

Importance of IP in Content Creation

Intellectual Property, as described by the World Intellectual Property Organization (WIPO) means that, “refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names, and images used in commerce.”

After reading this, it can be understood that when somebody creates something that is either tangible or intangible, the person creating shall possess ownership of that particular tangible or intangible product, and therefore it means that the said creator shall possess the controlling rights for the usage of the said product. Now, when putting this into the perspective of Social Media the lines tend to get blurry.

In this era of Social Media the action of “content sharing” and “collaborating” are quite popular. These are the few of the things that creators tend to engage in order to gain an audience, not only expand their audience but also aids in reaching bigger markets, their followers, or even help interact with their community.

The increase in theft of Intellectual Property has been associated with the explosion in digital distribution and the ease of duplication which can be accredited to the sudden boom in social media, because of which an inherent problem has come to light – the theft of intellectual property.

Has Oversharing Become The New Normal?

The idea of sharing an image/video with your friends has now changed to attracting impressions instead, and this is because of the sudden change in the landscape pertaining to the use of social media. Social Media platforms have made it so much more easier to access content i.e. from short form video content/images to ideas/opinions and they have successfully managed to create an ecosystem in this digital age of “sharing,”. When you think about repercussions of this change, you shall realise that it has become so easy plagiarise someone else’s idea and pawn it off as one of your own. The real question that arises now is that in this age of digital freedom, how free is actually free?

With each passing day we notice that the access to content expanding on an exponential rate in the digital world, especially when you look at social media platforms, the distinct line that existed between ownership of a original piece of content, duplication, and distribution has suddenly become blurry.

Some of you must have definitely been victims of this I presume and contrary to the popular belief, one cannot just take images or content from a social media feed of their liking and then claim it and use it as their own, this is what we call an abuse of the copyright. There are specific rules (Facebook copyrights Policy, Instagram copyrights policy, etc), guidelines, and laws one must abide by. This is where we understand the importance of intellectual property in the scenario of Social Media platforms.

Social Media and Intellectual Property

Before signing up on any Social Media platform do you remember that little box that you clicked, where you agreed to the social media platform's terms and conditions? That acceptance is basically you providing the platform a license or in simpler terms the legal permission to use your product or content or material on their platform but rest assured the ownership doesn't generally get transferred to the said Social Media platform. This License or Legal Permission is important because it allows the platform to function in the way they were meant to.

It is important for you to know being the creator of the piece of content you still retain all the intellectual property rights associated with the said content. The agreement made is between the creator and the platform. It is important to remember though that this does not mean that any content on social media is free. So, why is intellectual property in social media important?

Keeping in mind the earlier discussed nature of Social Media and how oversharing has become the new normal in this digital age, it is many a times difficult for intellectual property holders to catch up with any infringements or violations. Intellectual Property law is a tool which is generally used to prevent sharing or halt any further violation of the copyright or trademark in question with regards to Social Media, especially when a IP Holder does manage to catch hold of a violator. The protection that is provided under the intellectual property laws in India

awards for the IP holder the right to file complaints, takedown content, seek compensation, file lawsuits, and so much more.

If you as content creators who generate your income from these Social Media platforms do not understand how intellectual property rights protection can be lost through social media or how you can protect your intangible assets in the form content that you create, it may lead you to suffer from some substantial financial losses. In my opinion it is always advised to be vigilant in keeping track of any possible violations or infringement because this serves as an intangible assets to your brand identity, that you've created over a period of time. Secondly I would recommend you to stay up to date with the IP laws in your country as it shall enable you to protect your rights correctly and, simultaneously, it shall help you to contribute to the conversation that surrounds intellectual property rights in the sphere of social media.

For any further clarifications feel free to reach out to me on apurv@mmlegal.in



Warm regards,

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