

Copy, Paste, and Consequences!

Understanding copyrights and
dealing with lawsuits with Counsel
at AM Sports Law and Management
Co., Riya Rajkumar Sharma

By Smrithi Mohan

As people who have less to do with creating stories and more with consuming them, social media only seems to be about following an existing trend and benefiting from this copy-paste culture. What's often forgotten is how, for anything to trend, there always has to be someone to create it. In any society with an abundance of content, it is essential to establish guidelines to protect individuals from exploitation. This principle also applies in the creative space, where laws and regulations exist to safeguard the rights of creators and their works.

It was not long ago that a lawsuit by a well-known news agency was filed against content creators who used their property without permission. This led to a debate on the ethics of using property and how one can be protected from this happening in the future. What people don't realise is that every time the lines between imitation and inspiration blur in the name of creative freedom, several laws are broken. That's precisely why people, especially creators, need to know what qualifies as copyright infringement when it comes to news footage, audio, or other media. According to Riya Rajkumar

Sharma, copyright infringement occurs when someone uses another person's original content, such as a video, photo, article, or music, without permission and in a manner not permitted by law.

Under Indian law (Section 14 of the Copyright Act), copyright gives the original creator full control over how their work is used. This means only they have the right to:

- Make copies of their work
- Share it with the public (like on TV, social media, or websites)
- Sell or distribute copies
- Perform or show it in public
- Change it, translate it, or turn it into something new

Suppose someone else performs any of these actions without obtaining permission from the creator. In that case, it's usually considered copyright infringement (under Section 51) unless it's permitted under the exceptions listed in Section 52, such as fair dealing for review, education, or news reporting.

Section 52 of the Copyright Act lists specific situations where using someone else's copyrighted work is allowed by law and doesn't count as copyright infringement. These are called exceptions, and they cover instances such as using a small part of a work for personal use, research, or study, quoting it for criticism or review, or using it while reporting news or current events.

Teachers and students can use works in the classroom, and libraries and archives can make copies for preservation or research. You can also use copyrighted material if it appears incidentally in the background of a video. But in all cases, the use must be reasonable, non-commercial, and should not take away value from the original work. These exceptions are intended to support learning, free speech, and public access, without compromising the rights of the original creators.



When it comes to news content, copyright infringement can happen if a creator:

- Reposts or edits TV news footage or interviews that belong to a news agency without permission;
- Uses the audio from a news clip without adding meaningful changes like commentary or analysis;
- Uploads large parts or the full version of a news video in their own content, even if just for context.

In short, just because something is news doesn't mean it's free to use. The way it's recorded, edited, or narrated is still protected by copyright. News facts themselves aren't protected, but the original expression of those facts, including visuals, voice-overs, editing, logos, and branding are.

Learnings from ANI vs Content Creators

The ANI dispute started because some online creators and social media pages were allegedly using ANI's original news videos without permission. Creators like Mohak Mangal, Rajat Pawar, and others used short clips (8–15 seconds) from ANI's news footage in their YouTube videos without seeking formal permission or a license. ANI claims that their clips were being reposted or included in other videos without getting a proper license. Since ANI owns the copyright in those video recordings (which are protected under Section 14(d) of the Copyright Act), using them without approval amounts to copyright infringement.

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It also highlights how creators should know the difference between simply copying content and actually transforming it. In today's world of reaction videos, Reels, and short news-based content, many creators think that adding a short intro, a few words, or a caption is enough to make someone else's video "their own." But under the law, that's not enough. For content use to be legally protected, it must be transformative (which adds new meaning or message), limited in scope, and not serve as a substitute for the original, meaning it shouldn't take away views or value from the original source.

But this issue goes beyond just one agency or one creator. It points to a much bigger challenge: the growing conflict between copyright law and creative freedom in the digital age. It shows why India needs clearer rules for digital creators, updated copyright policies that reflect today's content formats, and the important role of courts in deciding what counts as fair and lawful online expression.

Fair use in India: Short clips and commentary

In simple terms, fair use is a legal principle that allows people to use small parts of copyrighted material without permission, as long as it's for specific purposes like commentary, criticism, education, or news reporting. This concept is followed in countries like the United States, where the law provides a broad, flexible framework to determine what counts as fair use.

However, India does not follow the U.S. "fair use" standard. Instead, Indian law uses a stricter concept called "fair dealing", which is more narrowly defined and appears under Section 52 of the Copyright Act, 1957.

According to Section 52(1)(a) and 52(1)(b), certain uses of copyrighted works are not considered infringement, including:

- Fair dealing for the purpose of criticism or review, whether of that work or any other work;
- Fair dealing for reporting current events and current affairs, including the reporting of a lecture delivered in public.

However, Indian courts have emphasized that "fair dealing" is not a blanket license. The use must be:

- Proportional: Only a minimal portion should be used.
- Transformative: It should add new meaning, understanding, or purpose (e.g., critical commentary).
- Non-substitutive: It must not compete with or substitute the original work.

Indian copyright law and international platforms' guidelines:

In India, copyright is governed by the Copyright Act, 1957, which lays out the rights of creators and the limits on how their content can be used, including certain legal exceptions like fair dealing.

However, platforms like YouTube, Instagram, and Facebook are global in nature. They operate under their own Terms of Service and Community Guidelines, which are often shaped by U.S. copyright law, especially the Digital Millennium Copyright Act (DMCA).

If you use a 10-second clip from a speech to explain why a politician's view is flawed, that may be considered fair dealing. But if you upload the full speech with only a short caption or emoji reaction, that's likely to cross the line and count as copyright infringement.

It's also important to note that there is no fixed duration or percentage that's "safe" under Indian law. Each case is judged individually, based on facts, purpose, and context.

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Key differences:

- Indian law allows some uses of copyrighted content without permission such as for criticism, commentary, or reporting news (called fair dealing under Section 52). But platforms use automated systems like Content ID to detect copyrighted material and may take it down automatically, even if your use is legal under Indian law.
- Platforms follow a notice-and-takedown process. If a copyright holder complains, your video may be removed immediately, often without a chance to explain. You can submit a counter-notice if you believe your use was fair but this process takes time and doesn't always consider Indian law.
- Under Indian law, creators have the right to defend their use in court, especially if it falls under fair dealing. But global platforms don't wait for courts to decide. They often act proactively to avoid legal risk, which can mean removing your content even before a proper legal review.

This means a creator's content could be legal in India but still be taken down under platform policies. That's why it's so important to understand Indian copyright law and the rules of the platform you're publishing on. Being informed helps you avoid strikes, takedowns, and even account suspension while still creating engaging and legally sound content.

Steps creators can take on receiving a legal notice

Receiving a legal notice or a takedown claim can feel intimidating, but creators should remain calm and respond thoughtfully. The following steps are advisable:

- First, review the content carefully. Identify which part of your content is being claimed as infringing and evaluate whether it includes any copyrighted material — such as video clips, audio, graphics, or music — that belongs to someone else. Ask yourself: Did I have permission? Was my use limited, transformative, or for critique or commentary?
- Temporarily take the content offline, or restrict its visibility. This doesn't mean admitting guilt, but it's a practical step to avoid further exposure or liability while you assess your legal position.

- Seek legal advice at the earliest opportunity. If your use of the material qualifies under an exception (such as fair dealing for criticism or news reporting under Section 52 of the Copyright Act), you may be in a defensible position. An advocate can help you craft a suitable reply or legal response.
- If the complaint has been filed through a platform like YouTube, Instagram, or Facebook, you may consider filing a counter-notice through the platform's formal process.
- Maintain detailed records and documentation - including your script, draft versions, citations, screenshots of original sources, and notes on what changes or commentary you added. These are essential if you need to prove that your content is original, or that any reused material was transformed and used lawfully.
- Act within timelines. Many takedown systems require a response within 48 to 72 hours, and legal notices may set deadlines for reply. Missing those can limit your options later.

Is there enough legal awareness or support for creators, especially smaller or regional ones?

Unfortunately, no. There is a clear and growing gap in legal awareness, especially among smaller, regional, or independent creators. Many creators are unaware of:

- What qualifies as original work under copyright law;
- When they need to take a license to use third-party content;
- What the fair dealing exceptions really mean in practical terms;
- The difference between inspiration and infringement.

As a result, many end up unintentionally violating copyright laws or become vulnerable to legal threats and takedown complaints, often without access to proper legal help or guidance. Instead, they rely on hearsay, online forums, or unofficial advice. While platforms like YouTube Creator Academy, Meta's Creator Portal and open-access sites like Creative Commons offer some resources, these are:

- Primarily available in English;
- Often difficult to understand without a legal background;
- Not tailored to Indian law or local content formats.

And hence, there is an urgent need for:

- Localized, legally accurate educational resources in Indian languages;
- Workshops and toolkits for content creators similar to the approach adopted by ASCI in issuing its [Influencer Advertising Guidelines](#) - which clearly outline the dos and don'ts of paid partnerships, brand endorsements and promotional content.
- Involvement from copyright societies, IPR cells and government media units to bridge this gap.

Do we need more clarity around fair use and creator rights in India's digital space?

Yes, absolutely. While Section 52 of the Copyright Act, 1957 does provide for certain fair dealing exceptions, the law was written long before the current explosion of digital-first content, short-form videos, and user-generated formats. As a result, the law does not clearly address a lot of the updated current real-life scenarios such as:

- Whether using a meme based on a film scene is fair use;
- Whether a reaction video that includes copyrighted music is legal;
- Whether a remix of a trending audio clip for satire is protected.

This lack of specificity leaves creators and even platforms in a grey zone, where enforcement is inconsistent and legal outcomes are hard to predict. What may help?

- Government agencies (like DPIIT) issuing clearer digital copyright guidelines;
- Platforms developing better dispute resolution mechanisms;
- Bodies like ASCI issuing co-branded guides for influencer compliance with copyright law.

Staying relevant while staying legally safe

In today's fast-paced digital world, creators are expected to react quickly to news, trends and viral content. But reacting doesn't have to come at the cost of legal risk.

“ The key is to create content that is both culturally responsive and legally respectful. ”

Creators can do that by being original and recording their own video, voiceover, reactions, or analysis. This gives them full control and ownership. For example, if you want to talk about the news, don't copy the footage. You can discuss events, share opinions, and even critique public figures, but avoid directly embedding copyrighted news clips unless clearly permitted. When using third-party material, they also need to do it responsibly by limiting use to short and relevant segments; adding genuine commentary, context, or critique and crediting the original creator or source, especially when using their visuals or reports.

Making sure not to use copyrighted music or watermarked clips, unless they have a license or the content is explicitly royalty-free, is another way for creators to be legally safe. They can also use the safe alternatives that platforms like YouTube Audio Library, Epidemic Sound and Artlist offer. But even while doing that, they need to check the license terms carefully when using Creative Commons or stock footage, because not all “free” content is free for commercial use. Lastly, seeking professional help when things feel doubtful is always an option. For commercial collaborations, influencer deals, or large-scale publishing, always consult an IP or media lawyer.