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**A COMPREHENSIVE ANALYSIS OF COPYRIGHT INFRINGEMENT
AND SOCIAL MEDIA MONETISATION OF FILM CONTENT IN THE
DIGITAL ERA**

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All artists are protected by copyright and we should be the first to respect copyright.

--Billy Cannon

Abstract:

Social media has transformed the creation, distribution and consumption of film content, while simultaneously creating challenges for copyright protection. Unauthorized reproduction, and modification of film content are facilitated by digital technologies that enable effortless sharing and monetisation, often without the consent of the copyright holder. This not only undermines the economic interest of the copyright holder but also raises concerns about the legitimacy of the user generated content that may incorporate copyright work. The research analyses the legal frameworks and regulations (The Copyright Act 1957, The Information Technology Act, 2000 and The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021) governing copyright infringement and monetisation of film content on social media in India. It provides insight on the unauthorized use and modification of film content on social media that constitute as copyright infringement. The research examines the impact of social media monetisation on film copyright owners and content creator and it also provides a comparative analysis of the legal frameworks and regulation governing film content in United States, United Kingdom and China. The research argues that effective legal framework along with robust platform

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enforcement mechanism are important to protect the insight and interest of the film copyright holder.

Keywords:

Social media, Film content, Unauthorized, Reproduction, Modification, Dissemination, Copyright Act, Information Technology Act, Intermediary Guidelines and Digital Media Ethics Code Rules, Monetisation, United States, United Kingdom, China.

Introduction

The development of digital technology has fundamentally altered the film industries landscape posing extraordinary opportunities and forbidden challenges for copyright holder and artists. Social media have transformed the creation, distribution and consumption of film content that enable its users to share videos, music's, audios, film clips and other works with people across the world for the purpose of entertainment communication and participation³. At the same time this increases the possibility of the copyright world to be copied, distributed and modified without proper authorization of copyright holder⁴.

Social media platforms like YouTube, Instagram, Facebook and X (Twitter) facilitates to connect with the per group and the public at large⁵. It also enables communication and sharing of photos, videos, memes etc. According to Global Digital Report states that there were approximately 5.24 billion active social media users worldwide at the beginning of 2025, representing 63.9% of the global population⁶. Social media has also developed as an important source of income through advertisement, subscription, sponsorship, paid promotion and other forms of monetisation⁷. This has created opportunity to content creates and also brings along with it a multitude of copyright complication.

³Unnati Khanolkar, Copyright Infringement Cases in Digital Music Platforms: A Comparative Analysis of Indian and Foreign Artists in the Light of Entertainment Law and Intellectual Property Rights (Feb. 27, 2025), SSRN, <https://doi.org/10.2139/ssrn.5347873>

⁴An Analysis of the Fundamental Tensions Between Copyright and Social Media: The Legal Implications of Sharing Images on Instagram, Bournemouth University ePrints, <https://eprints.bournemouth.ac.uk/31056/1/Social%20media%20and%20copyright.pdf>

⁵Prachi Tyagi, Social Media and Copyright: An Indian Perspective, 28 J. Intell. Prop. Rts. 402 (2023).

⁶Simon Kemp, Digital 2025: Global Overview Report, DataReportal (Feb. 2025), <https://datareportal.com/reports/digital-2025-global-overview-report>

⁷K. V. Nithyananda, Business Models for Entrepreneurs: Commercializing, Leveraging, and Monetizing Intellectual Property Rights in India and ASEAN Countries, in Entrepreneurship in Technology for ASEAN 15, 15–32 (2017).

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Copyright is an exclusive and legal right granted to the creator of the original literary, dramatic, music or artistic work⁸. Copyright of film content occurs when a person without proper authorisation of the copyright owner, exercises the exclusive right protected under the Copyright Act 1957. The issue becomes more compound when infringing content generates monetary benefits. The unauthorized use of the copyright work does not result merely in infringement of the exclusive right of the copyright holder but also in the division of economic benefit that may otherwise accrue to the right holder.

The use of user generated content has further complicated the enforcement of copyright. Social media operate in large scale with enormous volume of content uploads continuously and reaching wide audience in an instant⁹. Platforms have developed mechanism and regulations such as automated content identification and right manager to protect copyright work¹⁰. However, these mechanisms also raise concerns regarding fair dealing, over removal of lawful content and transformative use.

In India, the Copyright Act of 1957 is the principal legislation governing copyright in India, copyright is the right to perform acts of economic rights with respect to the work or to permit someone else to perform such acts¹¹. Thus, the Copyright Act 1957, along with the Information Technology Act, 2000 and Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 provide protection to cinematography, music, recording and artistic work. This right is even applicable to the digital space¹². Despite this protection there still exist unauthorized uploading, sharing and modification film content on social media that constitutes copyright infringement which interferes with the exclusive rights of the copyright holder.

Hypothesis

The hypothesis of the research is that, the unauthorized use of the film content on social media infringes the exclusive right of the copyright holder along with social media

⁸Caterina Sganga, Copyright, in Research Handbook on Intellectual Property and Technology 83 (2022).

⁹Meghna Bal, Audio-Visual Piracy on Telegram: A Perspective on Monetization Models, Pirate Strategies and Industrial Pathways, 31 Contemp. S. Asia 311 (2023).

¹⁰Dhananjaya C., Challenges and Solutions for Copyright Infringement in the Digital Age, 3 LawFoyer Int'l J. Doctrinal Legal Rsch. 1670 (2025).

¹¹Tyagi, supra note 3.

¹²Bhanupratap Sahoo & Revati Sakalkar, Judicial Approaches to Music Copyright Infringement in India: A Case Study-Based Analysis, 44 Library Progress Int'l 9489 (2024).

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monetisation that facilitates the commercial exploitation of such content due to ease of reproduction and distribution enabled by the digital technology. Thus, it requires effective enforcement mechanism to protect the interest of the copyright holder.

Methodology

This research adopts a doctrinal research methodology, as it is based on the analysis of the existing legal framework, principles and judicial decisions related to copyright infringement and social media monetisation. The study examines primary sources of law including the Copyright Act 1957, the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 and relevant judicial decisions related to copyright protection.

Research Questions

1. What are the legal frameworks and regulations governing copyright infringement and monetisation of film content on social media in India?
2. To what extent does the unauthorized use and modification of film content on social media constitute as copyright infringement?
3. How does social media monetisation affect the rights and interests of film copyright owners and content creator?
4. How does India's legal framework for copyright infringement and monetisation of film content on social media differ from those of United States, United Kingdom and China?

Literature Review

Understanding Copyright: Intellectual Property in the Digital Age¹³

This book contains eight chapter examining copyright in the context of digital media. The book traces the historical development of copyright works. The authors examine the influence of cultural industries, internet intermediaries, creative work and users in infringing the copyright work. It also analyses Napster, the Pirate Bay, Creative Commons and anti-piracy campaigns demonstrating the challenges created by digital reproduction and online dissemination. The book is relevant as the authors provide broad analysis how digital

¹³Bethany Klein, Giles Moss & Lee Edwards, Understanding Copyright: Intellectual Property in the Digital Age (2015).

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technology has transformed the creation, distribution and regulation of copyright works. However, a limitation of the book is that it does not exclusively address the subsequent growth of social media and monetisation.

Social Media and Copyright: An Indian Perspective¹⁴

The author in this journal looks at how social media's having a bigger effect on copyright protection and how audiovisual content is used for money. The author analyses how sites like YouTube, Instagram and Facebook let creators share and make money from their content using ads, sponsorships and other ways to earn money. It also looks at the problems that film copyright holders have when their film scenes, songs or other material is used, changed or sold without permission. The text also looks at what online sites and computer systems that check for copyright violations do to find infringement and control the use of protected material. This work is important for the research because it helps to look at how film copyright, money made from social media, money sharing and the goals of copyright holders and content creators are connected. One limitation is that it does not fully look at the fight, between the money goals of copyright holders and the fair ways that creators can make money especially when it comes to fair use, new content and automatic copyright claims.

Discussion and Findings

Legal Frameworks and Regulation Governing Copyright Infringement and Social Media Monetisation of Film Content

With the advancement of technology, the copyright laws have indeed undergone significant transformation worldwide including India. The digital transformation has altered the way creative works are produced, distributed and consumed¹⁵. Film songs, dialogues and other creative works are frequently used on social media platforms often generated significant values that raises the concern about copyright infringement and monetisation¹⁶. In India, these issues are governed by the Copyright Act 1957, and supplemented by the Information Technology Act, 2000 and Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021.

¹⁴Social Media and Copyright: An Indian Perspective, 28 J. INTELL. PROP. RTS. 402, 402–12 (2023).

¹⁵Ujjwal Dipankar Gautam, The Challenges of Copyright Enforcement on Social Media Platforms (Instagram, YouTube, Reels) in India.

¹⁶Prachi Tyagi, Social Media and Copyright: An Indian Perspective, 28 J. Intell. Prop. Rts. 402 (2023).

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The Copyright Act of 1957

The Copyright Act, 1957 was established to provide protection against exploitation of film content in India. The Act protects the original literary, dramatic, musical, artistic works, cinematograph films and sound recording subjected to the condition such as nationality, publication and originality¹⁷. Copyright is the exclusive right to do or authorize acts such as reproduction, distribution, performance, communication to public, making adaptation or translations and making cinematograph films or sound recording¹⁸. Copyright in published literary, dramatic, musical and artistic work lasts for the lifetime of the author plus sixty years after their death. The sixty-year term period is calculated from the beginning of the calendar year following the author's death¹⁹. The general rule is that the author of the work is the first owner of copyright, but an employer, commissioner, government or public undertakings may own it depending on the conditions and contracts²⁰.

Copyright infringement occurs under the following circumstances:

- When a person without a valid license or permission from the owner does any act that only the copyright holder has the exclusive right to do as mentioned under section 14 of the Act.
- A person allows a place for communication or performance of the copyright work for monetary gains.
- Selling, distribution, imparting or exhibiting infringing copies of a work²¹.

In the case **Fairmount Hotel Pvt.Ltd v. Bhupender Singh**, the Court recognized that photographs posted or uploaded on platforms like Facebook come within the ambit of the copyright law, and unauthorized use of such content constitutes as infringement²². Thus, the copyright protection also extends to digital space.

In **M/s Shree Krishna International v. Google India**, the plaintiff alleged that the defendants of displaying copyright work on their platform without authorization, while also profiting from such use of copyright work. The Court held that the defendants are liable and

¹⁷Copyright Act, 1957, Sec 13

¹⁸Copyright Act, 1957, Sec 14

¹⁹Copyright Act, 1957, Sec 22

²⁰Copyright Act, 1957, Sec 17

²¹Copyright Act, 1957, Sec 51

²²Fairmount Hotels Pvt. Ltd. v. Bhupender Singh, CS(COMM) No. 111 of 2018 (Delhi H.C.).

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rejecting their defence of lack of knowledge of the infringement occurring on their platform²³.

The Court in **Blackwood & Sons Ltd. v. A.N.Parasuraman**, emphasized that fair dealing requires the use of copyright work to be Bona fide without any intention to gain and financial benefits²⁴. Layer in **R.G .Andand v. Deluxe Films** the Court introduced the principle of transformative workie. if the subsequent work is created on the same theme but is distinctly manner it becomes a new work²⁵. The creative reuse of copyright work for transformative purposes such as critiques, satire and reportingis within the statutory exceptions²⁶. This is relevant as it falls within the domain of free speech and expression. The author of creative work has rights beyond economic rights known as moral rights over their work, these rights allow them to claim authorship and to object to any distortion, mutilation or modification of their work that could harm their reputation²⁷. The copyright owner can avail remedies such as injunction, damages and account of profit for copyright infringement and criminal liability for specific infringement²⁸ and copyright infringement is a criminal offence punishable with imprisonment for a period of 6months to 3 years with fine from 50,000 to 2,00,000²⁹. The Couts have developed the**John doe or Ashok Kumar suit**which is a legal tool used to sought injunction against an unknown person forinfringing the rights of film producer or copyright holder and used to safeguard films, music, movie recordingand so on against piracy and misuse³⁰.

TheCopyright (Amendment) Act, 2012 was enacted to protect and strengthen the rights of creators, authors, lyricists and music composer of film industry. It regulated assignment of copyright and protect authors for the entitlement of royalties³¹. Although the 2012 Amendment was introduced before the explosive growth of Instagram reels, shorts and social

²³ M/s Shree Krishna International and Ors. v Google India Pvt. Ltd. and Ors(2014) CS/1358/2014

²⁴ Blackwood & Sons Ltd. v. A.N.Parasuraman AIR 1959 Mad 410

²⁵R.G. Anand v. Deluxe Films, (1978) 4 SCC 118 (India).

²⁶Copyright Act, 1957, Sec 52

²⁷Copyright Act, 1957, Sec 57

²⁸Copyright Act, 1957, Sec 55

²⁹Copyright Act, 1957, Sec 63

³⁰Priyanka Devgan, A Comparative Case Law Analysis of John Doe and Anton Piller Orders (Jan. 15, 2012), SSRN, <https://doi.org/10.2139/ssrn.2224153>.

³¹Prathiba M. Singh, Evolution of Copyright Law: The Indian Journey, 16 Indian J.L. & Tech. 47 (2020).

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media monetisation. The provisions of the Act are significant for the digital exploitation of copyright work³².

Copyright law does not have a separate provision for monetisation for social media but it falls under the author's exclusive economic rights under section 14 of the Copyright Act, 1957 and infringement provisions under section 51 of the Act. In **Vodafone Indea Ltd. v. IPRS and IPRS v. Eastern Indian Motion Picture Association**, the Court have laid down principle that authors and composers are entitled to royalties when their work is commercial exploited³³³⁴.

The Information Technology Act, 2000

The Information Technology Act plays a vital role in protecting copyright in the digital space. The Act deals with cybersecurity, e-commerce and data protection. It defines intermediary as any entity that receives, stores or transmits electronic records on behalf of another person. This definition is broad enough to include social media platforms, which act as intermediaries when users upload, share and transmit content³⁵. The principle of safe harbour provides conditional protection to intermediaries that host or transmit third party information. This principle is applicable only if the platforms have acted diligently and responsibly when notified of unlawful content. If the platforms are found to be involved in infringing activity or fail to take actions, they lose the protection of safe harbour³⁶.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 regulates the due diligence obligation of intermediaries including social media platforms and enhance accountability. It requires the platforms to inform users about the rules and regulations governing their services, including restrictions on uploading content that infringes the copyright. The intermediaries also need to remove unlawful content and are obligated to

³²Chahat Bhatia & Rishiraj Sharma, Challenges of Copyright Protection in the Contemporary Age: The Indian Perspective, 1 IPR J. MNLU Nagpur 123 (2023).

³³Vodafone Idea Ltd. v. Indian Performing Right Society Ltd., A.O. (COM) No. 17 of 2024 & APOT No. 300 of 2024 (Cal. H.C. May 8, 2026).

³⁴Indian Performing Right Society Ltd. v. E. Indian Motion Picture Ass'n, (1977) 2 SCC 820 (India).

³⁵Information Technology Act 2000, Sec 2(1)(w)

³⁶Information Technology Act 2000, Sec 79

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establish grievance redressal and compliance mechanism³⁷. The rules also introduce Code of Ethics for OTT platforms.

In the case **Super Cassettes Industries Ltd. v. Myspace Inc and Anr**, the Super Cassettes (Known as T-Series) accused Myspace for allowing the users to upload and share copyrighted songs and videos without proper authorisation enabling infringement and profiting. The Court held that Myspace could not claim blanket immunity as an intermediary as it was actively involved in organising and monetising the infringing content³⁸.

Hence, India has a comprehensive legal frameworks and regulations for protecting film content and regulating its use on social media. But these laws were enacted in an era before the exposure to social media platforms. The Social media platforms thrive on rapid sharing, remixing and monetisation of film content which often involves copyright work being reused in various ways not fully regulated by law.

Extent of Copyright Infringement Through the Unauthorized Use and Modification of Film Content on Social Media

Social media has transformed the copyright law from a framework that simply protects an author's work into a mechanism that regulates digital content. Social media platforms like Instagram, YouTube, Facebook and X (Twitter) allow the users to upload, reproduce, modify, share and communicate audiovisual content to worldwide general public³⁹. This increases the risk of copyright infringement of film, music, photographs and audios that causes film manufacturers and production companies financial losses⁴⁰. Thus, the Social Media platforms to tackle these issues have developed their own copyright policies and enforcement mechanism in relation to copyright infringement. Social media platforms prohibit its users from uploading content that violates the intellectual property of others. These are operated through Terms of Services, Intellectual Policies and Community standards of the platforms.

YouTube allows the creators to use Content ID which is an automated system that lets the copyright holder to register their work like audios and visual material to automatically

³⁷Intermediary Guidelines and Digital Media Ethics Code 2021, Rule 3

³⁸ Super Cassettes Industries Ltd. v. Myspace Inc, 2017 SCC OnLine Del 8206 (India).

³⁹Rishabh Dewani, Copyright Societies in India and the Crisis of Fragmented Collective Licensing: Reimagining Copyright Administration in the Digital Economy, 1 J. Int'l Rsch. & Multidisciplinary Innovation, no. 1 (2026).

⁴⁰Sandesh Malik, Effect of Social Media on the Violation of Cinematography Film, 10 Int'l J. Res. Trends & Innovation, no. 3 (2025).

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identify, block or monetize copies of the work in the platform⁴¹. The manual takedown request provides the copyright holder to directly enforce the rights when automated system don't catch infringement. If there is enough of substantial evidence of copyright infringement the platform issues copyright strike against a channel. Accumulating three strikes within Ninety (90) days can lead to termination of the channel⁴².

Meta platforms like Facebook, Instagram and X (Twitter) also prohibits the posting or uploading of copyright content. Facebook Right Manager allows the owner of copyright to protect their film contents, audios, videos or images on Facebook. It helps to find matching contents and blocks the copies. It also monitors and monetize infringing work⁴³. In **Pushkar Raj Thakur v. John Doe/ Ashok Kumar And Ors**, is a currently before the Delhi High Court, where the Plaintiff contends that bad actors misused the copyright strike system on social media platforms like YouTube and Meta. The defendant allegedly re-uploaded of the Plaintiff's videos with fake timestamps then filed copyright claims to get his original content to be removed⁴⁴. The Court order YouTube and Meta not to remove his video or suspended his accounts and deleted videos to be restored. This case emphasis how courts protect the creator against infringement.

Instagram has often been the major platform for copy theft, whereby the users repost or aggregation accounts that re-uploads other's work without permission⁴⁵. Thus, it uses automated detection and users report. Copyright music reels or stories are muted unless appropriate licensed. X (Twitter) uses DMCA (Digital Millennium Copyright Act) to takedown request. The owner of the copyright submits claims and infringing tweets and media are removing from the platform and repeated violation result in suspension⁴⁶.

The following are the various forms of copyright infringement of film content that takes place in social media platforms:

⁴¹ Liliana P. Salas, Analysis of YouTube's Content ID System Through Two Different Perspectives, in Sustainable Digital Communities: 15th International Conference, iConference 2020 227, 227–34 (Anneli Sundqvist et al. eds., 2020).

⁴² D. Bondy Valdovinos Kaye & Joanne E. Gray, Copyright Gossip: Exploring Copyright Opinions, Theories, and Strategies on YouTube, 7 Soc. Media + Soc'y, no. 3, 20563051211036940 (2021).

⁴³ <https://www.facebook.com/business/help/705604373650775?id=237023724106807>

⁴⁴ Pushkar Raj Thakur v. John Doe/Ashok Kumar & Ors., CS(COMM) 647/2026 (Delhi High Ct. June 15, 2026).

⁴⁵ Aman Raj, How Influencers and Content Creators Can Protect Their Copyright in India, Khurana & Khurana (Feb. 23, 2026), .

⁴⁶ X Corp., Copyright Policy, X Help Center, <https://help.x.com/en/rules-and-policies/copyright-policy>

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Unlicensed Music: Violates the exclusive and moral rights of the copyright holder, it refers to the act of using the copyright song, audios or music composition without obtaining permission from the copyright holder or without depend on valid statutory exception⁴⁷. Thus, by incorporating copyright songs into reels, shorts, vlogs and contents without authorization there is violation of the copyright holder. Even a short clip of soundtrack is protected and using them in videos, promotion or remix without credit denies the recognition and revenue of the copyright holder⁴⁸. In **Zee Entertainment Enterprises Ltd v. FSN E-Commerce Ventures Ltd (Nykaa)**, the Plaintiff Zee Entertainment td filed a suit against Nykaa for using Zee's copyrighted songs in Instagram promotional reels without proper commercial license. The Court order Nykaa to remove the reel from Instagram and pay damages of Rs 2 crore and injunction against further unauthorized use⁴⁹.

Remix Culture: Social media platforms allow its users to create the remix of an already existing forms music and remixing it with a new piece with minor changes by using built in remix tools or music libraries⁵⁰. The owner has exclusive rights over the work the content creators are essential republishing someone's work without permission⁵¹. If the content creator uses the remix or songs that convenience to make profit violated copyright of the creator this connects to the commercial use trap⁵². The copyright owner can block the remix and has also right to claim monetisation.

Uploading films and Spoilers: Uploading film creation and cinematographic such as the entire film or spoiler in social media without the permission constitutes as copyright infringement⁵³. It involves uploading clips or entire film or screenshots of the film in social media platforms this act is done sometime while the movie is still in the theatres⁵⁴. Thus, this action harms the films commercial success and directly impacts the economic interests of the

⁴⁷Bayu Syahputra Sitepu, Handoyo Prosetyo & Heru Sugiyono, Problems of Unauthorized Use of Music and/or Songs in Public Services in Protecting Copyright, 9 Int'l J. Soc. Sci. & Hum. Rsch., no. 5 (2026)

⁴⁸Riya Yadav, Copyright Violations in the Indian Music Industry: Challenges & Legal Perspectives, 12 J. Emerging Techs. & Innovative Rsch., no. 5 (2025).

⁴⁹ Zee Entertainment Enterprises Ltd v. FSN E-Commerce Ventures Ltd, CS(COMM) 408/2026

⁵⁰Priyansha Agarwal, Copyright Infringements in the Digital Age of Remix Culture.

⁵¹Miranda Damayanti, Asri Elies Alamanda & Irma Mangar, Legal Protection of Copyright Holders in Remix and Mashup Work Commercialized on Social Media, 9 J. Dev. Rsch. 139 (2025).

⁵²Carlos Ruiz de la Torre, Digital Music Sampling and Copyright Law, 7 Vand. J. Ent. & Tech. L. 487 (2005).

⁵³Varun Potluri, Sai Sandeep Potluri, Ganesh Tummala & Sharvani Bolla, Online Copyright Infringement, 10 Int'l J. Eng'g Rsch. & Tech., no. 3 (2021).

⁵⁴Faradila Harahap, O.K. Saidin, Jelly Leviza & Tengku Keizerina Devi Azwar, Legal Liability for Uploading Movie Spoilers on Social Media Instagram and YouTube Based on Indonesian Law, 2 Locus J. Acad. Literature Rev., no. 1 (2023).

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film creator. In **Red Chillies Entertainment Pvt. Ltd v. Ashok Kumar/John Doe And Ors**, the producers of the film *Jawan* sought injunction against websites for circulation the movie clips, fight sequence and studio shots prior the theatrical release. The Court ordered platforms like YouTube, X(Twitter), Reddit and Google to block infringing videos and clips⁵⁵.

Movie recap: Movie recap has become popular on social media platform that contains a full-length feature film into a short video without authorization that may discourage the viewers from watching the original movie⁵⁶.

Reaction Video: It involves the act where the content creators respond while watching the film scene, trailers and song. Such videos display portions of the original films along with reaction and opinion⁵⁷. Copyright infringement occurs when such virginal films are incorporated without permission.

Despite all this sophisticate platform barriers, copyright infringement on social media is common. Many users upload, share or monetize the copyright content without proper license or permission. Most of the users are unaware that their actions may constitute to copyright infringement as they assume that content is free to use⁵⁸. Hence, Social media has become most challenging environment for the enforcement of the copyright protection in the digital era.

Impact of Social Media Monetisation on Film Copyright Owners and Content Creator

Social media monetisation means making money from content through advertisements, sponsors, membership fees and other ways to generate income. Even though generating income this method gives chances for those who create content and those who own the copyright it but also causes various challenges and difficulties when movies, music or other protected content is used without permission⁵⁹.

⁵⁵ Red Chillies Entertainment Pvt. Ltd v. Ashok Kumar/John Doe And Ors, CS(COMM) 240/2023

⁵⁶ Yi Zhao & Xiaoqing Phang An Empirical Study on Copyright Infringement of Movie Narrative Short Videos in the Age of Self-Media, 5 Frontiers Soc'y, Sci. & Tech. 98 (2023).

⁵⁷ Aman Raj, How Influencers and Content Creators Can Protect Their Copyright in India, Khurana & Khurana (Feb. 23, 2026) .

⁵⁸ Dhanuja & Sai Dharshini, Navigating Copyright Infringement Regulation in Social Media, 2 Indian J. Legal Rsch. & Analysis, no. 7, at 14 (2024).

⁵⁹ Venkatakrishnan Prabhakaran, The Impact of Social Media on Copyright Law (Nov. 2024), <https://doi.org/10.13140/RG.2.2.28472.76802>.

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According to the Copyright Act, 1957 movies and sound recordings are protected by copyright. The people who own the copyright have the right to control ways the work is used including copying it and presenting it to the general public⁶⁰. Just because a movie, song or video is available online on media does not mean it can be used freely. So, taking a copy changing it or using it for money without the permission can be a violation of copyright. Social media monetisation creates a problem between those who own the copyright and those who make the content.

Impact of Copyright Holder

Diminished licensing opportunity: A creator might use parts of movies, songs or other protected material to get more people to watch get followers and make money from ads, sponsorship or promotion. The law says that problems happen when people share someone's work without giving credit and then get money or recognition from it⁶¹. This kind of use can take reduces the copyright holder ability to commercially licence their works to legitimate platforms, broadcast and distributors.

Loss of revenue: For those who own the copyright of a movie using it without permission can cause money loss and less control over how the work is used. Movie makers spend a lot of money making, sharing and giving licenses for their work. When the content creators use movie scenes, songs or other protected parts and make revenue without any authority the people who own the copyright might lose chances to get licenses and revenue⁶². Changing or showing the work without permission can also hurt its reputation and the value of the work.

Control of Copyright work: social media platforms allow the users to share and upload film content without obtaining permission from the copyright holder, when such content is further edited, shared and reposted and monetised the copyright holder lose control over the

⁶⁰ Sanjoli Sharma, Copyright and Social Media: Addressing Infringement and User Rights, Indian J.L. & Legal Rsch. (Apr. 27, 2024).

⁶¹ Dr. Mukta Singh, Copyright Issues in Digital Media: Challenges, Legal Frameworks, and Emerging Solutions, 3 SHODH-SHABDA: J. CREATIVE RSCH. 102 (2026).

⁶² M. Campidoglio, Franco Frattolillo & Federica Landolfi, The Copyright Protection Problem: Challenges and Suggestions, in PROCEEDINGS OF THE FOURTH INTERNATIONAL CONFERENCE ON INTERNET AND WEB APPLICATIONS AND SERVICES (ICIW 2009) 522, 522–26 (2009).

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circulation of the rightful work⁶³. This can interfere with the exclusive right of the copyright holder takes away their control and commercial exploit the copyright work.

Transformative content: The content creators use the copyright work by adding new expression, meaning or message rather than just reproducing the original work. This has been recognised as transformative use as fair. But this undermines the moral and economic right of the copyright holder⁶⁴.

Impact on Content Creator

Increased Income opportunity: Social media monetisation enables the content creator to generate income by leveraging platforms advertising, sponsorship and promotion. By incorporating film songs, clips or videos to attract large global audience, increase engagement and to secure revenue to brand collaboration and influence marketing⁶⁵.

Legal Consequence and risks: Despite financial befits of monetisation, content creator face copyright infringement as using protected work without proper authorization can result in takedown notice, lawsuits or platform penalties⁶⁶. Moreover, platform policy shifts leaving creator in a vulnerable position like demonisation or account suspension.

Content Removal: Platforms actively enforce copyright regulations through automated detection system, that enables removal of infringing content and creators can receive copyright strikes that limits the monetisation ability⁶⁷. Repeated violation shall result in suspension of the account the main cause for this is that the content creators or not aware about the rule and regulation related to copyright.

Use of Transformative Content: The Copyright Act provide exceptions to use the copyright work for lawful purpose. The content creators rely on copyright exception to incorporate protected copyright work such as criticism, commentary, review or education⁶⁸. But just by

⁶³Jitendar Kumar et al., A Study of Revenue Model for Monetisation of the Digital Asset, Int'l J. Bus. Innovation & Rsch. 17 (2024)

⁶⁴Sandeep Kadiyala, Transformative Paradigms: AI-Driven Personalization in Digital Content Commerce and App Store Monetization, 13 Eur. J. Comput. Sci. & Info. Tech. 24 (2025).

⁶⁵Gopalakrishanan Mahesh & Rekha Mittal, Digital Content Creation and Copyright Issues, 27 ELECTRONIC LIBR. 676, 676–83 (2009).

⁶⁶Corpbiz, What Is the Impact of Copyright on Media Industry? (2026).

⁶⁷Daria Dergacheva & Christian Katzenbach, “We Learn Through Mistakes”: Perspectives of Social Media Creators on Copyright Moderation in the European Union, 9 SOC. MEDIA + SOC. 1 (2023).

⁶⁸Larson & Larson, P.A., Copyright and Social Media: What Content Creators Should Know (Oct. 7, 2025), [Larson & Larson, P.A.](#)

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editing or shortening the copyright work does not qualify as transformative content unless the work provides new meaning, message or expression.

Thus, generating revenue from media needs to find a way to protect those who own the copyright and also help people who make content. Getting licenses using systems that find content ways to take down content and more knowledge, for the people who make content can help⁶⁹. A good balance is needed to protect the money and moral rights of movie copyright owners and let content makers take chances that social media offers.

A Comparative Analysis of Copyright Infringement and Social Media Monetisation of Film Content in the United States, the United Kingdom and China

The legal frameworks and regulations that governs copyright infringement and monetisation of film content on social media is very different in India, the USA, the UK and China. All four jurisdictions recognise the rights of copyright owners over films and other audiovisual works but they use rules for exceptions for online platforms and for balancing copyright protection with user-generated content.

Comparative studies also show that India, the USA and the UK give levels of protection and different limits for creators and for copyright owners in the digital environment.

United States of America (USA)

The primary legislation governing copyright infringement and monetisation of film content in USA is the Copyright Act of 1976 codified in Title 17 of the US Code. The Act provides the copyright owner (Filmmaker) the exclusive right to reproduce, distribute, performance and derivative works⁷⁰. If the film content is uploaded on social media without proper authorisation it amounts to infringement⁷¹ and also follows a doctrine called fair use that limits those rights. The fair use doctrine considers factors such as the purpose and character of the use the nature of the work the amount used and the effect on the potential market⁷². This gives flexibility for transformative uses, including commentary, criticism and parody. The copyright holder can

⁶⁹ Karthiga K. & M.D. Chinnu, A Study on the Impact of Copyright Laws on Small Creators, 4 J. EMERGING TECH. & NOVEL RSCH. (JETNR), no. 4 (2026).

⁷⁰ 17 U.S.C. Sec 106 (2018).

⁷¹ Sonendra Singh, Copyright in Film Industry in United States and India: A Comparative Study, 9 INT'L J. NOVEL RSCH. & DEV., no. 10, at a131 (2024).

⁷² 17 U.S.C. Sec 106 (2018).

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seek legal remedies like injunction and damages for infringement of exclusive right⁷³. The Court in **Andy Warhol Foundation for Visual Arts, Inc v. Goldsmith**, led down the principle that if a work is visually transitive, fair use require examining the specific use in context. Commercial licensing that competes with the copyright holders market weighs against fair use⁷⁴.

The approach of USA gives flexibility for creators. The USA also has an intermediary framework called the Digital Millennium Copyright Act (DMCA), 1988 Under the DMCA qualifying service providers can receive safe-harbour protection if they meet statutory conditions⁷⁵. In **Viacom v YouTube**, Viacom claimed that YouTube was offering large amounts of unauthorized copyrighted television and audiovisual material from users and profited from the traffic generated through this process. The issue was about whether YouTube was able to avail the safe harbour provision of the DMCA for user-based copyright infringement. The Court found that knowledge of infringement was important to determine the applicability of the safe harbour provision to the online service provider⁷⁶. The USA copyright regulations therefore place an emphasis on balancing copyright enforcement with the continued operation of user-generated-content platforms.

United Kingdom (UK)

In UK the Copyright, Design and Patent Act (CDPA), 1988 is the principle legislation governing copyright infringement and monetisation of film content in social media and television recordings. The act provides the filmmaker exclusive rights and strong control over their work. Unlike USA the UK follows a limited fair dealing model. Stops unauthorised copying, distribution and communication of protected material to the public even if the material is posted on the internet. Exceptions exist for criticism, review and reporting⁷⁷. They must meet the rules of fair dealing. As a result, a creator cannot automatically rely on an exception simply because the use is for commentary or because only a small part of a film

⁷³ 17 U.S.C. Sec 107 (2018).

⁷⁴ Andy Warhol Foundation for Visual Arts, Inc v. Goldsmith 598 U.S. 508 (2023)

⁷⁵ Sotiris Petridis, Comparative Issues on Copyright Protection for Films in the US and Greece, 19 J. INTELL. PROP. RTS. 282, 282–92 (2014).

⁷⁶ Viacom International Inc. v. YouTube, Inc., 676 F.3d 19 (2d Cir. 2012).

⁷⁷ Abdul Fasi Mohammed, Copyright Enforcement in the Social Media Ecosystem: A Comparative Legal Study of the US and UK Fair Dealing or Unfair System? Copyright, Content ID, and the Chilling Effect on Indian Digital Creators (July 1, 2025), SSRN.

⁷⁸ Sec 30

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has been reproduced. This approach of UK makes social media monetisation risky for content creators and platforms⁷⁹.

The act covers works available to public through electronic transmission comes under the ambit of communication. Liability can even arise if the platform itself is not the original uploader⁸⁰. The CDPA prohibits possession, distribution or dealing with infringing copies especially for commercial exploitation⁸¹. In **Tuneln Inc. v. Warner Music UK Ltd.** the Court held that streaming unlicensed content to users amounts to public communication under the CDPA⁸². Further the **Tyburn Film Production Ltd. v. Lunak Heavy Industries Ltd & Lucasfilm**, reaffirmed that complexities surrounding of digital reproduction of film content and performers likeness right⁸³. The UK approach adopts a strict stance on protecting copyright work.

China

China's primary legislation governing copyright infringement and monetisation is the Copyright Law of People's Republic of China. The law provides protection against online dissemination of copyrighted works and recognises the economic rights of copyright owners. China's framework places importance on controlling unauthorised communication and distribution of protected content through information networks⁸⁴. This is especially relevant to social-media monetisation because unauthorised uploading and commercial exploitation can directly interfere with the copyright owner's ability to licence and earn revenue from the work.

The act provides certain circumstance where a copyright work can be used without permission or remuneration, but subject to certain conditions such as identification of the author and title, not affecting normal exploitation of work and legitimate interest of the copyright owner⁸⁵. This perspective is different for the above two jurisdiction as China's

⁷⁹G. Deshpande & D.A. Wadje, Digital Copyright Protection: A Comparative Study of India and the UK, 8 INT'L J.L. MGMT. & HUM. 49, 49–62 (2025).

⁸⁰ Sec 20

⁸¹ Sec 23

⁸²Tuneln Inc. v. Warner Music UK Ltd. [2021] EWCA Civ 441

⁸³Tyburn Film Productions Ltd v. Lunak Heavy Industries (UK) Ltd & Lucasfilm Ltd LLC, [2025] EWCA Civ 1643

⁸⁴Palvi Mathavan Puri, Regulation of Social Media Platforms: A Comparative Analysis of India, US and China, 30 EDUC. ADMIN.: THEORY & PRAC. 16032 (2024).

⁸⁵Copyright Law of the People's Republic of China, art. 24 (2020).

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exception are statutorily enumerated. The liability arises for unauthorised reproduction, distribution and performance through information network⁸⁶. The case **Copyright Society of China v. Wuhan Douyu Network Technology Co. Ltd.** was all about a streaming service which employed streamers playing copyrighted music without authorization. The streamers gained income through gifts provided by the viewers, and the interests of the service lied in the show streamed. The Chinese courts ruled that the service must go beyond the mere receipt of notices regarding copyright infringement. The service must monitor the copyright infringement which occurs during the process of the streaming. This is an example of how China handles the finances of streaming and the liability of the user of copyrighted music⁸⁷.

The major difference in the four jurisdiction is how user-generated content and commercial use are treated. India and the UK rely on specifically defined fair-dealing exceptions while the USA uses the broader fact-based fair use doctrine. China places emphasis on regulating unauthorised online dissemination. In India automated systems, like YouTube's Content ID can recognise copyrighted material and trigger claims even when the creator may have a statutory fair-dealing defence. While all four jurisdictions try to protect copyright owners from exploitation their approaches differ in how much they allow social-media creativity and monetisation. Thus requires effective regulation must protect the interests of film copyright owners while also ensuring that legitimate criticism, review, commentary and transformative creativity are not unnecessarily restricted.

⁸⁶Copyright Law of the People's Republic of China, art. 53 (2020).

⁸⁷ Music Copyright Society of China v. Wuhan Douyu Network Technology Co., Ltd., Supreme People's Court of the People's Republic of China (Dec. 4, 2019),

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Suggestions

Stricter sanction: Strict sanctions are required to prevent and curb social media copyright infringement. As India lacks digital specific provisions compared to United States Digital Millennium Copyright Act (DMCA), that imposes harsher penalties like stronger fines and criminal liability⁸⁸.

Fast Track mechanism: to introduce fast track mechanism for copyright dispute resolution to prevent the misuse of takedown notice and penalties for false claims. As this ensures quicker and fairer outcome⁸⁹.

Digital Watermarking & Rights Management: Digital watermarking and DRM techniques should be used by film producers and copyright holder in order to ensure that films are protected against any form of unauthorized copies, distribution, and commercialization⁹⁰. Digital watermarking will aid the copyright holder to identify who is using the film contents without authorization on social networking sites.

Clearer Copyright Notice for Creators: Social media platforms need to give copyright notices to creators before those creator's upload or make money from content that uses film material from other people. These copyright notices should explain why creators need to get permission. The copyright notices should also talk about licensing requirements. What might happen if someone breaks copyright laws⁹¹.

Copyright Registration & Digital Record: Copyright holder of film content should keep copyright registrations and digital records that identify who owns the film the licensing agreements and the distribution rights⁹². A digital record would make it easier to prove who owns the film when copyrighted film content is uploaded or monetised without permission.

Conclusions

⁸⁸Sandesh Malik, Effect of Social Media on the Violation of Cinematography Film, 10 Int'l J. Res. Trends & Innovation, no. 3 (2025).

⁸⁹Keerthivasan & Aadhavan, Copyright and Social Media: Examining Infringement and User Rights in Video Content in India, 12 Int'l J. Creative Rsch. Thoughts, no. 11 (2024).

⁹⁰Sandesh Malik, Effect of Social Media on the Violation of Cinematography Film, 10 INT'L J. RSCH. TRENDS & INNOVATION, no. 3, at b424 (2025).

⁹¹The Challenges of Copyright Enforcement on Social Media Platforms (Instagram, YouTube, Reels) in India, 4 J. ADV. & FUTURE RSCH. 399, 399–461 (2026).

⁹²Maggie Qiuzhu Mei & Corine Genet, Social Media Entrepreneurship: A Study on Follower Response to Social Media Monetization, 42 EUR. MGMT. J. 23, 23–32 (2024).

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Social media copyright infringement and monetisation have changed how film content is shared, watched and sold. When individuals use film scenes, songs or other copyrighted material without permission it infringes the rights of film copyright owners. It can take away revenue cut down on licensing chances and loosen film copyright owners' control over how their works are sold. This proves the hypothesis that the unauthorized use of the film content on social media infringes the exclusive right of the copyright holder along with social media monetisation that facilitates the commercial exploitation of such content due to ease of reproduction and distribution enabled by the digital technology.

Thus, there is an immediate need to keep a balance between protecting film copyright owners and letting real creative work happen on social media monetisation. Copyright law should prevent content creators from making money off protected film content without permission while still allowing activities like criticism, review, commentary, parody and transformative content if the law says it is allowed. Good licensing deals, clear revenue sharing and reliable copyright detection can help fights between film copyright owners and creators. In the end social media monetisation should run inside a system that makes sure people who own or truly control copyright get the money from using their works. At the time creators need clear rules about how to use copyrighted material legally and good ways to fight wrong copyright claims. Making platforms more responsible tightening copyright enforcement and teaching creators more can make the digital world fairer. This way film copyright owners can keep their interests safe while social media still offers real chances, for creativity, expression and legit content making.

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