



The Role of Copyright Law in Social Media: Protecting Intellectual Property and User Freedoms

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ABSTRACT:

The rise of social media sites like Facebook, Instagram, TikTok, and YouTube has changed the landscape of content production by giving people and companies access to a worldwide audience. However, because existing legal systems are unable to keep up with the volume and type of content published online, this digital change has resulted in complicated copyright difficulties. With an emphasis on both international and Indian copyright laws, this study examines the relationship between copyright infringement and user rights on these sites. It examines common problems such as unapproved sharing, the usage of music protected by copyright, and the hazy lines separating user-generated content, highlighting the difficulties in striking a balance between copyright holders' protection and users' rights and liberties. A primary focus is on the function of automated copyright detection systems, like Meta's Rights Manager and YouTube's Content ID, which seek to enforce copyright but frequently go too far in misidentifying legal content and possibly restricting creativity. The study looks at how these enforcement tools affect brands, influencers, and regular users who are subject to limitations and occasionally unjust punishments. The paper highlights important gaps in current research and practice, especially with regard to the ambiguity of fair use in digital environments and the chilling effect of restrictive rules on user involvement and creative expression, through case studies. As a way to bridge these gaps, the paper offers suggestions for platform-specific rules, policy changes, and training programs that promote a fair balance between preserving intellectual property rights and promoting a thriving online community.

Keywords: Digital Copyright Law, Social Media Infringement, User Rights and Fair Use, Content Creation and Distribution

Introduction

Social media's quick development has completely changed the way that content is created and shared, giving people and organizations access to a previously unheard of level of reach and immediateness. With the help of websites like Facebook, Instagram, TikTok, and YouTube, anyone with an internet connection can now create content. More than 5.52 billion people utilize social media as of October 2024, and millions of posts are made every day. But as the lines between intellectual property rights and free speech become more hazy, this democratization has also brought forth serious problems for copyright law¹. However, this democratization has also led to significant challenges regarding copyright law, as the boundaries between personal expression and intellectual property rights become increasingly blurred.

Although copyright law is intended to safeguard authors' rights and encourage innovation, it faces particular challenges in the digital era. Important concerns over ownership and rights are brought up by the usage of copyrighted music in videos, unauthorized material distribution, and the complexity of user-generated content. For example, a well-known TikToker was compelled to pay Sony Music more than \$800,000 in penalties in 2019 for exploiting a copyrighted music sample without authorization².

Legal frameworks pertaining to digital copyright are frequently perceived as falling behind technological improvements in India and around the world. Discussions concerning the accuracy and potential for overreach of automated detection systems designed to detect copyright infringement have arisen in response to their increasing use. These systems have the potential to unintentionally inhibit creativity by punishing users for small violations or for participating in acts that might be construed as fair usage. As an illustration, consider Daniel Morel's successful \$1.2 million lawsuit against Agence France-Presse (AFP) for unauthorized distribution of his earthquake photos from Haiti³.

¹ Published by Ani Petrosyan and 10, O. (2024) *Internet and social media users in the world 2024*, Statista. Available at: <https://www.statista.com/statistics/617136/digital-population-worldwide/>.

² Millman, E. (2024) *Sony gets \$800,000 in damages over tiktok rapper's infringement*, Rolling Stone. Available at: <https://www.rollingstone.com/music/music-news/sony-wins-lawsuit-tiktok-trefuego-90mh-infringement-1234995433/>

³ *Photographer wins \$1.2 million from companies that took pictures off Twitter* | Reuters. Available at: <https://www.reuters.com/article/technology/photographer-wins-12-million-from-companies-that-took-pictures-off-twitter-idUSBRE9AL16F/>

As social media keeps changing, so does the copyright enforcement environment. In an effort to keep their audiences interested, content producers must navigate complicated copyright regulations. Meanwhile, in a setting where content is readily copied and shared, copyright holders aim to safeguard their intellectual property. The protection of creators' rights and the promotion of an atmosphere that encourages innovation are at odds because of this dynamic.

The consequences of these issues go beyond individual artists; they also impact brands, influencers, and regular users who depend on social media for expression and communication. The need for precise rules that strike a balance between user rights and copyright protection has never been greater.⁴

Research Gap

Even while the literature on copyright infringement in social media is expanding, there are still a lot of unanswered questions about how current legal frameworks adjust to the quick changes in digital material sharing. In particular, there aren't many thorough studies that examine how well the existing copyright enforcement practices on social media sites work and how they affect user rights. Additionally, both authors and users face difficulties due to the ambiguity surrounding fair use in digital contexts, which results in uneven interpretations and applications of copyright law.

Research Questions

1. What are the main obstacles that content producers have when attempting to comply with copyright regulations on social media platforms?
2. In what ways do existing legal frameworks handle or not copyright infringement concerns in relation to user-generated content?
3. How do automated detection methods affect user rights and how do they contribute to copyright enforcement on social media?
4. What are the frequent misconceptions among users about the scope of fair use, and how does it apply to content uploaded on social media?

Research Problem

Social media's explosive growth has produced a complex environment in which copyright laws currently in place struggle to strike a balance between promoting creative expression and protecting intellectual property. This has left content creators uncertain and may result in legal ramifications, as well as misidentification by automated infringement detection systems.

Research Methodology -Qualitative

Legal Framework Governing Copyright in Digital Spaces

International Legal Instruments

One of the pillars of international copyright law is the 1886 Berne Convention for the Protection of Literary and Artistic Works. In order to uphold the principle of national treatment, it requires that member states acknowledge the rights of writers from other member nations in the same way as they would their own. The convention establishes baseline criteria for copyright law among its parties and mandates that copyright protection be automatic, without the need for formal registration. However, because it fails to sufficiently address the intricacies of online distribution and user-generated material, the Berne Convention has been attacked for being out of date in the context of digital media. For instance, it doesn't have any special features for interactive, on-demand transmissions, which are typical of digital settings.⁵

The TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights), effective from January 1, 1995, enhances the protections offered by the Berne Convention by establishing minimum standards for various forms of intellectual property, including copyright. It provides special provisions for databases and requires member states to safeguard computer programs as literary creations. Like the Berne Convention, TRIPS has been criticized for not paying enough attention to user rights and digital settings. It falls short in addressing the issues with user-generated content and fair use exceptions that the internet and digital technologies present^{6,7}.

Enacted in 1998, the Digital Millennium Copyright Act (DMCA) was designed to safeguard copyright holders in the online sphere in response to the difficulties presented by digital technology. The DMCA contains clauses that make it illegal to get around technical protection measures (TPMs) and

⁴ *Issues of copy right in use of social media ...* Available at: <https://ijcrt.org/papers/IJCRT2009290.pdf>

⁵ *WIPO/CR/KRT/05/7 : Copyright in the digital environment.* Available at: https://www.wipo.int/edocs/mdocs/arab/en/wipo_cr_krt_05/wipo_cr_krt_05_7.pdf

⁶ *Copyright protection in Digital Environment: Emerging Issues - IJHSSI.* Available at: [http://www.ijhssi.org/papers/v2\(4\)/version-3/B240615.pdf](http://www.ijhssi.org/papers/v2(4)/version-3/B240615.pdf)

⁷ (No date a) *NISCPR.* Available at: [https://nopr.niscpr.res.in/bitstream/123456789/44436/1/JIPR%2022\(6\)%20303-310.pdf](https://nopr.niscpr.res.in/bitstream/123456789/44436/1/JIPR%2022(6)%20303-310.pdf) (Accessed: 04 November 2024).

gives online service providers (OSPs) a safe harbor. This safe harbor shields OSPs from responsibility for user-uploaded content that violates the law, as long as they follow certain guidelines, like promptly deleting anything that violates the law after being notified. The DMCA has been useful in resolving certain difficulties pertaining to digital copyright infringement, but it has also come under fire for prioritizing copyright holders over users' rights and fair use^{8,9}.

Indian Legal Context

Indian Copyright Act, 1957 and Amendments

The main piece of legislation controlling copyright in India is the Copyright Act of 1957. It has undergone a number of revisions to meet current concerns brought on by technological improvements, with major adjustments made in 2012 to bring it into compliance with international norms established by agreements like the TRIPS and WIPO treaties. The Act incorporates regulations pertinent to digital content while offering a framework for safeguarding creative and literary works.

Specific provisions Applied to Online Content

Section 52: This section describes situations in which fair use is permitted, including criticism, reviews, news reporting, teaching, and research. Digital formats were added to these exceptions by the 2012 amendment.

Introduced in 2012, Section 65A deals with "technological protection measures" (TPMs) and forbids their illegal circumvention.

Section 66A: This clause makes intermediaries accountable for user-uploaded content that violates intellectual property rights, unless they can show that they took fast action to take down the information after receiving a legitimate complaint.

Social Media Platforms' Liability

Social media companies deal with complicated liability issues pertaining to user-generated content under both Indian and international law.

International Perspective

Platforms are typically exempt from liability for user-uploaded content that violates copyright laws under the DMCA's safe harbor clauses if they take immediate action to remove the content after receiving notification from copyright holders. But because of harsh takedown tactics that can hinder free speech, this has sparked discussions about censorship and overreach.¹⁰

Indian Context

The Indian Copyright Act imposes a degree of liability on intermediaries. According to Section 79 of the Information Technology Act, intermediaries are not liable for third-party content provided they exercise due diligence and act upon receiving actual knowledge of infringing material. However, Indian courts have interpreted this provision such that platforms may still be held liable if they fail to take adequate steps against repeated infringements or if they are found negligent in monitoring content¹¹.

Common Copyright Infringement Issues on Social Media

Unauthorized Sharing and Reposting

On social media, reposting and spreading copyrighted content without permission is a common problem. It is common for users to distribute pictures, films, or music without the original artists' consent. On social media sites like Twitter and Instagram, for example, individuals frequently share popular music videos or movie snippets without permission or licensing. This can range from reposting a popular meme that incorporates copyrighted language or graphics to sharing a friend's concert footage.

Large legal attention has also resulted from large occasions when copyrighted films have been unlawfully captured and posted on social media sites like Twitter. Examples of films that have been subject to illegal uploading that violate copyright rules include *Avatar: The Way of Water* and *Top Gun: Maverick*¹².

⁸ WIPO/CR/KRT/05/7 : *Copyright in the digital environment*. Available at: https://www.wipo.int/edocs/mdocs/arab/en/wipo_cr_krt_05/wipo_cr_krt_05_7.pdf

⁹ Ijesi. (n.d.). [http://www.ijesi.org/papers/Vol 2\(4\)/Version-2/B240714.pdf](http://www.ijesi.org/papers/Vol%202(4)/Version-2/B240714.pdf)

¹⁰ WIPO/CR/KRT/05/7 : *Copyright in the digital environment*. Available at: https://www.wipo.int/edocs/mdocs/arab/en/wipo_cr_krt_05/wipo_cr_krt_05_7.pdf

¹¹ (No date a) *NISCP*. Available at: [https://nopr.niscpr.res.in/bitstream/123456789/44436/1/JIPR%2022\(6\)%20303-310.pdf](https://nopr.niscpr.res.in/bitstream/123456789/44436/1/JIPR%2022(6)%20303-310.pdf) (Accessed: 06 November 2024).

¹² Wikipedia contributors. (2024, October 31). Copyright infringement and social media. Wikipedia.

Legal Consequences for Users and Challenges in Enforcement:

Unauthorized sharing can have serious legal repercussions for individuals. Users may face lawsuits from copyright holders seeking damages for infringement. For instance, a user who posted a music video before its official release faced threats of a \$20 million lawsuit from the copyright owner¹³.

But enforcement is fraught with difficulties. The Digital Millennium Copyright Act (DMCA), which frequently governs social media sites, offers them safe harbor protections as long as they take fast action to delete anything that violates intellectual property rights after being made aware of it. Because of the huge amount of content uploaded on these platforms every day, copyright holders can request that infringing content be taken down, but enforcing their rights can be difficult and time-consuming.¹⁴

User-Generated Content and Fair Use

Issues Around Memes, Remixes, and Transformative Works

Complex copyright issues are frequently brought up by user-generated content, such as memes, remixes, and transformative works. Copyright-protected pictures or videos are commonly used in memes, raising concerns about whether their use qualifies as fair use. A meme may occasionally be eligible for fair use protection due to its transformative nature, which involves changing or repurposing the original work, though this is not always the case.

According to court rulings, reposting an image without making major changes is not considered fair use. This problem was brought to light in the *Agence France Presse v. Morel* case, where a news organization was held accountable for exploiting a photographer's image that was shared on Twitter without authorization since the use was not sufficiently transformative¹⁵.

Influencer Marketing and Brand Collaborations

Copyright Issues in Sponsored Posts

Influencer marketing has grown to be a major way for companies to connect with customers on social media. However, using copyrighted content in sponsored posts presents a number of copyright concerns. Influencers frequently distribute branded content without obtaining the necessary licenses, which may include copyrighted photos, music, or movies.¹⁶

For example, both the influencer and the company may be subject to legal action if they include a well-known song in their sponsored post without the copyright owner's consent. Brands need to make sure influencers they work with are aware of copyright regulations and have the required authorizations for any third-party content they utilize in their postings.¹⁷

The Role of Terms of Service:

Users usually accept terms of service when they upload content to social networking sites, which give the platform ownership rights over their work while granting the platform other rights. These conditions frequently permit platforms to license user-generated material for marketing objectives without paying the creator extra. When influencers produce sponsored content that contains third-party copyrighted content, this relationship becomes even more complicated.

https://en.wikipedia.org/wiki/Copyright_infringement_and_social_media

¹³ Article 13: Copyright and Social Media | IP Professions. (2023, August 18). IP Careers. <https://www.ipcareers.co.uk/profession-overview/article-13-copyright-social-media/>

¹⁴ .Mehta, K. (2024, June 13). Impact of Social Media on Copyright Infringement. Vakilesearch | Blog. <https://vakilesearch.com/blog/impact-of-social-media-on-copyright-infringement/>

¹⁵ *Agence France Presse v. Morel* | Loeb & Loeb LLP. (2014, August 13). <https://www.loeb.com/en/insights/publications/2014/08/agence-france-presse-v-morel>

¹⁶ .Mehta, K. (2024, June 13). Impact of Social Media on Copyright Infringement. Vakilesearch | Blog. <https://vakilesearch.com/blog/impact-of-social-media-on-copyright-infringement/>

¹⁷ .Fraraccio, M. (2023, December 12). How to Avoid Social Media Copyright Infringement. CO- by US Chamber of Commerce. <https://www.uschamber.com/co/start/strategy/social-media-copyright-protection-guide>

Influencers should be actively educated by brands on copyright compliance, and all marketing campaign materials should be appropriately licensed or compliant with fair use guidelines¹⁸. Neglecting to do so may result in expensive legal disputes and harm to one's reputation. Therefore, in order to reduce the possible legal concerns involved with branded collaborations, influencer marketing must be conducted with careful awareness of copyright rules.

Copyright Policies and Enforcement Mechanisms on Major Platforms

Facebook's Copyright Policy

Facebook's copyright policy is intended to support user interaction and content sharing while safeguarding authors' intellectual property rights. The Rights Manager tool, which gives copyright holders a range of tools to control their content on Facebook and Instagram, is the cornerstone of this policy. Creators can upload their original creations, including photographs and videos, and specify usage guidelines with Rights Manager. This program allows copyright owners to monitor unauthorized uses of their property by using sophisticated algorithms to examine user-generated content for possible infringements¹⁹.

The Rights Manager system is particularly beneficial for large media companies and creators who produce a significant volume of content. It enables them to keep an eye out for illegal uploads on the site and take appropriate action to safeguard their rights. However, because of the system's complexity, the process can be less accessible for smaller creators.

Managing Appeals and Takedown Notices

Facebook uses a notice-and-takedown policy that is comparable to the Digital Millennium Copyright Act (DMCA). A copyright holder can use Facebook's reporting features to formally request the removal of content that they believe violates their rights. When Facebook receives a legitimate notice, it usually takes down the infringement right away.

Users have the option to file an appeal, which starts a review process, if they think their content was wrongly removed. During this procedure, users are required to substantiate their claims that their use is fair use or comes under another copyright law exception. It can be difficult for people without legal knowledge to use this system efficiently, even if it attempts to strike a balance between producers' rights and user expression. Users may become frustrated if they believe their rights have been infringed due to the lengthy appeals process²⁰.

Instagram

Content Policies and Music Rights Issues

Facebook and Instagram share ownership, therefore their copyright regulations are very similar. The platform has explicit rules on using copyrighted content, especially when it comes to music in reels and stories. Due to license arrangements Instagram has signed with several music rights groups, users are able to lawfully utilize specific songs in their postings. Nevertheless, these rights could differ by location and might not apply to every song on the platform²¹. For instance, users may use music in Instagram Stories without restriction for a brief period of time, but if the correct permissions are not obtained, utilizing copyrighted music in loops may result in limitations or removal. Instagram may immediately mute the audio or completely block the post if it discovers that music is being used without permission during the upload process. Users may not completely comprehend which songs are allowed as a result of this, which has caused confusion.

Effectiveness of Copyright Detection and Dispute Mechanisms

Instagram uses automatic tools to identify music that is protected by copyright in user-generated material. When people try to utilize copyrighted content without authorization, these systems detect it by analyzing audio tracks in videos. Although this automated identification is usually successful in stopping illegal use, it is not perfect; occasionally, legitimate uses are inadvertently reported as infractions²².

¹⁸. Fraraccio, M. (2023, December 12). How to Avoid Social Media Copyright Infringement. CO- by US Chamber of Commerce.

<https://www.uschamber.com/co/start/strategy/social-media-copyright-protection-guide>

¹⁹. FACEBOOK. (n.d.). META ADS. https://www.facebook.com/business/m/get-started-meta-advertising?content_id=kUqLGAyy9jcLekq&ref=sem_smb&utm_term=facebook%20advertising%20policy&gclid=CjwKCAiAxKy5BhBbEiwAYiW_-9BTFRgqAfTzILM6W_m0QI1D7oIE39U5BNaYJlXrSuT_oUREIazRRoCBEcQAvD_BwE&gad_source=1

²⁰. FACEBOOK. (n.d.). META ADS. https://www.facebook.com/business/m/get-started-meta-advertising?content_id=kUqLGAyy9jcLekq&ref=sem_smb&utm_term=facebook%20advertising%20policy&gclid=CjwKCAiAxKy5BhBbEiwAYiW_-9BTFRgqAfTzILM6W_m0QI1D7oIE39U5BNaYJlXrSuT_oUREIazRRoCBEcQAvD_BwE&gad_source=1

²¹ Sound, E. (2024, June 28). How to use copyrighted music on Instagram | Epidemic Sound. This Is the Epidemic Sound Blog | Epidemic Sound.

<https://www.epidemicsound.com/blog/how-to-use-copyright-music-on-instagram/>

²² Wikipedia contributors. (2024b, October 31). Copyright infringement and social media. Wikipedia.

https://en.wikipedia.org/wiki/Copyright_infringement_and_social_media

Users can use Instagram's support channels to file an appeal in cases where copyright claims are contested. The efficacy of these dispute procedures varies; some users complain that Instagram's support staff does not always respond promptly or provide appropriate resolutions. Creators who feel they have valid claims or defenses against accusations of copyright infringement may become frustrated by this discrepancy.

YouTube: Content ID System

YouTube has created Content ID, a powerful copyright management solution. The submitted videos are compared against a large database of copyrighted content held by different rights holders via this technology. Content ID alerts the copyright owner when it finds a match, such a music or video clip, and gives them a few choices:

1. Monetization: By putting advertisements on the video, the copyright holder can opt to monetize it and make money from views.
2. Blocking: They have the ability to completely prevent anybody from watching the video.
3. Tracking: To find out how frequently their content is used, they can monitor viewership numbers.

This proactive approach allows YouTube to quickly address any infringements and provides copyright holders with financial options²³. For users whose videos have been flagged or removed due to copyright allegations, YouTube provides a dispute resolution procedure in addition to Content ID. By presenting proof that their use is acceptable as fair use or fits under another exception, users can refute these assertions.

TikTok: Music Rights and Enforcement Mechanisms

As a platform for short-form videos, TikTok has become incredibly popular. It frequently includes music snippets that increase user engagement. TikTok has partnered with a number of music rights holders to make this possible, giving users access to a vast collection of songs that have been licensed for their videos. This license structure allows TikTok users to legally incorporate well-known songs into their videos.

However, YouTube's Content ID system and TikTok's copyright enforcement strategies are different. TikTok mostly relies on user reports and its own review procedures to handle copyright issues, even if it does use some automated tools to identify illicit uses of copyrighted content. Users can file an appeal through TikTok's support channels if they think their video was incorrectly flagged or removed²⁴.

User Rights and Fair Use in Social Media Context

Understanding Fair Use and Its Application to Social Media

Fair use is a legal doctrine that allows limited use of copyrighted material without requiring permission from the rights holders. In the United States, fair use is defined by four key factors:

1. Purpose and Character of usage: This looks at whether the usage is instructional or commercial, and if it creates something new from the original work.
2. Character of the Copyrighted Work: Compared to creative works, the use of factual works is more likely to be deemed fair use.
3. Amount and Substantiality: This takes into account how much of the original work is used; fair use may be favored by using fewer sections.
4. Effect on the Market: The new work is less likely to be deemed fair use if it has a detrimental effect on the original work's market.²⁵

Fair use can be applied in a variety of social media contexts, including uploading video clips for commentary, making memes out of pre-existing images, and reposting content that has been transformed. Nevertheless, consumers frequently misinterpret what fair usage is, which could result in copyright violations.

Typical misconceptions.

A common misconception among social media users is that fair usage is granted automatically if they:

- Make non-commercial use of the content,
- Give the original creator credit, or
- Utilize just a little portion of the original work.

²³ . How Content ID works - YouTube Help. (n.d.). <https://support.google.com/youtube/answer/2797370?hl=en>

²⁴ Stinson LLP. (n.d.). Music Licensing in the Age of TikTok: Stinson LLP Law Firm. <https://www.stinson.com/newsroom-publications-music-licensing-in-the-age-of-tiktok#:~:text=Under%20the%20DMCA%2C%20a%20copyright,content%20will%20be%20permanently%20removed.>

²⁵ Copyright Alliance. (2023, May 17). *What Is Fair Use* | Copyright Alliance. <https://copyrightalliance.org/faqs/what-is-fair-use/>

But each use needs to be evaluated in light of the four fair use criteria²⁶. For instance, giving credit doesn't guarantee that a meme, clip, or remix falls under fair use, as the use still needs to meet other criteria like purpose and impact on the market.

Challenges with Automated Systems

Social networking sites frequently use automated copyright detection tools, such as Meta's Rights Manager and YouTube's Content ID, to check uploads for matches with copyrighted material. Although these systems are good at identifying blatant infringement, they frequently have trouble differentiating between instances of fair usage, which results in:

1. False Positive Results:

Usually, automated methods do not take into account the four elements of fair usage when matching audio, video, or image samples to a copyrighted database. This can lead to inaccurate flagging of fair use content, including parody, criticism, and commentary. For example, just because a video review contains brief snippets of the film, it can be highlighted. This problem is made worse by the fact that Content ID does not automatically identify fair use, which might result in the incorrect demonetization or blocking of valid content.²⁷

2. Lack of Transparency and Appeal Choices:

On larger platforms where appeals procedures are automated and intricate, users frequently have few choices for contesting or appealing takedowns. This lowers the prominence of the information and frequently penalizes individuals for using their fair use rights. Content ID flags, for example, have affected both authors and users by causing monetization changes or view limits on transformational material like response videos or instructional content²⁸.

3. Effect on User Rights and Content Visibility: In addition to endangering fair use rights, automated detection deters users from uploading content they are concerned may be mistakenly identified. In contrast to the fair use doctrine's objective of fostering freedom of expression, this limits the free flow of ideas and inhibits creativity²⁹.

Case Studies:

1. *Universal Music Corp. v. Lenz* (2015): This litigation, which is often called the Dancing Baby case, started when Stephanie Lenz shared a brief video of her toddler dancing to a sample of Prince's "Let's Go Crazy." Universal Music claimed copyright violation and issued a takedown notice. Before issuing takedown notices, copyright holders must take fair use into consideration in good faith, according to the Ninth Circuit's ruling. In order to safeguard users' rights to creative expression, this historic ruling mandated that platforms and rights holders consider fair use arguments prior to implementing takedowns on user-generated content.³⁰

2. In the 2017 case of *Hosseinzadeh v. Klein*, YouTubers Ethan and Hila Klein of h3h3Productions were sued for allegedly utilizing video snippets from another creator's work in their critical criticism. Citing the transformative nature of their work, the court decided in favor of the Kleins. The case underscored the value of transformative comments on social media and showed how adding original comedy or critique to previously published work may be deemed fair use³¹.

3. The Harry Potter Lexicon was at issue in *Warner Bros. Entertainment Inc. v. RDR Books* (2008), a case that examined the fine line between fan content and copyright infringement even though it took place before social media. The court's decision was in favor of Warner Bros, eventually demonstrated that fans in particular need to exercise caution when using social media to prevent copyright violations. This case highlights the need of users being aware of fair use guidelines, particularly when producing derivative content that could unintentionally devalue the original³².

²⁶Office, U. C. (n.d.). *U.S. Copyright Office Fair Use Index*. <https://www.copyright.gov/fair-use/>

²⁷ *Unfiltered: How YouTube's Content ID Discourages Fair Use and*. (2024, September 26). Electronic Frontier Foundation. <https://www.eff.org/wp/unfiltered-how-youtubes-content-id-discourages-fair-use-and-dictates-what-we-see-online>

²⁸Musicbed. (2024, August 11). YouTube Content ID Explained for Video Creators. Musicbed Blog. <https://www.musicbed.com/articles/resources/youtube-content-id/>

²⁹ <https://air.io/en/academy/youtube-content-id-how-it-works>

³⁰ Hlr, & Hlr. (2023, March 24). *Lenz v. Universal Music Corp.* Harvard Law Review. <https://harvardlawreview.org/print/vol-129/lenz-v-universal-music-corp/>

³¹Hosseinzadeh, M., Klein, E., & Klein, H. (2017). *Matt Hosseinzadeh v. Ethan Klein and Hila Klein*. <https://www.copyright.gov/fair-use/summaries/hosseinzadeh-klein-sdny2017.pdf>

³² *Warner Bros. Entm't, Inc. v. RDR Books* (Issue Whether it was fair use for defendant to use aspects of a book series to create and distribute an encyclopedia-like guide for the series.). (2008). <https://www.copyright.gov/fair-use/summaries/warnerbros-rdrbooks-sdny2008.pdf>

Role of AI and Technology in Copyright Enforcement

Systems of Automatic Detection

How AI Identifies Violations of Copyright?:

AI-based automatic detection tools like Content ID, Rights Manager, and Audible Magic are used by platforms like YouTube, Meta, and TikTok to find unauthorized content in user uploads. These systems check a database of protected content for matches in audio, video, and image files. The platform either notifies the owner of the rights, requests a takedown, or limits the content according to pre-established guidelines when a match is found.

One of the most sophisticated AI systems is YouTube's Content ID, which enables rights holders to designate actions such as filtering, monetizing, or monitoring views on content that has been detected. Copyright holders can manage copyright at scale using this automated method.

Meta's Rights Manager: Meta's solution functions similarly, identifying content matches in uploaded content and enabling rights holders to take immediate action on both Facebook and Instagram.

2. The advantages and disadvantages of AI-based law enforcement

Advantages: Large volumes of content are processed quickly by automated systems, which offer a degree of copyright enforcement that is not feasible with manual methods. These technologies offer a potent means of cross-platform intellectual property protection for significant rights holders.

Cons: AI systems are frequently inflexible and unable to understand the subtleties of fair usage or fair dealing. For example, even though a video review may legally be considered fair use, computerized detection may flag it if it contains short bits for discussion.

Smaller creators that depend on transformative uses like remixing or commentary may be disproportionately affected by this rigidity. Additionally, automated enforcement can cause serious problems for producers who lack the means to challenge false flags, which can result in lost money and limited visibility for their material.^{33 34}

Potential for Bias and Overreach

1. Impact on Creativity and Overzealous Enforcement: Excessive automated enforcement may lead to overreach and stifle artistic expression. Due to their lack of contextual knowledge, AI systems frequently incorrectly classify criticism, parodies, and educational materials as infringements. In order to avoid penalties, many users are avoiding transformational content or self-censoring, which has inhibited creativity.

YouTube users who produce educational content have pointed out instances of overreach, such as the removal of historical footage used in commentary, even when it is allowed by fair use. Due to AI's inability to "understand" context or intent, even small, non-infringing uses of copyrighted content are detected.

2. Nuanced AI Systems Are Needed:

More advanced AI that can assess context is being demanded in order to minimize needless takedowns. New strategies include human-AI cooperation and context-aware algorithms, in which human moderators examine unclear situations while AI flags potentially illegal content³⁵.

It is technically difficult to create AI that can accurately understand context, though, and it raises questions about platform biases in terms of what they decide to enforce or disregard. Because of this, many creators support more transparent algorithmic decision-making, more explicit fair use criteria, and ways to appeal decisions without having to fight expensive legal fights.

Key Recommendations

1. Revise Copyright Laws for Digital Platforms: To properly handle digital content, incorporate provisions specific to online sharing and transformative applications like remix culture and commentary. Clear fair use guidelines would empower creators, simplify compliance, and encourage a balance between innovation and protection in the digital era.

2. Platform-Specific Fair Use Guidelines: Platforms should provide explicit fair use guidelines that are tailored to common social media scenarios, such as short films used for commentary or education. These guidelines would help users understand their rights and avoid inadvertent violations when combined with in-app checklists.

³³ .How Content ID works - YouTube Help. (n.d.-b). <https://support.google.com/youtube/answer/2797370?hl=en>

³⁴ Kashyap, A., Verma, S., & VidhiAagaz. (2024). Role of Artificial Intelligence in Intellectual Property Rights [Article]. *International Journal of Legal Science and Innovation*, 6(2), 170–181. <https://ijlsi.com/wp-content/uploads/Role-of-Artificial-Intelligence-in-Intellectual-Property-Rights.pdf>

³⁵ .(PDF) algorithmic bias of social media. (n.d.). https://www.researchgate.net/publication/375909982_Algorithmic_Bias_of_Social_Media

3. Flexible Content Moderation and Takedown Policies: Platforms could improve takedown systems by include elements like conditional or limited flagging (like monetization sharing) and promote transparency by routinely publishing reports on algorithmic takedowns. Implementing a hybrid model with human reviewers for appeals would also reduce the likelihood of wrongful takedowns.

4. Transparency in AI Enforcement Mechanisms: Social media platforms can assist creators anticipate and address potential issues and improve transparency in automated copyright enforcement by educating users about how algorithms operate. Giving people a preview tool to verify their work for potential copyright concerns before publishing will increase fairness.

5. Educational Programs on Fair Use and Copyright Rights: To encourage copyright literacy, educational initiatives including free legal aid, creative workshops, and in-app copyright counsel are necessary. By helping authors address copyright issues with confidence and accountability, these tools would reduce the likelihood of unintentional violations.

Conclusion

According to the analysis, social media's impact on the production and dissemination of information offers copyright law both advantages and disadvantages. Because copyright laws are difficult to apply while maintaining user rights, a flexible legal framework that considers fair use in digital contexts is required. For large-scale copyright management, automated detection techniques are essential, but they often risk going too far and creating barriers for artists and customers. Together, lawmakers, platforms, and content creators must address these issues and provide educational resources and regulations that support innovation and intellectual property rights. A well-rounded approach might foster a more equitable environment where innovation thrives without compromising the legal protections required to encourage intellectual and creative pursuits.