infringements or removal of their content, and with these fears, they might not take a chance and use a particular piece of content or be less inclined to innovate with new ideas. This fact demonstrates the necessity

to balance between ensuring the rights of creators and the free environment that ensures creativity and innovation.

To overcome these difficulties, it is possible to think about the following measures. To begin with, more people in social media need to be sensitized and educated on the copyright laws. Creators can receive educational programs, workshops, and online resources to be aware of their legal rights and duties. Second, social media companies ought to come up with more transparent and understandable copyright policies that safeguard creators and enable fair use of content. They should also have systems of efficient real-time dispute resolution when it comes to copyright claims. Third, policymakers could contemplate revision of copyright law in order to reflect the digital media and user-generated content realities.

The social media culture with its creative culture and tendency towards collaboration, adaptation, and remixing should be addressed in legal frameworks as something unique. All in all, a more balanced system can be achieved by enhancing legal awareness, making platforms more accountable, and adjusting copyright laws to the digital world to protect creators, promote innovation and creativity

