

# **SOCIAL MEDIA AND INTELLECTUAL PROPERTY RIGHTS: PROTECTING DIGITAL RIGHTS IN AI – DRIVEN SOCIETIES**

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## **ABSTRACT**

*The article explores the problem of dissemination of information on social media and its impact on the user. The emergence of social media has raised problem to the people who is sharing content and making economic benefits from the work. The paper focus on the various issues surrounding to infringement of Copyright and Trademark in digital era under the umbrella of social media. The researcher has investigated subjects related to the awareness businesses possess regarding the protections afforded by Intellectual Property (IP) rights, such as copyrights and trademarks, concerning to putting contend on “Facebook,” “Instagram,” television, radio, and proprietary websites. However, it must be acknowledged that this framework equally pertains to content disseminated via social media, and the intellectual property system is inherently reciprocal. The researcher has discussed relevant provisions of the different Acts, to protect the works of owner. This study examines the issues of intellectual property protection in the digital media era and outlines ideas for safeguarding IP rights in India. Further the study highlights the concerns for unauthorized reproduction of copyrighted work, misuse of trademarks, and the challenges incurred by AI – generated content that blurs the boundaries of ownership. The paper focuses on protection of intellectual property on social media as an essential component of broader digital rights, contributing a sustainable and equitable digital ecosystem in the age of artificial intelligence.*

**Keywords:** Social Media, Intellectual Property (IP), Infringement, Artificial Intelligence.

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“Every successful invention starts with an idea, but intellectual property protection turns the idea into a business asset”

**“Amosa S.M”**

### **INTRODUCTION**

Intellectual property pertains to the legal rights held by persons or entities over their creations or innovations. These encompass designs, trademarks, Patents, Copyright, and several other kinds of creative expression. Guaranteeing that innovators possess exclusive rights to their intellectual property cultivates a flourishing atmosphere for creativity, investment, and technological progress. These rights also facilitate the maintenance of competitive advantages and the generation of licensing revenue for corporations and individuals. Creators may only profit from their creations when their intellectual property is safeguarded. In the edge of digital era social media plays a very pivotal role now and where we can see that every single information is available on social media platforms. In the reference of IP there is infringement of copyright, trademark violations where without permission person uses other person creativity to gain profit on social media and this create consumer confusion and tarnishment of goodwill of person. Using copyrighted or trademarked content through the organizations on social media platforms can greatly enhance your marketing plan when employed judiciously and adequately safeguarded. “A trademark or copyright owner has three potential actions against an alleged infringer on social media:

- (1) report the infringement to the social media platform,
- (2) issue a cease-and-desist letter to the infringing party, or
- (3) initiate a lawsuit.”

### **LITERATURE REVIEW**

This section reviews the existing literature and aims to elucidate the contributions of prior scholars to the specified research domain. It entails the examination of books, reports, and legal publications related to topic;

- **“Elizabeth Verkey's” book "Intellectual Property Law and Practice"** serves as a valuable resource for comprehending the fundamental principles of Intellectual Property. This book is beneficial for litigating Intellectual Property Rights infringement cases, as it elucidates precedents from many countries worldwide.
- **“V K Ahuja's book” “Intellectual Property Rights in India”** Serves to examine and interpret all Acts and Regulations pertaining to intellectual property rights comprehensively, supplemented with commentary and case law. A comprehensive synopsis of all International Agreements, Treaties, and Conventions regarding Intellectual Properties is provided at the conclusion of the book to enhance readers' understanding.
- **“Lynne M.J Boisineau” Article “Intellectual Property Law: The Right of Publicity and the Social Media Revolution”** analysis the impact of social media on the creation of the works of authors where the work is published without permission.
- **“Jamaliyatus Soliha” and “Ardhita Widya Pratik” Article “Legal Protection of Copyright in Social media”** the article talks about how the copyrighted work especially related to music industry are put in social media platforms as an unauthorized user.

## **RESEARCH OBJECTIVES**

- To examine the legal framework for the protection of copyright and trademark on social media platforms.
- To evaluate the effectiveness of Information Technology Act in protecting intellectual property in social media landscape.
- To know the implications of IP in protecting content on social media.

## **RESEARCH QUESTIONS**

- How the rise of social media platforms impacted the enforcement of intellectual property rights?
- What extent social media platforms regulate and prevent violations such as copyright infringement and trademark misuse?
- What legal frameworks can be adopted to combat IP theft on social media while balancing user freedoms?

## **RESEARCH METHODOLOGY**

The research is purely doctrinal in nature. The researcher has used both the sources for research primary and secondary sources. "Primary source" includes statutes like The Indian "Trade Marks Act, 1999" and "The Copyright Act, 1957" and "secondary source" includes books, journals, articles, and conventions.

## **LEGAL FRAMEWORK FOR PROTECTION OF IP ON SOCIAL MEDIA**

In April 2018, during Congressional enquiries, "Mark Zuckerberg", CEO of Facebook, stated, "Every piece of content that you share on Facebook, you own, and you have complete control over who sees it and how you share it, and you can remove it at any time." Platforms like "Instagram," "Twitter," and "Facebook" provide companies to communicate directly with consumers as a part of visual identity. The interplay between social media and Intellectual Property (IP) law is a burgeoning issue for legislators, lawyers, entrepreneurs, and consumers. In an era where content dissemination and reposting are prevalent the theft and infringement of intellectual property rights on social media platforms are widespread. Consequently, it is imperative for creators and organizations to comprehend the legal consequences and problems related to safeguarding their intellectual property such as trademarks, copyrights, or design rights within the realm of social media. The proliferation on social media has created a problem to creators of the works whose works on social media either tarnishing the image or making commercial use of the work without prior permission of the owner. To ensure the transparency of the created work there must be some rigid law for the protection of intellectual property. Talking about IP laws in context of social media generally two types of IP laws are encountered that is copyright and trade marks. Other intellectual property is also important but in compare to social media this two are generally in news. Further below the researcher had discussed in brief both trademarks and copyright laws and their impact on social media;

- **Trademarks**

Trademark infringement constitutes a significant concern for social media platforms. "Social media" denotes online platforms that provide individuals, apart from brand owners, a place to engage in discussions around businesses. "Social media" include platforms such as "Facebook", "Twitter", and "Google+" that enable consumers to utilize brand preferences as tools in shaping their online personas. Social media will also include online marketplaces (such as Amazon.com and eBay) and review platforms (like CNET) that facilitate consumer connections with firms through the exchange of feedback regarding products and services. The

phrase "social network" denotes a system that connects organizations or individuals through relationships. The discourse will concentrate on the function of trademarks as connections and will specifically examine how trademarks operate as links when consumers utilize them to disseminate information online.

A trademark is a "word, name, symbol, or device" that identifies a specific source of products or services and differentiates them from others. Trademarks are classified in two categories traditional mark (word, name, symbol, etc.) and non- traditional mark (colour, scent, motion, gesture, etc.) "In India trademark is governed by the Trade Marks Act,1999 to understand the statue meaning of trademark first let see what mark means according to section 2 (1)(m) a mark includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any combination thereof"<sup>1</sup>. According to section 2(1) (zb) a "trade mark means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours"<sup>2</sup>.The essential requirements for the protection of trade mark are; A mark must be used in trade, possess distinctiveness, and exhibit non-functionality. To establish "trademark infringement", the plaintiff must demonstrate the existence of a valid trademark and that the defendant without authorization utilized the mark in commerce related to goods or services in a manner likely to induce confusion or deceive consumers. Unregistered trademarks often acquire protection just in the area where they have established substantial goodwill via extensive usage and promotion. Consequently, significant company brand "names" "logos" and "slogans" have been registered with the Indian Trademark Registry. In social media platforms which is open all-around globe and which brings unique challenges when it comes to protect intellectual property. In context of trademarks there are certain issues with reference to social media;

- **Unauthorized use**

In digital era it is very common to people to use a company name or logo to create confusion among customers. The pirated products are frequently circulated on social media with intend to leading consumer confusion and detrimental effects on the company's reputation.

- **Diluting the brand**

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<sup>1</sup> Section 2 (1)(m) of theThe Trade Marks Act, 1999.

<sup>2</sup> Section 2 (1) (zb) of the The Trade Marks Act,1999.

The dilution of the mark can be in any form if everybody started perceiving the brand as a generic term then might be possible mark can lose protection. Even excessive or improper use of mark on social media with “hashtags” can loss its uniqueness.

- **Trademark infringement**

On social media platforms infringement is done when an individual or company uses another person trademark without permission which results in consumer confusion. The infringement can be done in several way including unlawful item sales, improper use of a brand’s logo and counterfeit accounts. The rapidly circulation of infringing contents on social media sites puts halt on owners to react immediately.

- **Username Squatting**

“Username Squatting” refers to the act of a third party establishing a social media username that is identical or deceptively similar to a brand owner's trademark or service mark, and thereafter utilizing that account with malicious intent.<sup>3</sup> Generally on social media platforms users include a brand name to gain profit by selling it to others on that brand name.

Social media platforms have transformed into centers of commercial activity, providing unparalleled potential for brand visibility. Nonetheless, this development has coincided with a rise in unauthorized trademark usage, frequently involving counterfeit products, and revealing erroneous perceptions regarding the obstacles and methods associated with trademark infringement on social media platforms, while gaps remain. The increase of trademark infringement on social media platforms presents a complex dilemma for businesses, consumers, and regulatory authorities. The simplicity of content distribution, along with the anonymity typically provided by digital platforms, has enabled the illicit utilization of trademarks for many objectives, including counterfeit product promotion and deceptive ads. In the very popular case related to infringement of products on social media related to Trademark was the defendant operated a website named [www.darvecy.com](http://www.darvecy.com), offering products that included luxury shoes branded as "Christian Louboutin," so creating the impression for clients

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<sup>3</sup> Lynne M.J. Boisenau, “Intellectual Property Law: The Right of Publicity and the Social Media Revolution” 36. Hastings Comm. &Ent. L.J., 38,2014.

that the products were similar to those of the plaintiff. which, as asserted by the plaintiff, constituted a violation of their trademark rights. The court determined that the defendant was not an intermediary under Section 79 of the IT Act, since the items sold on the website were counterfeit, and thus held liable for the distribution of the infringing goods to the buyer.<sup>4</sup>

To establish trademark infringement, the plaintiff must demonstrate the validity of its trademark and that the defendant, without authorization, utilized the mark in commerce related to goods or services in a way likely to induce confusion or deceive consumers. A plaintiff may pursue legal action against an infringer for both trademark infringement and trademark dilution. Trademark dilution safeguards proprietors from others attempting to use the owner's goodwill and investment in the mark without compensation. A party may be held accountable for contributory infringement if it encourages or intentionally assists another party's infringement. Courts cases have established that Internet service providers may be held accountable for contributory infringement if they host a website containing infringing content published by a third party. In this case the, Tiffany, the jewelry retailer, asserted that eBay was responsible for contributory trademark infringement due to its "inadequate measures" to prevent infringement and its "tolerance of repeat offenders selling counterfeit goods," despite Tiffany's submission of a notice of infringement via the website.<sup>5</sup> "Username squatting is a form of trademark infringement that frequently transpires on social media platforms, alongside traditional trademark infringement and contributory infringement".<sup>6</sup>

### ● Copyrights

Along with trademark infringement, copyright infringement is also widespread on social networking platforms. The concept of "Share" and "Repost" on social media platforms are very common and it is very easy to share without the permission. Copyright is one of the forms of intellectual property that safeguards the original works of authors and the work is in a tangible medium of expression. Copyrights law encompasses a diverse array of works that includes paintings, pictures, graphics, musical compositions, sound recordings etc.<sup>7</sup> Prior to 1710, the publisher who printed a book held ownership of its content, and this ownership was documented in a register that maintained a record of such proprietors. Subsequently, the 'Statute

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<sup>4</sup> Christian Louboutin Sas v. Nakul Bajaj & Ors., 2018 (76) PTC 508(Del).

<sup>5</sup> *Tiffany (NJ) Inc. v. eBay Inc.*, 600 F.3d 93 (2d Cir. 2010)

<sup>6</sup> *ibid.*

<sup>7</sup> Dennis S. Karjala, "The Digital Dilemma: Intellectual Property in the Information Age" 41 *Jurimetrics* J.527 (2001)

of Anne', the inaugural legislation addressing copyright regulation by the government and judiciary, was enacted, granting authors acknowledgment as the primary proprietors of their creative literary works. The identical notion was embraced and included into the copyright legislation of several nations, including the United States, United Kingdom, and India. The Copyright Act of 1957, along with the Copyright Rules of 1958, constitutes the regulatory framework for copyright protection in India. Significant modifications were implemented to the Copyright Act in May 2012. Copyright legislation has been partially harmonized by a series of international treaties. "The Berne Convention, established in 1886, was among the inaugural international agreements concerning copyright". The majority of the Berne Convention's clauses were included into the World Trade Organization's TRIPS agreement in 1995.

"India is a signatory to the Berne Convention and the Universal Copyright Convention. The Government of India has enacted the International Copyright Order, 1958". This Order stipulates that any work initially published in a nation that is a member of the aforementioned conventions is afforded the same status as if it were first published in India.<sup>8</sup> Currently, social media provides users with the remarkable capability to disseminate content instantaneously. Frequently, many individuals share others' photographs on social media. We encounter a beautiful, inspirational, contemplative, or instructional image that we wish to share with our friends, prompting us to post it impulsively. Is this classified as copyright infringement? The escalating concerns and unresolved inquiries underscore the complex relationship between intellectual property (IP) law and social media, which is becoming a significant concern for lawmakers, legal professionals, business proprietors, and consumers alike. It is essential to acknowledge that each social media platform possesses distinct regulations and implements significant measures to safeguard both itself and its users. In May 2016, it was anticipated that over two billion individuals globally were utilizing social media, with content sharing being the essential component of most platforms. "In this regard US has established safe harbor provisions that is Digital Millennium Copyright Act, to protect the owner of work if their content is uploaded by unauthorized user."<sup>9</sup> In this case the video of 29 seconds was put on You Tube dancing to Prince sons "Let's Go Crazy". The rights of the song were with Universal music issued a DMCA takedown notice to You Tube, alleging copyright infringement. The Ninth Circuit court determined that, in evaluating claims under Section 512(f), copyright

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<sup>8</sup> Berne Convention for the Protection of Literary and Artistic Works, Sept.9, 1886, last revised at Paris, July 24,1971,1161 U.N.T.S.3.

<sup>9</sup> Section 512 of the Digital Millennium Copyright Act, 17 U.S.C.



holders must be assessed according to a subjective criterion. In other words, issuers of erroneous infringement notifications may be absolved provided they really believed that the material in question was infringing.<sup>10</sup>

In Indian copyright law, Fair Use constitutes a restriction on the rights of a copyright owner to prevent others from replicating or utilizing their work. This constraint on the stringent control of those rights serves as a legal recognition that, at times, it is unjust to let the work's owner to limit its utilization. Allow others to engage with it as well. Such usage frequently relates to the common welfare. Exceptions and limits to copyright generally adhere to a three-step test established by the Berne Convention for the Protection of "Literary" and "Artistic Works".<sup>11</sup> The test includes certain special cases, no conflict with normal exploitation of work, and unreasonable prejudice to legitimate interests of author this test was established to limit or excepting copyright holders right.<sup>12</sup> The Copyright Act of 1957 in India stipulates that the author of a work is the initial owner of the copyright. Copyright law grants producers of original works the sole authority to utilize, replicate, and disseminate their creations. The pervasive utilization of social media platforms has facilitated the unauthorized sharing of copyrighted information by individuals. This has resulted in an increase in copyright infringement cases, especially within the music and entertainment sectors.

The copyright legislation of various nations has like stipulations for identifying the author of a work and is founded on comparable laws and concepts.

Copyright law delineates two different concepts: 'authorship' and 'ownership'; yet, the concept of ownership is intrinsically linked to authorship. Both are essential for determining the beneficiary and exploiter of the work entitled to copyright protection. On social media platforms, determining the original author poses a challenge, as verifying whether the individual who posted the content is the creator or if they were under an employment contract that prohibits such posting without the employer's consent is a complex endeavor.

Publishers acquire copyright ownership of their original content upon uploading it to social media networks. Nonetheless, it is crucial to acknowledge that specific myths around copyright persist. A prevalent misconception is the assumption that copyright necessitates formal

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<sup>10</sup> *Lenz v. universal Music Corp*, 1126 (9<sup>th</sup> Cir.2015).

<sup>11</sup> *Supra* note 7, at 7.

<sup>12</sup> *Ibid.*

registration or significant documentation. In fact, copyright protection is immediately conferred upon the creation of a work, requiring no more action. For a copyright to be legitimate, three criteria must be satisfied: (a) originality, (b) authorship, and (c) fixation. To prevail in a copyright infringement lawsuit, the plaintiff must demonstrate ownership of a valid copyright and that the defendant replicated original essential aspects of the work. Fair use is a notion established under Section 52 of the Copyright Act, 1957, relevant to interactions with social media.<sup>13</sup> It allows for the restricted utilization of copyrighted content without authorization under specific conditions, including criticism, commentary, or instructional objectives. It is crucial to show prudence and sustain a nuanced equilibrium between fair use and copyright violation. There are certain factors which are considered to see whether it is infringement or it will fall in the domain of doctrine of fair use. The criterion examines whether the usage is for commercial purposes or predominantly educational objectives. If it is for educational purpose then it will consider as fair use. Other factors include how much length of the work has been taken and what impact it has created in market or what is the value. Sharing your work on social media does not imply that others may utilize it without proper attribution. For instance, if you generate a meme and publish it on “Twitter”, other users have the ability to “retweet” it.<sup>14</sup> “If an individual just replicates the meme without proper acknowledgment and disseminates it on their own profile or beyond social media, it does not inherently qualify as fair use and is likely in violation of the platform's terms of service”.<sup>15</sup> It is crucial to recognize that posting a copyrighted work on a social networking platform requires authorization.<sup>16</sup> “Judicial rulings have determined that the simple act of uploading a photograph online is not considered transformative”. Users must only submit creative works that are in the public domain, qualify for fair use, have gotten permission for posting, or are their own original creations.

Copyright law in various countries safeguards the exclusive rights of authors over their copyrighted works, stipulating that no individual may copy, publish, publicly communicate, or distribute the work without the owner's consent. The stipulation for such protection is that the individual who disseminates the content must be fully aware of the terms of service established by the respective social media sites on which the content is shared. If an individual consents to

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<sup>13</sup> Section 52 of The Copyright Act, 1957.

<sup>14</sup> Amy Adler & Jeanne C. former, “Taking Intellectual Property into their own hands” 107 Calif. L. Rev. 1455 (2019).

<sup>15</sup> *Ibid.*

<sup>16</sup> *Supra note 9 at 8*

the platform's stipulation that any content uploaded would confer ownership to the platform, the content's author cannot contest or report for infringement if the platform utilizes the content. In instances of copyright infringement on social media, it is imperative to issue a takedown notice to both the platform owner and the individual who posted the content prior to commencing an infringement action. This procedure of issuing a takedown notice is enshrined in the legislation of most countries that are signatories to the WIPO Copyright Treaty of 1996 and the WIPO Performances and Phonograms Treaty of 1996. The Copyright Act of 1957 has undergone multiple amendments, with the most significant being the 2012 modification, enacted to align with the WIPO Internet Treaties, namely the "WIPO Copyright Treaty" (WCT) and the "WIPO Performance and Phonogram Treaty" (WPPT). The WCT and WPPT confer upon writers the following rights:

- i. "The right of distribution;
- ii. The right to permit commercial rental to the public;
- iii. The right of communication or public availability; and
- iv. The right of reproduction."

"The Copyright Act of 1957 does not specifically include any provisions addressing social media platforms or intermediaries". It solely offers remedies for general copyright infringement. The violation of copyrights includes the unauthorized use by the owner, the reproduction and distribution of software copies, the unauthorized distribution thereof, and the unauthorized duplication from websites or blogs. Linking denotes the act of guiding a website user to another webpage through the action of clicking on text or an image, all while remaining on the present page. It jeopardizes the rights and interests of the website owner, who may incur a loss of revenue correlated with user traffic to the site. In *Shetland Times, Ltd. v. Jonathan Wills*<sup>17</sup> and *Another*, it was determined to be a copyright infringement under British law, resulting in an injunction. The Shetland News's deep link was intended to connect solely to the embedded pages of the Shetland "Times's website," yet it also linked to the website. Linking, framing, and Software Piracy This pertains to the utilization of unlicensed software. "It pertains to the creation of unauthorized copies of computer software that are not safeguarded by the Copyright Act of 1957, highlighting specific issues encountered during copyright infringement".

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<sup>17</sup> *Shetland Times Ltd. v. Dr. Jonathan Wills and Zetnews Ltd.* [1997] FSR 604 (Scot. Ct. App.)

The Copyright Act, 1957 provides for assignment and license to copyright work. The thin line disparity between assignment and license is that former grants ownership of the copyright work and later grants certain limited rights of work. In this case, the Delhi High Court acknowledged that copyright is applicable to photographs uploaded by users on Facebook.<sup>18</sup> The plaintiff asserted that the defendant, a former employee, began utilizing and disseminating photographs owned by the plaintiff for the promotion of his new hotel on Facebook after terminating his employment, prompting the plaintiff to initiate a copyright infringement lawsuit against the defendant. The Hon'ble High Court delivered a decision in favor of the plaintiff, holding the defendant accountable for copyright infringement. In this case US district court gave judgement in favour of You Tube that there was no copyright infringement, court laid down the provisions of DMCA and it will be governed by safe harbor. Case went in appeal but ultimately the case was settled outside court ending the litigation.<sup>19</sup>

### **THE INFORMATION TECHNOLOGY ACT AND IP**

In the social media platforms, everything is totally different so to curb the online piracy legislation has enacted The Information Technology Act, 2000. Section 2(w)<sup>20</sup> of the Act, defines intermediary which states that any individual on behalf of another who receives, stores, or offers any service related to that record includes telecommunications service providers, web hosting service, search engines, online payment platforms, online auction sites, online marketplaces, and cybercafes. The Information Technology Intermediaries Guidelines Rules, 2011 and section 79 of IT Act<sup>21</sup> exempts intermediaries from liability for third party content placed on the social media platforms. Section 81 of the IT Act<sup>22</sup> states that any person should not be restricted from exercising any rights given under Copyright Act and Patents Act. Section 51 of the Copyright Act, 1957 explicitly states that exclusive rights are conferred on the copyright owner, and any deviation from this constitutes copyright infringement. In the absence of explicit law defining the responsibility of Internet Service Providers Section 51 of the act may be construed to encompass the provision of server infrastructure. By ISPs for accumulating customer data at their facilities, which is disseminated for profit through service

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<sup>18</sup> Fairmount Hotels Pt. Ltd. v. Bhupender Singh (2006) 2 SCC 1

<sup>19</sup> Viacom Inc. v. You Tube, Inc., 718 F.2d 514 (2010).

<sup>20</sup> Section 2(w) of the Information Technology Act, 2000.

<sup>21</sup> Section 79 of the Information Technology Act, 2000.

<sup>22</sup> Section 81 of the Information Technology Act, 2000.

charges and marketing. To understand this correctly, the additional requirements must be satisfied cumulatively; these requirements include 'knowledge' and 'due diligence' to hold the ISP accountable for abetting copyright infringement.

## **IMPLICATIONS OF IP TOWARDS PROTECTING CONTENT ON SOCIAL MEDIA**

Social media has become an essential component of our life, serving as an exceptional platform for individuals to disseminate their views, photographs, and videos globally. However, this ease entails a considerable risk of an individual's digital content being readily duplicated or pirated. In this regard, the government has established regulations that social media influencers must adhere to in order to transparently disclose their brand relationships and avoid penalties. In the global nation everything is interdependent on social media and whole world is influenced by global trade.

*Marico Limited v. Abhijeet Bhansali*<sup>23</sup> The Bombay High Court determined that the defendant, a YouTube influencer, cannot disseminate deceptive material on the pretense of educating the public or revealing the truth, to discredit the plaintiff's product.

To protect IP, it is always suggested to get registered if it is registered then chances of infringement is low. The main protection can be claimed by established of Digital Right Management (DRM). The main role of this management is to control the distribution of music and videos and look out their protection that nobody should use in unauthorized way. There are certain factors which have been considered beneficial to owner if the IP is registered. The due factors are;<sup>24</sup>

- Establishing ownership of Intellectual Property Rights is crucial as it facilitates the enforcement of rights in the case of a conflict.
- If an individual is misappropriating or replicating original work, it is more straightforward to have it removed if the content is registered, as opposed to unregistered intellectual property, which necessitates substantial evidence for enforcement.
- Secured content strengthens consumer trust and encourages repeat visits.

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<sup>23</sup> *Marico limited v. Abhijeet Bhansali*, (2020) 3 SCC 69

<sup>24</sup> "Importance of Intellectual Property for Social Media Influencers and Content Creators", available at: <https://www.lexorbis.com/importance-of-intellectual-property-for-social-media-influencers-andcontent-creators>

- If registered individuals are refusing to repeat the content initially, the registration will deter any duplication.

The growing impact of artificial intelligence is giving rise to novel intellectual property challenges on social media platforms. The capacity to generate deepfakes or modify artists' voices to produce songs poses a significant threat to intellectual property rights. Deepfakes not only infringe upon private rights but may also constitute a violation of a celebrity's personality rights, thereby establishing a potential claim under trademark law. Likewise, "altering the voice of an individual, particularly a musical artist, to produce a song that was not genuinely performed by the artist, presents copyright issues". These constitute genuine and escalating challenges to intellectual property proprietors. In response, celebrities are obtaining omnibus injunctions to safeguard against the exploitation of their likeness, including on social media sites. The illicit utilisation of protected materials, including images, music, and films, is an escalating issue. Social media platforms have engendered novel forms of intellectual property, including user-generated content, social media usernames, and hashtags. Safeguarding various forms of intellectual property necessitates a novel strategy that amalgamates copyright, trademark, and contract law.

## **CONCLUSION**

Every person who is using or putting content on social media must be conscious towards protection of their work. In context of copyright and trademark both faced challenges in protecting the content on social media. The social platforms have altered and modified and this has increased the cases of piracy and misappropriation of ideas. From the above discussion regarding protection of trademark and copyright if any unauthorized user without prior permission of author or owner put their work on social media and from this, they are suffering economic loss then the unauthorized person will be liable. The companies who are utilizing social media platforms for "advertising" need to be careful regarding issues and repercussions that they can face in future. Copyright and trademark proprietors can depend on the law to preserve the integrity and continuity of their works, as well as to initiate legal proceedings in the event of any infringement of these images on social media platforms. In the current age of social media, producers can enhance the protection of their work and safeguard their intellectual property rights by implementing specific procedures and adhering to them rigorously.

## **SUGGESTIONS**

- There is need of rigid rules for the protection of content on social media as technology is advancing the more protection is needed.
- There must be balance between the user's freedom of expression and fair use.
- To facilitates the license for creators so they do not think to infringe the work, allowing them to use the content with prior permission.

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