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Food Blogging and Copyright: Protecting Original Content on Social Media

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ABSTRACT

Food blogging has grown from online personal diaries into a commercial creative industry conducted mainly on Instagram, YouTube and similar platforms. Bloggers invest considerable effort in developing recipes and in photographing and filming them, only to find their content downloaded and re-uploaded by others, either without acknowledgement of the source or with only slight rewording. This paper examines, under the Copyright Act, 1957, the elements of food-blog content, who owns them, when reuse amounts to infringement, and what remedies are realistically available on social media. It argues that recipe photographs, videos and the narrative expression of a recipe enjoy strong protection, whereas the ingredient list and the method enjoy little or none. It also shows that enforcement depends heavily on the notice-and-takedown mechanisms of intermediaries. The paper concludes with practical protective measures for creators and suggestions for reform.

Keywords: food blogging, copyright, recipe, social media, idea-expression dichotomy, intermediary liability, moral rights.

I. INTRODUCTION

Social media has transformed food writing. A person cooking in a home kitchen with a smartphone can now share the work with the entire country through reels, short videos, stories or blog posts, and can earn income from sponsorships, advertising and brand partnerships. What distinguishes one creator from another is the way a recipe is developed and explained, the look of the photographs and the style of the video. It is precisely this distinctiveness that copyists take.

Copying online is easy and inexpensive. A reel can be downloaded, cropped and re-uploaded with the creator's watermark removed; a written recipe can be pasted onto another page; and a method can be reworded by software within seconds. Creators often describe such conduct as "recipe theft", but the law does not treat all of these acts alike. Copyright protects the expression of ideas and not the ideas themselves.¹ A recipe is part collection of facts, part functional procedure and, at times, a work of creative writing, which places it uneasily on this line.

This paper addresses five questions: (i) which parts of food-blog content are protected; (ii) who owns them; (iii) when reuse on social media is infringing and what defences are available; (iv) what enforcement options exist against the reuser and against the platform; and (v) what gaps remain in the existing law. The study is doctrinal. It relies mainly on statutes, treaties and judicial decisions, supplemented by platform policies. The focus is on India; authorities from the United States and the European Union are cited only as persuasive material.

Objectives. The paper identifies what can be protected in food-blog content, describes the ownership and infringement scenarios that arise most often on social media, and assesses whether the current enforcement regime suits individual creators.

Hypothesis. The paper proceeds on the hypothesis that the written and pictorial representation of food is adequately protected under Indian copyright law, but that the recipe itself is not, and that copyright enforcement on social media depends more on platform processes than on judicial remedies.

Limitations. The study does not rely on empirical evidence of copying rates and does not examine the tax, advertising-disclosure or food-safety rules that apply to influencers. As a doctrinal study, it is confined to the reported case law on the subject.

II. THE FOOD-BLOGGING ECOSYSTEM AND THE NATURE OF ITS CONTENT

A food post is seldom a single "work". A typical reel combines a video recording, a voice-over script, an on-screen recipe, a caption, background music licensed from a third party and sometimes a still photograph used as a cover image. Each layer may be a different kind of work, may have a different

¹ R.G. Anand v. Delux Films, (1978) 4 SCC 118.

author and may attract a different level of protection. These layers must be separated before any question of infringement can be analysed. Table 1 outlines the main elements of food-blog content and where each sits under the Copyright Act, 1957.

Table 1: Components of food-blog content and their copyright position

Component	Example	Likely category / position	Remarks
Narrative recipe text	Blog post with method, tips and personal commentary	Literary work, s. 2(o) ²	Protected if original; the expression, not the procedure, is protected
Ingredient list	"2 cups flour, 1 tsp salt"	Mere facts or functional list	Generally unprotected; selection and arrangement in a collection may qualify as a compilation
Food photograph	Styled plating shot	Artistic work (photograph), s. 2(c)(i) ³	Protected regardless of artistic quality, provided it is original
Reel or video	Step-by-step cooking video	Cinematograph film, s. 2(f) ⁴	Protected as a film; the underlying script and music may be separate works
Recipe e-book or collection	Paid PDF of 50 recipes	Literary work, including a compilation, s. 2(o)	Selection, arrangement and text may all be protected
The dish or its taste	A signature flavour	Not a "work"	No copyright in taste or flavour as such ⁵
Blog or channel name, logo	"Spice Diaries"	Trade mark or passing off	Short names and titles are ordinarily not protected by copyright ⁶
Background music	Licensed track in a reel	Musical work, s. 2(p), and sound recording, s. 2(xx), owned by third parties	Owned by others; a separate licence is needed

III. THE LEGAL FRAMEWORK

A. The Indian statute

Posting a reel or photograph on a social media platform is a "communication to the public" under the Copyright Act, 1957, because that expression is defined broadly to cover making a work available to be seen, heard or otherwise enjoyed by the public.⁷

Copyright arises automatically on creation and does not depend on registration.⁸ Registration is voluntary, although the particulars entered in the Register of Copyrights are prima facie evidence of the facts stated in them.⁹ Literary and artistic works other than photographs are protected for the life of the author plus sixty years,¹⁰ while photographs and cinematograph films are protected for sixty years from the beginning of the calendar year following the year of publication.¹¹

² The Copyright Act, 1957 (Act 14 of 1957), s. 2(o).

³ The Copyright Act, 1957, s. 2(c)(i).

⁴ The Copyright Act, 1957, s. 2(f).

⁵ *Levola Hengelo BV v. Smilde Foods BV*, Case C-310/17, ECLI:EU:C:2018:899 (CJEU, 13 Nov. 2018).

⁶ *Krishika Lulla v. Shyam Vithalrao Devkatta*, (2016) 2 SCC 521.

⁷ The Copyright Act, 1957, s. 2(ff).

⁸ The Copyright Act, 1957, s. 13(1).

⁹ The Copyright Act, 1957, ss. 44, 45 and 48.

¹⁰ The Copyright Act, 1957, s. 22.

¹¹ The Copyright Act, 1957, ss. 25 and 26.

B. International obligations

Three international instruments matter to food bloggers. The TRIPS Agreement¹² and the WIPO Copyright Treaty¹³ both state that copyright extends to expression and not to ideas, procedures or methods of operation as such. The Berne Convention secures protection for literary and artistic works without any formality.¹⁴ Foreign works are protected in India through these treaties.¹⁵

C. The standard of originality

Only an original work is protected. Early English authority treated skill, labour and capital as sufficient, an approach known as the “sweat of the brow”.¹⁶ In *Eastern Book Co. v. D.B. Modak*, the Supreme Court of India moved away from that approach and required skill and judgment, with at least a minimal degree of creativity, that goes beyond the purely mechanical.¹⁷ The United States Supreme Court had earlier rejected the sweat-of-the-brow doctrine in *Feist Publications, Inc. v. Rural Telephone Service Co.*¹⁸ The standard is important for bloggers. It is the creativity of the choices made in the text, photograph or video that gives rise to copyright, and not the hours spent testing a recipe.

IV. WHAT COPYRIGHT PROTECTS: RECIPES, PHOTOGRAPHS AND VIDEOS

A. The idea–expression dichotomy

In *R.G. Anand v. Delux Films*, the Supreme Court held that copyright protects the expression of an idea and not the idea, theme or plot itself.¹⁹ The same principle was stated much earlier in the leading American decision in *Baker v. Selden*.²⁰ Applied to food, the idea of making a one-pot pasta is free for everyone to use, as are the technique of tempering spices and the pairing of two flavours.

B. Recipes

Recipes are the most contested category. An ingredient list is a statement of facts, and the instructions for combining the ingredients are largely functional. The United States Copyright Office takes the view that a mere listing of ingredients is not copyrightable, although a recipe that creatively explains how or why to perform a task may be.²¹ The Seventh Circuit has likewise held that functional directions are not protected, while the author’s original descriptive prose may be.²²

The author has not found a reported Indian decision that squarely decides whether a recipe is protected. In principle, the following position appears to be correct. First, the text of a blog post, including its commentary, anecdotes and distinctive explanations, is a literary work and is protected against verbatim or near-verbatim copying. Secondly, a collection of recipes given fixed form in writing, such as an e-book, is a literary work,²³ although the bare idea behind it is not. Thirdly, in *Anil Gupta v. Kunal Dasgupta* the Delhi High Court held that an idea developed into a concrete and original format is protectable, though a bare idea is not.²⁴ By analogy, a concept such as “5-ingredient dinners” remains free for all, but its elaboration in a particular series or e-book is protected.

C. Photographs and videos

A food photograph is protected for the originality of its composition, lighting, angle, props and styling, all of which are the photographer’s contribution. A cinematograph film is protected as a film, and its producer, being the person who takes the initiative and responsibility for making it, is treated as its author.²⁵ Another creator is free to cook the same dish and photograph it independently, but may not copy the photograph or the video itself. Table 2 illustrates the distinction for a typical food-blog post.

¹² Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994, Art. 9(2).

¹³ WIPO Copyright Treaty, 1996, Art. 2.

¹⁴ Berne Convention for the Protection of Literary and Artistic Works, 1886 (as revised at Paris, 1971), Arts. 2(1) and 5(2).

¹⁵ The Copyright Act, 1957, s. 40; The International Copyright Order, 1999.

¹⁶ *University of London Press Ltd. v. University Tutorial Press Ltd.*, [1916] 2 Ch 601.

¹⁷ *Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1.

¹⁸ *Feist Publications, Inc. v. Rural Telephone Service Co.*, 499 U.S. 340 (1991).

¹⁹ *R.G. Anand*, supra note 1.

²⁰ *Baker v. Selden*, 101 U.S. 99 (1879).

²¹ U.S. Copyright Office, Circular 33: Works Not Protected by Copyright, available at: <https://www.copyright.gov/circs/circ33.pdf> (last visited on 11 Oct. 2026).

²² *Publications International, Ltd. v. Meredith Corp.*, 88 F.3d 473 (7th Cir. 1996).

²³ The Copyright Act, 1957, s. 2(o).

²⁴ *Anil Gupta v. Kunal Dasgupta*, 2002 (25) PTC 1 (Del).

²⁵ The Copyright Act, 1957, ss. 2(c)(i), 2(d)(iv), 2(d)(v), 2(f) and 2(uu).

Table 2: The idea–expression line in food-blog content

Free to use (idea, fact or method)	Protected (expression)
Using saffron and cardamom in a kheer	The blogger's written description and story of how the kheer was developed
The technique of folding batter or tempering spices	An original video showing the technique, with its own shot selection and editing
A concept such as "5-ingredient dinners"	The specific script, layout and text of an individual series or e-book
Cooking time, temperature and quantities	The photograph of the finished dish and the styling of the shot
A common dish such as dal tadka	The selection and arrangement of recipes in a paid collection

V. AUTHORSHIP AND OWNERSHIP

The author of a work is its first owner, subject to the exceptions in the Act.²⁶ Where a photograph is taken or a film is made for valuable consideration at the instance of another person, that person is the first owner in the absence of a contrary agreement.²⁷ Where a work is made in the course of employment under a contract of service or apprenticeship, the employer is the first owner, again absent a contrary agreement.²⁸ Where two bloggers collaborate on a work in which the contribution of each is not distinct, the work is one of joint authorship.²⁹ These rules produce different results in the commercial settings in which food creators work, as Table 3 shows.

Table 3: Ownership in common food-blogging scenarios

Scenario	Ownership position	Provision
Blogger shoots, edits and posts her own reel	Blogger is the author of the photographs and the producer of the film	ss. 2(d), 2(uu) and 17 ³⁰
Blogger hires a photographer for a paid shoot	In the absence of agreement, the person who commissioned the photographs is the first owner; the photographer retains moral rights	ss. 17(b) and 57 ³¹
Brand commissions a sponsored video from a creator	Depends on the contract; absent clear terms, s. 17(b) may favour the brand	ss. 17(b) and 19
Employee creator at a food-media company	Employer, if there is a contract of service and no contrary agreement	s. 17(c)
Two bloggers co-create a video	Joint authors; neither should license the work without the other's consent	s. 2(z)
Follower recreates a recipe in her own reel	Follower owns her own video; copying the original's expression would be an adaptation or reproduction	ss. 14 and 51

²⁶ The Copyright Act, 1957, s. 17 (principal clause).

²⁷ The Copyright Act, 1957, s. 17(b).

²⁸ The Copyright Act, 1957, s. 17(c).

²⁹ The Copyright Act, 1957, s. 2(z).

³⁰ The Copyright Act, 1957, ss. 2(d), 2(uu) and 17.

³¹ The Copyright Act, 1957, ss. 17(b) and 57.

Ownership can be transferred, but only by an assignment in writing signed by the assignor.³² A creator who signs a brand agreement without reading it may therefore lose rights unintentionally. The scope, duration, territory and consideration of any assignment must be drafted with care, because where the period is not stated the assignment is deemed to last five years, and where the territory is not stated it is presumed to extend within India.³³

VI. INFRINGEMENT ON SOCIAL MEDIA

A. The test

Copyright is infringed when a person, without a licence from the owner, does anything that the Act reserves exclusively to the owner.³⁴ For literary and artistic works, those acts include reproducing the work and communicating it to the public; for a film, they include making a copy of it and communicating it to the public.³⁵ Courts do not require an identical copy. The question is whether the defendant has taken a substantial part of the plaintiff's expression. In *R.G. Anand* the Supreme Court asked whether the overall impression on an average reader or viewer is that the later work is a copy of the earlier one, and held that where the similarities lie only in ideas there is no infringement.³⁶

B. Common forms of copying

Social media produces a recognisable set of copying behaviours. Table 4 sets out the most common of them, the provisions that apply and the likely strength of the creator's claim.

Table 4: Legal treatment of common types of copying

Conduct	Legal characterisation	Provisions	Strength of claim
Downloading and re-uploading a reel, with or without credit	Reproduction and communication to the public of a film; credit is not a defence	ss. 14(d) and 51 ³⁷	Strong
Cropping out the watermark or handle	Removal of rights management information, which is itself an offence; possible breach of moral rights	ss. 65B and 57 ³⁸	Strong
Copying blog text or recipe narrative onto another page	Reproduction of a literary work	ss. 14(a) and 51	Strong if verbatim or near-verbatim
Using a photograph without permission	Reproduction of an artistic work	ss. 14(c) and 51	Strong
Rewriting the same recipe in different words	Copying of ideas, facts or functional steps	<i>R.G. Anand</i> test	Weak
Cooking the same dish independently and filming it	Independent creation	No infringement	None
Using another creator's reel through in-app share or remix tools	Depends on the platform licence and its settings	Platform terms ³⁹	Contextual
Using blog content to train or generate AI output	Unsettled in India; only an interim, prima facie view has been expressed	ss. 14 and 52(1)(a) ⁴⁰	Uncertain

³² The Copyright Act, 1957, s. 19(1).

³³ The Copyright Act, 1957, s. 19(5) and (6).

³⁴ The Copyright Act, 1957, s. 51(a)(i).

³⁵ The Copyright Act, 1957, s. 14(a), (c) and (d).

³⁶ *R.G. Anand*, supra note 1.

³⁷ The Copyright Act, 1957, ss. 14(d) and 51.

³⁸ The Copyright Act, 1957, ss. 57 and 65B.

³⁹ Instagram, Terms of Use, available at: <https://help.instagram.com/581066165581870> (last visited on 11 Oct. 2026).

⁴⁰ *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC*, CS(COMM) 1028/2024 (Del. HC, 24 July 2026) (interim order).

Illustration. Suppose a blogger publishes an original reel of a regional sweet. A page with many followers downloads it, crops out the watermark and re-uploads it as its own. This is infringement, and it would support a platform complaint and, if necessary, a suit. Suppose instead that the page watches the reel, makes the same sweet and films its own video using its own script. There is no infringement, because only the idea and the method have been taken. At most this is a matter of courtesy and not of law.

C. Moral rights

Section 57 gives the author the right to claim authorship of the work and the right to restrain, or claim damages for, any distortion, mutilation, modification or other act in relation to the work that would be prejudicial to the author's honour or reputation.⁴¹ The Delhi High Court has treated these rights as independent of ownership and as surviving an assignment of copyright.⁴² For bloggers, the right to claim authorship supports a demand for credit, and the right of integrity is relevant where a photograph or video is distorted or edited in a way that misrepresents the creator.

VII. PERMITTED USES AND DEFENCES

For food creators, the most relevant exception is fair dealing for the purpose of criticism or review,⁴³ for example where a food reviewer plays a short excerpt of another creator's video or shows the menu of a restaurant under review. The Delhi High Court has related the extent of permissible copying to the purpose of the copying,⁴⁴ and wholesale reposting under the label of "reaction" or "review" is unlikely to be protected. The Act contains no express parody defence, so a claim of parody must be brought within criticism or review.

A second basis for lawful use is the platform licence. Platform terms typically require users to grant the platform a licence to host, distribute and display their content.⁴⁵ Reuse by other users is lawful only where it takes place through a platform feature that the creator has left enabled. Creators should be aware that switching on remix or sharing options may widen the range of acts that others can lawfully perform.

VIII. INTERMEDIARY LIABILITY AND PLATFORM ENFORCEMENT

In practice, a food creator's first and fastest response is to complain to the platform. The legal basis is the "safe harbour" for intermediaries. Under the Information Technology Act, 2000, an intermediary is not liable for third-party content if it satisfies the statutory conditions, but it loses that protection if it fails to act expeditiously once it has actual knowledge.⁴⁶ In *Shreya Singhal v. Union of India* the Supreme Court read "actual knowledge" to mean knowledge obtained through a court order or a notification by the appropriate government agency.⁴⁷

For copyright, the position is governed more specifically by the Copyright Act and the Copyright Rules. Section 52(1)(c) protects the transient or incidental storage of a work, but once the owner sends a written complaint, the person responsible must refrain from facilitating access for twenty-one days or until a court order is received, and may restore access if no order arrives within that period.⁴⁸ In *MySpace Inc. v. Super Cassettes Industries Ltd.* the Delhi High Court held that, for the purposes of s. 51(a)(ii), an intermediary can be fixed with knowledge only of specific infringing content identified by the owner, and that general awareness of infringement on the platform is not enough.⁴⁹

The Intermediary Guidelines Rules, 2021 require intermediaries to tell users not to host or share content that infringes copyright or other proprietary rights,⁵⁰ and to remove unlawful content on receiving a court order or a notification from the appropriate government.⁵¹ The Rules do not require platforms to run copyright-specific matching tools. Some platforms offer such tools voluntarily; YouTube's Content ID, for instance, scans uploads against files submitted by rights holders.⁵²

A creator who wants a quick result will therefore have to complain to the platform, identifying the copied post precisely. The creator should recognise that a platform is not required to adjudicate a disputed claim, and that sustained or widespread infringement will usually require a court order. Table 5 compares the available routes.

⁴¹ The Copyright Act, 1957, s. 57(1).

⁴² *Amar Nath Sehgal v. Union of India*, 2005 (30) PTC 253 (Del).

⁴³ The Copyright Act, 1957, s. 52(1)(a)(ii).

⁴⁴ *The Chancellor, Masters & Scholars of the University of Oxford v. Rameshwari Photocopy Services*, 2016 SCC OnLine Del 6229.

⁴⁵ Instagram, Terms of Use, supra note 39.

⁴⁶ The Information Technology Act, 2000 (Act 21 of 2000), s. 79(2) and (3).

⁴⁷ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

⁴⁸ The Copyright Act, 1957, s. 52(1)(c); The Copyright Rules, 2013, r. 75.

⁴⁹ *MySpace Inc. v. Super Cassettes Industries Ltd.*, 2016 SCC OnLine Del 6382.

⁵⁰ The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, r. 3(1)(b).

⁵¹ The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, r. 3(1)(d).

⁵² YouTube Help, How Content ID works, available at: <https://support.google.com/youtube/answer/2797370> (last visited on 11 Oct. 2026).

Table 5: Enforcement routes available to a food creator

Route	Authority / forum	Advantages	Limitations
Platform complaint (notice and takedown)	Platform's copyright reporting system	Fast and low cost; no lawyer needed	Needs exact URLs; counter-notices possible; no damages
Legal notice or cease-and-desist	Directly to the infringer	Inexpensive; often resolves disputes	No binding force if ignored; infringer may be anonymous
Civil suit	District Court or High Court	Injunction, damages, account of profits, delivery up ⁵³	Cost and delay; hard to justify for a single post
Criminal complaint	Police and Magistrate	Imprisonment and fine; seizure powers ⁵⁴	Slow; proof of knowledge required; creator has limited control
Registration of copyright	Copyright Office	Prima facie evidence of ownership ⁵⁵	Not a remedy in itself; fee and time for each work
Dynamic or John Doe injunction	High Court	Reaches repeat or mirror infringers ⁵⁶	Granted mostly in large-scale piracy cases

IX. REMEDIES

Civil remedies. The principal civil remedies are an interim injunction, damages and an account of profits.⁵⁷ If the defendant proves that, at the date of infringement, he was not aware and had no reasonable ground for believing that copyright subsisted in the work, the owner may obtain only an injunction and a decree for the whole or part of the profits, and not damages.⁵⁸ A creator may sue in the court within whose jurisdiction she resides, carries on business or personally works for gain, even where the infringement took place elsewhere, which is a considerable convenience.⁵⁹

Criminal remedies. The threat of criminal proceedings can encourage settlement, although such proceedings may not suit small creators.

Quantification. The Indian Act provides no statutory damages, unlike some other jurisdictions. A creator must prove actual loss or the infringer's profits, which is difficult for low-value or unmonetised posts, and this weakens the deterrent effect of civil action.

X. A COMPARATIVE GLANCE

A comparative view shows both similarities and differences. The European Union's Digital Single Market Directive makes certain online content-sharing service providers directly liable for unauthorised uploads by their users, unless they have made best efforts to obtain the right-holder's authorisation, have made best efforts to ensure that specified works are unavailable, and have acted expeditiously on notice.⁶⁰ It also requires a complaint and redress mechanism for users.⁶¹ The United States relies instead on a statutory notice-and-counter-notice system introduced by the Digital Millennium Copyright Act.⁶²

⁵³ The Copyright Act, 1957, ss. 55 and 58.

⁵⁴ The Copyright Act, 1957, ss. 63 and 64.

⁵⁵ The Copyright Act, 1957, s. 48; see also Copyright Office, Government of India, available at: <https://copyright.gov.in> (last visited on 11 Oct. 2026).

⁵⁶ *UTV Software Communication Ltd. v. 1337X.TO*, 2019 SCC OnLine Del 8002.

⁵⁷ The Copyright Act, 1957, s. 55(1).

⁵⁸ The Copyright Act, 1957, proviso to s. 55(1).

⁵⁹ The Copyright Act, 1957, s. 62(2); *Indian Performing Right Society Ltd. v. Sanjay Dalia*, (2015) 10 SCC 161.

⁶⁰ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market, Art. 17(4).

⁶¹ Directive (EU) 2019/790, Art. 17(9).

⁶² The Copyright Act of 1976, 17 U.S.C., s. 512(c) and (g) (as inserted by the Digital Millennium Copyright Act, 1998).

India lies between the two. Like the United States, it is built on notice-based removal, but it ties liability to knowledge and, under the Information Technology Act, to court orders. Unlike the United States, it provides no statutory damages.⁶³ Table 6 compares the three systems on the issues most important to food creators.

Table 6: India, the United States and the European Union compared

Aspect	India	United States	European Union
Recipes (ingredients and method)	No reported decision; principle suggests the narrative is protected and the bare method is not	Mere listing and functional directions not protected; literary expression may be	Taste is not a “work”; protection of text and images follows the originality standard
Takedown model	Written complaint with 21-day suspension; court orders for lasting removal	Statutory notice and counter-notice	Direct responsibility of large sharing platforms
Registration	Optional; prima facie evidence	Generally required before suit on a U.S. work	Not required
Statutory damages	Not available	Available if timely registered	Left largely to national law

XI. PROTECTION BEYOND COPYRIGHT

Copyright is not the only instrument. Contract is one: the terms of brand agreements, collaboration agreements and licences can allocate ownership and reuse more precisely than copyright does. Unpublished recipes shared in confidence, for instance with a brand or a publisher, may be protected by a confidentiality clause and an action for breach of confidence. Trade mark law and the action for passing off protect blog and channel names, logos and other brand identifiers, which copyright does not.⁶⁴ These routes matter because copyright offers little or no protection for the underlying content of a recipe, and in that gap creators must rely on contract and brand protection.

XII. CRITICAL ANALYSIS AND SUGGESTIONS

The analysis shows that the law protects food creators reasonably well against direct copying, and less well in respect of the underlying recipe. Four gaps stand out.

Uncertainty on recipes. There is no reported Indian authority on recipes, and creators cannot be sure where the line falls between a protected description and an unprotected method. Clarification by the courts or the Copyright Office would help.

Cost of enforcement. Court proceedings are out of proportion to the worth of a single reel or photograph. A simplified, low-cost forum for small copyright claims by individual creators would improve access to justice.

Dependence on court orders for platform action. Because platforms treat a court order as the safest evidence of “actual knowledge”, creators without resources are left with voluntary reporting channels. A predictable remedy for creators, paired with a clear counter-notice procedure and fixed timelines, would protect both creators and users.

New technologies. Where copied blog content is fed into generative systems, the Act, which was enacted in 1957 and last substantially amended in 2012, gives no clear answer. At the interim stage in *ANI Media v. OpenAI*, the Delhi High Court is reported to have taken the prima facie view that storing works for training falls within fair dealing for research, while leaving the main questions for trial.⁶⁵ Training data and machine-generated rewrites deserve legislative attention.

Two further suggestions may be made. First, the Act could introduce statutory damages, which would make low-value infringement, which is hard to quantify, less attractive. Secondly, industry bodies and platforms could promote standard-form licences and creator education, so that bloggers understand the effect of their platform settings and contracts.

⁶³ 17 U.S.C., ss. 411(a), 412 and 504(c).

⁶⁴ The Trade Marks Act, 1999 (Act 47 of 1999), ss. 27(2) and 29.

⁶⁵ *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC*, supra note 40.

XIII. CONCLUSION

Food blogging shows how an old doctrine finds a new medium. Copyright law gives food creators clear protection for their photographs, videos and original writing, but not for the idea or method of a recipe, and not for taste. Ownership depends on authorship and on agreements, so anyone who works with photographers, editors or brands should have written agreements. On social media, infringement is assessed by asking whether a substantial part of the expression has been copied; credit is no defence, and removing a watermark is a separate wrong.

Enforcement is the greater challenge. Both the platform route and the court route can work. The platform route is fast where the copied post is identified precisely, and both routes become slow and costly where it is not. The most realistic course for an individual creator is therefore a layered one: keep strong evidence, use written contracts, register important works, report promptly, and escalate only where the copying is substantial or commercial. Three reforms would bring the law closer to the realities of today's creators: clarity on recipes, a simpler takedown and small-claims process, and attention to automated copying.

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