

“Navigating the Complexities of Social Media Platforms and Piracy in India”

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Introduction

India has one of the fastest-growing social media markets in the world, with over 400 million active users. With such a large audience, it's no surprise that social media platforms have become a hotbed for piracy and copyright infringement. As a content creator or business owner, it's important to understand the complexities of social media platforms and piracy laws in India to protect your intellectual property. In this article, we'll discuss the key points you need to know.

Understanding Piracy Laws in India

Piracy is a major issue in India, with the film and music industries being hit the hardest. The Indian government has taken steps to combat piracy, The Copyright Act of 1957¹ in India is responsible for safeguarding various forms of creative work, including literature, art, music, drama, productions, and cinematography. However, the widespread availability of the internet and the advent of technology have led to an increase in piracy, which has particularly affected the Indian film industry. To protect the rights of creators and distributors, the Indian government implemented changes to its piracy laws in 2012 with the Copyright (Amendment) Act.² These amendments introduced two important sections specifically targeting digital piracy.

Section 65(A) focuses on the protection of Technological Protection Measures (TPM) employed by copyright owners.³ It imposes penalties on individuals who deliberately bypass these technological measures, which have been put in place to safeguard the rights granted by the Act. Offenders can face imprisonment for up to two years and can also be fined.

Section 65(B) addresses Information Rights Management (IRM) and aims to protect sensitive information from unauthorized access.⁴ It criminalizes the removal or alteration of rights management information without proper authorization, as well as the distribution of copyrighted works with the knowledge that such information has been tampered with or removed without permission.

The Indian government has strict laws against online piracy. The Copyright Act of 1957 provides for both civil and criminal penalties for anyone found guilty of infringing on

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¹ The Copyright Act, 1957 (Act 14 of 1957).

² The Copyright (Amendment) Act, 2012 (Act 27 of 2012).

³ The Copyright Act, 1957 (Act 14 of 1957), s. 65(A).

⁴ *Id.*, s. 65(B).

copyrighted material.⁵ The penalties can include imprisonment for up to two years and fines. The Information Technology Act of 2000 also deals with the distribution of illicit copies of copyrighted content online. Individuals can be fined up to Rs. 2 lakh and may face legal consequences.⁶

In addition, the Indian Judiciary has implemented John Doe orders, which allow legal action against unidentified wrongdoers.⁷ This approach is commonly used by film producers to combat online piracy. By using these orders, websites suspected of piracy can be blocked before new movie releases. However, it should be noted that these orders are only issued after a thorough investigation.

Social Media Platforms and Piracy

Social media platforms have become a popular way for users to share and consume content. However, this also means that these platforms have become a breeding ground for piracy. Users can easily share copyrighted material without permission, leading to a loss of revenue for content creators and businesses.

Takedown Notices

To combat piracy on social media platforms, content creators and businesses can send takedown notices to the platform. These notices inform the platform of the copyrighted material and request its removal. The platform is then legally obligated to remove the material within a specific timeframe. However, this process can be time-consuming and may not always be effective.

Safe Harbor Provision

In India, social media platforms are protected by the safe harbor provision under the Information Technology Act of 2000.⁸ This means that the platform is not held liable for any copyright infringement by its users as long as it takes down the infringing material upon receiving a takedown notice. This provision is meant to protect the platform from being held responsible for the actions of its users.

The Role of the Platform

While social media platforms are not held liable for copyright infringement by their users, they do have a responsibility to take action against repeat offenders. If a platform is aware of a user repeatedly engaging in piracy, they are expected to take action, such as suspending or banning the user's account. Failure to do so can result in the platform being held liable for the infringement.

⁵ *Id.*, s. 65.

⁶ The Information Technology Act, 2000 (Act 21 of 2000), s. 65.

⁷ Ajay Sharma, "John Doe Orders In Indian Context", *The RMLNLU Law Review Blog*, available at < <https://rmlnlulawreview.com/2017/10/25/john-doe-orders-in-indian-context/> > (last visited on Apr. 07, 2023).

⁸ The Information Technology Act, 2000 (Act 21 of 2000), s. 79.

Conclusion

Navigating the complexities of social media platforms and piracy laws in India can be challenging, but it's important for content creators and businesses to understand their rights and take action to protect their intellectual property. By being aware of the laws and utilizing takedown notices, you can help combat piracy and protect your content. Remember, it's always better to be proactive in protecting your intellectual property rather than dealing with the consequences of piracy after the fact.