



JETNR

Journal of Emerging Trends and Novel Research

JETNR.ORG | ISSN : 2984-9276

An International Open Access, Peer-reviewed, Refereed Journal

A Study On The Impact Of Copyright Laws On Small Creators

Karthiga K, B.C.A., LL.B (Hons.), School Of Excellence In Law, The Tamil Nadu Dr. Ambedkar Law University
Chennai 600 113 karthigakumaresann@gmail.com

Dr. M.D. Chinnu, Assistant Professor, Dept. Of Economics School Of Excellence In Law,
The Tamil Nadu Dr. Ambedkar Law University Chennai 600 113 chinnusoel@gmail.com

Abstract: This study aims to find out the impact of the contemporary copyright laws on the small creators especially in this digital era. My study primarily focuses on whether the copyright laws help or hinder the growth of small creators. Although copyright laws are intended to safeguard the original content of a creator, there is a considerable debate over whether small creators are benefitted from these legal safeguards as large production companies especially when stringent enforcement of copyright laws can create a burden on small creators. In several instances, small creators are often vulnerable to unfair copyright strikes, whereas larger creators have stronger means to defend their content. Moreover, excessive legal barriers at times tend to restrict the creative freedom of the creators. By legal analyses, empirical observations, and case discussions, this research articulates the necessity for a more equitable copyright framework.

Keywords: Copyright, Copyright Strike, Creative Barriers, Fair Use, Infringement, Innovation, Small Creators, Original Content.

I. Introduction

This research aims to study the impact of various copyright laws on the growth, challenges and creative freedom of small creators especially in the digital platform. It primarily tries to find out whether Copyright laws helps or hinders the growth of small creators. Copyright is a fundamental legal right granted to creators of original works, including literary, artistic, musical, and audio and visual creations, giving them exclusive control over reproduction, distribution, adaptation, and translation of their creations. The primary legal framework governing these rights in India is the

Copyright Act of 1957¹, designed to protect and promote creativity while guaranteeing public access to knowledge and cultural goods.

However, the rapid rise of digital platforms and user-generated content has significantly complicated the enforcement of these protections, raising questions about the adequacy of existing legal principles in addressing contemporary digital challenges.

Platforms like YouTube, Instagram, and Facebook depend significantly on automated systems to identify and respond to supposed copyright violations, frequently without any human analysis of context or fair use defenses, resulting in unintentional deletions or repercussions. In this online environment, smaller creators such as independent artists, vloggers, and influencers often encounter difficulties under India's existing copyright laws. These matters have ignited increasing discussion among legal and creator communities regarding whether current laws can adequately strike a balance between rights protection and creative liberty in a swiftly changing digital landscape. This lack of clarity has been hindering the growth of content creator's especially small creators.

This chilling effect tends to hinder experimentation and promotes self-censorship, pushing creators to avoid innovative and other significant content due to concerns over legal consequences and platform sanctions like unfair copyright strikes. When control over future use excessively limits others' capacity to modify and expand upon existing creations, it stifles originality and variety in creative expression, thereby hindering the innovation that copyright laws aim to promote. Using doctrinal analysis, empirical data, and a review of notable case laws, this research will study on how copyright laws influence the creative environment and investigate if they genuinely promote a setting favorable for the development and success of all creators.

II. Statement of Problem

Although the Copyright Act, 1957 aims to safeguard creator's rights, the existing provisions and its enforcement mechanisms show considerable shortcomings in the digital era, especially for independent and small content creators. The fair use rules are specifically limited and do not provide clear, quantitative, or contextual criteria, resulting in ambiguity regarding what is acceptable use of copyrighted content and causing creators to hesitate in producing lawful critical, analytical, or transformative work. Automated systems like YouTube's Content ID enforce platform level rules

¹The Copyright Act, 1957.

are often without any regard for legal standards, flagging or removing content even when statutory exceptions could apply, thereby penalizing creators without adequate review. Additionally, the procedural disparity and absence of accessible dispute resolution options allow influential rights holders to exploit copyright claims to stifle criticism or impose steep licensing fees, whereas smaller creators often lack the means to pursue litigation or defend their legally protected uses.

III. Review of Literature

1. M.Dhevan Chakaravathi, M.D.Dheerajkumar, and V.Nidhi²(2024) have said that, the principle of fair dealing in the Indian Copyright Act, 1957 is essential for balancing authors rights with wider public interests like criticism, review, and reporting. However, they have observed that fair dealing in India is more limited and stringent compared to similar principles such as fair use in the United States, resulting in increased uncertainty in its implementation. This uncertainty has notable real world implications. Recent studies emphasize that the absence of specific quantitative or contextual guidelines regarding fair dealing generates uncertainty for creators, who must depend on judicial interpretation to assess whether the use of copyrighted content is allowed.

2. Raj Kumar and Asheesh Yadav³ (2025) have said that the swift digital transformation in India, propelled by government efforts and technological progress, has greatly changed the application of copyright law. Experts contend that although the Copyright Act of 1957 outlines particular exemptions for criticism, analysis and educational purposes especially via the fair dealing clauses of § 52 these allowances are narrowly defined and face significant enforcement difficulties in the digital landscape. § 52 permits specific actions such as reproduction for research, private study, criticism, or reporting without being deemed infringing. However, the vague and restrictive wording of these provisions generates legal ambiguity for users trying to access digital academic materials. Current studies indicate that while fair dealing aims to reconcile the safeguarding of intellectual property with public knowledge access, its effective implementation has been hindered by insufficient clarity on its usage.

² M.Dhevan Chakaravathi, M.D.Dheerajkumar, and V.Nidhi (2024), A Study on Boundaries of Creative Expression on Digital Content Creators in Fair Use of Digital Contents, International Journal Of Novel Research And Development, Volume 9, Page 2 to 7.

³ Raj Kumar and Asheesh Yadav (2025), Academic Use and Academic Writing: Copyright Law, Digital Transformation, and Educational Fair Use in India, Preprints, Page 19 to 24.

3. Helen Stanis Lepch⁴ (2025), Current research on fair dealing and artistic expression emphasizes that digital content creators need to guarantee that their use of copyrighted material is transformative, intent-driven, and proportionate to prevent infringement under India's fair dealing framework. § 52 of the Copyright Act, 1957 permits restricted use of copyrighted materials for reasons like criticism, review, research, or reporting; however, Indian law does not provide specific numerical or contextual restrictions, which means that creators depend on judicial interpretation of elements such as purpose, amount used, and market impact to assess fairness. This inherently subjective framework stipulates that derivative works must contribute new meaning, analysis, or criticism, instead of merely duplicating the original material, to enhance a fair dealing defense.

4. Priya Menon⁵ (2023) emphasizes that the narrow interpretation of fair dealing in Indian copyright law disproportionately affects digital content creators and academic users. She points out that while the law theoretically protects uses for research, private study, and criticism, in practice these protections are weakened by rigid enforcement mechanisms and a lack of awareness among users. Menon contends that creators frequently refrain from legitimate uses due to fear of litigation or takedown notices, which undermines the very objective of promoting creativity and dissemination of knowledge that copyright law seeks to achieve.

5. Kavita Rao (2022) focuses⁶⁶ on the policy dimension of copyright law reform in India and stresses the urgent need to modernize the fair dealing doctrine. She argues that India's adherence to a rigid and closed list of fair dealing purposes is incompatible with the dynamic nature of digital creativity. Rao suggests that incorporating a more flexible and adaptive model, inspired by international standards, would better serve both creators and users. Her work concludes that unless fair dealing is expanded and clarified, copyright law risks becoming a tool of restriction rather than empowerment in the digital age.

IV. Research Gap of the Study

In India, copyright law is designed to safeguard the creative works and intellectual property of writers, artists, and digital

⁴ Helen Stanis Lepch (2025), *Balancing Creativity and Copyright: The Scope Of Fair Dealing In India*, Legitpro Law, Pp 4 – 8.

⁵ Priya Menon, 2023, *Limitations of Fair Dealing in India's Digital Copyright Regime*, National Law Review of India, Vol. 15, pp. 7–9.

⁶ Kavita Rao, 2022, *Reforming Fair Dealing in Indian Copyright Law*, Indian Journal of Comparative Law, Vol. 9, pp. 7–18.

creators by providing them exclusive rights over their content promoting innovation and fresh ideas. § 52 of the Copyright Act, 1957, allows a fair use exception that grants limited use of copyrighted material for activities like criticism, review, current events reporting, private study, or research, theoretically striking a balance between the protection of creators and the public interest. However, a considerable gap persists in comprehending how these legal regulations apply in day to day practice, since the law does not clearly specify the guidelines for application of fair use, and courts frequently assess fair use on an individual basis, generating legal uncertainty and confusion regarding what qualifies as fair use. Consequently, smaller creators encounter unequal difficulties, such as the threat of unjust strikes, removal of content, or loss of monetisation, which impede their creative liberty and long-term development. This disparity between legal intentions and real world application is the main research gap that this study aims to study.

V. Objectives of the Study

1. To find out whether the existing copyright laws in India are effective or not.
2. To analyze the impact of copyright laws on small content creators.
3. To examine the struggles faced by small content creators while navigating copyright disputes.
4. To evaluate whether the fair use provisions effectively protect the rights of small content creators.
5. To suggest a more equitable copyright framework that supports the growth and expression of small creators.

VI. Research Methodology

This research is based on both doctrinal and non-doctrinal research. The data used in this study has been sources from different newspaper, journal, magazines, All India Reporter and E- resources. This research used stratified random sampling. There are 110 sample size of the respondents used in this research. This research has adapted some of the statistical tools like percentage age method and average method. The duration of the research is three months.

VII. Significance of the Study

Copyright law plays a crucial role in safeguarding the original works of the creators and encouraging innovation and intellectual property rights, which in turn supports economic growth. As digital technologies and various platforms have

evolved rapidly, the traditional statutory framework for copyright, including provisions like fair use under the Copyright Act 1957, has not kept pace with these technological evolution. The fair use provisions show ambiguity and legal uncertainty regarding their relevance to contemporary content like short videos, memes, parodies, and commentary, resulting in creators being uncertain about the extent of fair use protections they can depend on. Hence, this study holds considerable significance for policy makers and government agencies as it highlights how the existing copyright laws are functioning in practice, also how these laws have created or not providing equitable statutory legal framework.

As a law student, this study was instrumental in helping me understand various copyright laws beyond textbook as I got to know its real world implications. Through this research, I have not only examined the statutory provisions and the judicial interpretations, under the Copyright Act 1957 but I have also gained a practical insight in applying these provisions. Also, in the process of collecting and analyzing the perspectives from various sources like magazines and newspapers and the real world respondents, I have developed various nuances in understanding how copyright law affects small content creators in day to day life.

VIII.

Hypothesis of the Study

1. Rather than helping, copyright laws hinder the growth of small content creators.
2. Strict enforcement of copyright laws limits creative freedom.

IX.

Limitations of the Study

This study has a few limitations. The number of respondents was limited to around 110 numbers, which may not fully capture diverse perspectives as the sample size is small and limits the reliability of conclusions. Additionally, all respondents may not possess adequate legal knowledge about the copyright laws and its implications. Also, the research was conducted for a short period of time, being three months, which may not be sufficient to observe long-term trends or changes in legal interpretations and practices.

X.

Result and Discussion

Introduction:

Copyright is a legal right granted to creators of literary, dramatic, musical, and artistic works, as well as to producers of films and sound recordings. Indeed, it encompasses a collection of rights that include, among others, rights related to reproduction, public communication, adaptation, and translation of the work. There could be slight variations in the

composition of the rights depending on the work. Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same⁷.

In India, the Copyright Act of 1957 governs copyright protection, granting creators exclusive rights to their initial creations of authorship. These rights include reproducing, distributing, performing, and making derivative works. Within the creator economy, these rights enable creators to retain ownership of their work and benefit from its business application. For example, an Indian YouTuber can prevent others from imitating, distributing, or reposting their videos, along with the chance to generate income from their content via advertisements, promoted content and various commercial prospects⁸. The 2012 Amendment was significant as it implemented protections for digital content and complied with international treaties such as the WIPO Copyright Treaty (WCT)⁹ and the WIPO Performances and Phonograms Treaty (WPPT)¹⁰.

Fair Use under The Copyright Act, 1957:

Copyright law is a part of intellectual property law that aims to protect the creator's exclusive rights to his or her work. The doctrinal research relies on the analysis of statutory provisions, judicial precedents and scholarly interpretations of the Copyright Act, 1957, to examine how the copyright law affect's small creators. Under § 14 of the Copyright Act, 1957¹¹, authors are granted exclusive rights for reproduction, communication to the public and adaption of their works. Although these rights are intended to safeguard the original content, they do not equally benefit all the creators, as big production companies and corporate right holders establish powerful monopolies over their content, whereas small creators often become the victim's unfair copyright strikes.

When a person uses the content of another creator without prior permission from the original creator it is known as a copyright infringement under § 51 of the Copyright Act, 1957¹². Whereas § 52 of the Copyright Act, 1957¹³, permits limited use of other creator's content for various purposes like criticism, review, reporting of current events and

⁷ A Handbook Of Copyright Law, by The Government of India Department For Promotion of Industry and Internal Trade Ministry of Commerce and Industry.

⁸ Joshi, M. (2019). The Changing Landscape of Copyright Protection in the Digital Age. *Economic and Political Weekly*, 54(42), Page 15-20.

⁹ WIPO Copyright Treaty, 1996.

¹⁰ WIPO Performances and Phonograms, 1996.

¹¹ § 14, The Copyright Act, 1957.

¹² § 51, The Copyright Act, 1957.

¹³ § 52, The Copyright Act, 1957.

education. This is popularly known as Fair Use. Big production companies and large creators often issue unfair copyright strikes to small creators, even when the latter makes legitimate fair use of their copyrighted material for purposes such as criticism or review.

In **Civic Chandran v. Ammini Amma**¹⁴, (Kerala High Court, 1996), the heirs of the plaintiff filed a suit against Civic Chandran for copyright infringement after he produced a counter-drama named “Ningal Are Communistakki”, which included significant parts from the original play “Ningalenne Communistakki” written by Thoppil Bhasi and utilized those segments to challenge the ideology of the original piece. The trial court issued an injunction prohibiting the performance of the counter-drama.

However, Chandran filed an appeal, claiming that his application of the original work was for critique and analysis, citing the fair dealing provision under § 52(1) (a) (ii) of the Copyright Act, 1957. The Kerala High Court determined that although considerable parts were reproduced, the duplication served the purpose of criticism, thereby qualifying as fair dealing rather than infringement. The court used a multi-factor analysis that examined the intended use, the amount of material appropriated, and the lack of competition, ultimately lifting the injunction to permit the counter-drama performance during the ongoing lawsuit. This ruling confirmed that significant reproduction may be justified if done in good faith for criticism, safeguarding free expression in copyright legislation.

Similarly, in **T.V. Today Network Limited vs News Laundry Media Private Limited & Ors.**,¹⁵

T.V. Today Network Limited, a leading Indian media firm that possesses various news channels like Aaj Tak, India Today Television, and Good News TV, filed a lawsuit against News Laundry Media Pvt. Ltd. The plaintiff claimed that the defendants published various videos and articles on their website and social media that included snippets from TV Today’s programs without authorization, constituting a violation of the Copyright Act, 1957 and sought for a permanent injunction for immediate removal of those clips. However, courts accepted limited use of video clips as fair use.

Fair use is a key exception in the Indian copyright law that permits the use of copyrighted works without any infringement under specified circumstances. However, these provisions have been criticized for their narrow scope and lack of clarity, especially in the context of digital technologies¹⁶. The Act does not provide clear and definite guidelines on the extent

¹⁴ Civic Chandran v. Ammini Amma (1996) 1 KLJ 454.

¹⁵ T.V. Today Network Limited vs News Laundry Media Private Limited & Ors., CS(COMM) 551/2021.

¹⁶ <https://www.preprints.org/manuscript/202506.2225?>

of fair use of the copyrighted content which is the primary reason for existence of such discrimination between large and small content creators.

The “De Minimis” Doctrine:

Another important concept that YouTube creators must be aware of is the “de minimis” principle. The de minimis principle indicates that using a minor portion of a copyrighted work may not constitute infringement if the usage is insignificant and does not adversely affect the rightful economic interests of the copyright holder, according to the principles of Indian copyright law.

This means that if a creator uses a minor part of someone else's work, for instance, a short video snippet, a few seconds of music, or a couple of images for critique or evaluation, and it doesn't affect the original creator's ability to sell or profit from their creation, then the law may typically regard it as not infringing the owner's copyright. Indian courts have consistently applied these principles in cases concerning short clips, commentary, and news journalism.

In **India TV Independent News Service Pvt. Ltd. v. Yashraj Films Pvt. Ltd.**,¹⁷ Yash Raj Films claimed that India TV broadcasted a short 17 second segment of the song Kajra Re and allowed an artist to sing portions of other songs in its shows without securing a license, alleging copyright violation. The Delhi High Court concluded that this restricted use amounted to de minimis non curat lex, which is too trivial to warrant legal action and did not constitute infringement according to Indian copyright law, emphasizing that minor unauthorized use is permissible and non - infringing.

Challenges in applying the Fair use provisions:

The conventional idea of fair use is being challenged by the increasing popularity of meme culture, parodies, and remix videos. In Indian copyright legislation, fair use and fair dealing create exceptions to the rights granted to creators. However, in the creator economy, the boundaries of fair use are frequently contested. YouTube creators and social media influencers often use music tracks, film excerpts, or visuals to create critiques, analyses, or spoofs. However, they immediately become targets of unfair copyright strike. Indian courts have not provided definite guidance on this issue yet, leading creators to feel uncertain about what is considered to be a permissible fair use.

There are several instances where large production houses and creators often give unfair copyright strikes to small creators who fairly use the content of the large creators to criticise or express dissenting opinions merely to silence negative

¹⁷ India TV Independent News Service Pvt. Ltd. v. Yashraj Films Pvt. Ltd., (2012) 192 DLT 502.

commentary. Moreover, in this digital era, copyright enforcements are usually carried out through automated takedown mechanisms. Small creators, such as YouTubers, independent artists and musicians often face a lot of unfair copyright strikes due to which they are pushed to remove their content or suffer due to loss of monetization. Unlike large creators or production houses, small creators often lack access legal resources due to monetary constraints, resulting in disproportionate burden to small creators.

On September 10, YouTuber FilmiIndian (Deeksha Sharma) disclosed that she received multiple copyright strikes from a large production company after posting an unfavourable review for a specific film. The material involved did not include any illegally obtained films, but rather movie posters, still images, and brief review excerpts from the promotional content of the film she was critiquing, and now she confronts the threat of her whole channel being deleted under YouTube's "three-strike" policy. Actions taken against review channels indicate a troubling reality, whether Copyright law could be employed to stifle commentary.

In FilmiIndian's situation, the strikes happened simultaneously with her adverse critique of a recent film. Allegedly, she isn't the only one, other Indian film critique channels on YouTube have experienced unexpected copyright strikes from studios following negative reviews. These occurrences highlight a broader discussion on how copyright legislation, intended to encourage creativity, might be progressively utilized to suppress commentary and critique in India. What renders this practice exceptionally troubling is that rights holders frequently possess the legal means to collect revenue from the content while permitting the channel to continue functioning through a "copyright claim," yet they might deliberately choose to issue "copyright strikes" instead, increasing the threat of the YouTube content creator's channel being terminated and imposing heightened operational risk on creators¹⁸.

In the current digital era, copyright violation has emerged as a major issue because of the simplicity of retrieving, duplicating, and sharing digital material. Digital technologies and the web have offered persons capable of effortlessly copying, sharing, and showcasing copyrighted content without the authorization from the copyright owner. As digital technologies and the internet have expanded, copyright violations have grown more common and challenging to track.

In **Mohak Mangal vs Ani Media Pvt. Ltd. & Anr.**,¹⁹ ANI issued several copyright strikes against Mohak Mangal for using brief ANI video clips in at least, 10 of his YouTube videos. Mangal defended these assertions by invoking fair use under § 52 of the Copyright Act, 1957, alleging that ANI engaged in extortion and abused copyright laws. ANI also

¹⁸ <https://www.sconline.com/blog/post/2025/11/29/navigating-copyright-strikes-on-youtube-guidance-for-indian-creators/amp/>?

¹⁹ Mohak Mangal vs Ani Media Pvt. Ltd. & Anr., CS(COMM)-573/2025

lodged a lawsuit for trademark infringement, defamation, and disparagement, requesting the removal of specific videos and tweets. However, Mohak Mangal's video was taken down by YouTube, despite invoking Indian fair use for public interest reporting.

Automated Takedown Mechanism:

Strict enforcements thus not only hinder the growth of small creators, but it also tends to restrict the creative freedom, forcing small creators to avoid innovative or transformative content due the fear of legal consequences. Moreover, due to the automated platform enforcement and rigid intermediary policies small creators are subjected to immediate penalties such as temporary channel ban, content takedown or even monetary losses. Due to lack of financial resources, legal assistance and procedural safeguards small creators are often compelled to remove their content despite lawful use. To the contradictory even if other creators appropriate the ideas or content of small creators, the latter rarely possess the means to pursue legal remedies.

A significant change in the digital age is the implementation of automated removal systems to address copyright infringements. Platforms such as YouTube and Facebook use instruments like Content ID to aid copyright holders in claiming their rights and removing copyrighted material. In India, services like YouTube and Instagram have established similar automated systems to detect and remove copyrighted content utilized without authorization. However, these systems, while effective at removing unauthorized content, do present some challenges. A major issue occurs when these tools erroneously prevent or restrict valid applications of content such as remixes, satire, or critique, resulting in excessive blocking or censorship²⁰.

For instance, a creator might share a video on YouTube, showcasing short clips from a famous Hollywood movie as part of their assessment or critique. Even if it qualifies as fair use, the automated system may still flag the content for a copyright infringement, eventually resulting in the video being removed and the creator missing out on potential revenue. This creates considerable difficulties for creators to utilize third party content legally, exposing them to automation threats.

Impact of such Disparities:

²⁰ P. Gupta & T. G. Gautham. (2022). Copyright in the Digital Economy: The Role of Platforms and Copyright Enforcement Mechanisms. Indian Journal of Intellectual Property, 18(1), Page 44-52.

The unequal access to copyright laws creates an imbalance which in turn would lead to creative suppression, where criticism and dissent are curtailed leading to an arbitrary and discriminatory application of the copyright laws. Consequently, such enforcement would hinder the growth, creative freedom and autonomy of small creators. Such suppression often leads to digital authoritarianism, where large creators slowly begin to control the narratives through legal intimidation rather than merit. Traditional copyright laws, designed for a pre- digital era, struggle to address the complexities of digital content distribution.

Such unfair copyright strike narrows the application of freedom of speech and expression²¹. Critics might be reluctant to review films, news analysts might eliminate visual excerpts, and creators could fully self-censor. When copyright is possibly abused to safeguard reputation instead of promoting creative expression, it risks turning into a means of censorship. Creators should understand that their rights are safeguarded by Indian law, despite the seemingly daunting platform mechanisms. By legal expertise, Indian creators can protect their creations and persist in generating important, educational, and artistic content without facing excessive risk from potentially unfair copyright strike.

The Copyright Amendment Act of 2012²² introduced major modifications to Indian copyright law, bringing it in line with global treaties and incorporating measures to promote fair use in the digital age. However, despite these changes, there are still difficulties in finding a balance between safeguarding the rights of creators and ensuring public access. Despite all that digital piracy continues to pose a major issue, as unauthorized sharing of music, movies, and various digital materials leads to considerable financial harm for content creators. The worldwide aspect of the internet complicates regulation, as material can be shared internationally, hindering the effective application of domestic copyright laws.

Copyright holders can issue these copyright strikes with little scrutiny, placing the responsibility on creators to file a counter-notification, which poses both procedural and reputational risks if the claimant pursues legal action. This discrepancy poses significant difficulties in India. Numerous creators are still unaware of the safeguards provided by § 52 or the de minimis principle. Additionally, India presently does not have a legal penalty for false takedown notices like the Digital Millennium Copyright Act, 1998²³, rendering creators vulnerable to possible exploitation of the system. Certain copyright holders and production companies are reported to have delegated the enforcement of their copyrights

²¹ Article 14 of the Indian Constitution.

²² The Copyright (Amendment) Act. 2012.

²³ Digital Millennium Copyright Act, 1998 (US), § 512(f).

to specialized agencies or third-party organizations, which are authorized to issue copyright strikes on YouTube for them. This enables claimants to effectively focus on substantial amounts of content, frequently with little scrutiny of individual situations. Although this can be applied for valid enforcement of intellectual property, it might also be abused to generate unfair copyright strikes against creators utilizing brief clips, images, or review excerpts, occasionally ignoring fair use or minimal protections.

Although the Copyright Act, 1957, has made significant amendments to adapt to the digital age, challenges remain in balancing the rights of copyright owners with public access to creative works. The adoption of technological protection measures has sparked debates about their impact on freedom of expression and fair use. As digital content progresses, ongoing updates and legal interpretations will be essential to ensure that, the Act remains pertinent and efficient in protecting both the creators as well as the consumers. Hence there is an increasing demand for copyright reform to more effectively address the needs of the digital age, ensuring that copyright protection does not hinder the growth of small creators. This entails establishing a legal framework that aligns the rights of creators along with the public's right to information access.

How to overcome these challenges? :

Most importantly, many creators lack adequate knowledge of copyright law, fair use, and methods to protect their content online. Educating and increasing awareness are crucial in bridging this divide. Copyright education programs focus on informing emerging creators about essential copyright laws and their unique rights, and strategies to protect their creations from violations. Training sessions and courses can be offered to inform content creators about copyright safeguards in the online environment. By promoting the growth of creators Advocacy organizations, we can ensure an equitable and healthy growth of all classes of creators.

Another way to ensure more equitable access to the copyright law is to broaden the scope of Fair use provided under § 52 of the Copyright Act, 1957. Although Fair use is already recognized in India's Copyright Act, yet the guidelines for such fair use are restricted only to few purposes such as criticism, education, and evaluation which does not consistently adhere to modern digital content production. To enhance the copyright safeguards for creators in India, there is an immediate need to expand the Fair use guidelines.

Indian laws must explicitly recognize that transformative uses of Copyrighted works, such as remixes, mashups, and parodies, are deemed fair use if they meet the necessary criteria of critique, observations, or satire. Also, usually content creators on various social media platforms like YouTube and Instagram often use short clippings and segments of

copyrighted content like music or video snippets for analysis or for criticism. Hence, expanding the scope of Fair use is considered necessary to safeguard the content of such creators from unfair and arbitrary copyright strike.

Part 2: NON DOCTRINAL RESEARCH

This section presents the findings derived from a survey conducted to understand the perceptions of respondents regarding the impact of copyright laws on small creators in the digital era. It primarily focuses on awareness of copyright provisions, understanding of fair use (fair dealing) principles, and experiences related to copyright strikes and digital platform enforcement. The data collected offers practical and empirical insights into how copyright laws operate in real-world digital content creation environments. These findings are intended to complement the doctrinal analysis of statutory provisions, judicial precedents, and existing literature on copyright law in India.

TABLE 1: SMALL CREATOR RESPONSE TO UNFAIR COPYRIGHT STRIKES

Particulars	Delete the content entirely to avoid any further risk	Edit and re-upload the content after removing the disputed portion	File a law suit and challenge the unfair strike	Take no action and wait for the strike to expire	Total
Male	11 (26.80)	10 (24.40)	18 (43.90)	2 (4.90)	41 (37.30)
Female	19 (27.90)	23 (33.80)	22 (32.40)	4 (5.90)	68 (61.80)
Transgender	0 (0.00)	1 (100.00)	0 (0.00)	0 (0.00)	1 (0.90)
Total	30 (27.30)	34 (30.90)	40 (36.40)	6 (5.40)	110 (100.00)

Source: Primary data obtained from respondents through a Google Form questionnaire.

7. How would a Small Creator respond to an unfair copyright strike?
110 responses



It is observed from Table 1 that 36.4 percentage of the respondents, prefer filing a lawsuit and legally challenging the unfair copyright strike. About 30.9 percentage of respondents indicated that they would edit and re-upload the content after removing the disputed portion. Meanwhile, 27.3 percentage of respondents stated that they would delete the content entirely to avoid further risk. A comparatively small percentage of respondents (5.50) preferred taking no action and waiting for the strike to expire. The data indicates that most respondents favor active or corrective measures rather than passive approaches when dealing with unfair copyright strikes.

TABLE 2: IMPACT OF COPYRIGHT LAWS ON SMALL CREATORS

Particulars	Helps them to protect content and promote growth	Hinders their growth due to unfair strikes	Has no noticeable effect in their growth	Changes their content style specifically to avoid copyright strikes	Total
Male	16 (39.00)	7 (17.10)	12 (29.30)	6 (14.60)	41 (37.30)
Female	24 (35.30)	13 (19.10)	14 (20.60)	17 (25.00)	68 (61.80)
Transgender	0 (0.00)	0 (0.00)	0 (0.00)	1 (100.00)	1 (0.90)
Total	40 (36.40)	20 (18.20)	26 (23.60)	24 (21.80)	110 (100.00)

Source: Primary data obtained from respondents through a Google Form questionnaire.

B. How does Copyright laws affect small creators?
110 responses



It is observed from Table 2 that 36.4 percentage of the respondents believe that copyright laws influence small creators by changing their content style, specifically to avoid copyright strikes. About 23.6 percentage of respondents stated that copyright laws help them protect their content and promote their growth. Meanwhile, 21.8 percentage of respondents feel that copyright laws hinder their growth due to unfair copyright strikes. A smaller proportion, 18.2 percentage, reported that copyright laws have no noticeable effect on their growth. The data indicates that while copyright laws are seen as protective by some creators, a larger section perceives them as influencing or modifying creative behavior.

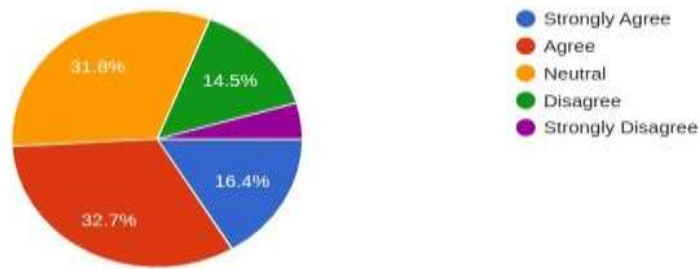
TABLE 3: WHETHER COPYRIGHT LAWS HINDER THE GROWTH OF SMALL CREATORS

Particulars	1	2	3	4	5	Total
Male	3 (7.30)	9 (22.00)	12 (29.30)	13 (31.70)	4 (9.80)	41 (37.30)
Female	2 (3.00)	7 (10.30)	22 (32.40)	23 (33.80)	14 (29.60)	68 (61.80)
Transgender	0 (0.00)	0 (0.00)	1 (100.00)	0 (0.00)	0 (0.00)	1 (0.90)
Total	5 (4.60)	16 (14.60)	35 (31.80)	36 (32.70)	18 (16.40)	110 (100.00)

Source: Primary data obtained from respondents through a Google Form questionnaire.

9. Copyright Laws hinders the growth of *small creators*.

110 responses



It is observed from Table 3 that a majority of respondents believe copyright laws hinder the growth of small creators. Specifically, 32.7 percentage agree and 16.40 percentage strongly agree, together forming 49.1percentage of respondents who support the statement. Meanwhile, 31.80 percentage remain neutral, indicating uncertainty or mixed views. On the other hand, 14.50 percentage disagree and approximately 4.50 percentage strongly disagree, totaling about 19.00 percentage who do not believe copyright laws hinder small creators. Overall, the data indicates that nearly half of the respondents perceive copyright laws as a barrier to small creators, while a smaller proportion disagree, and a significant neutral group suggests the issue may still be debated or context-dependent.

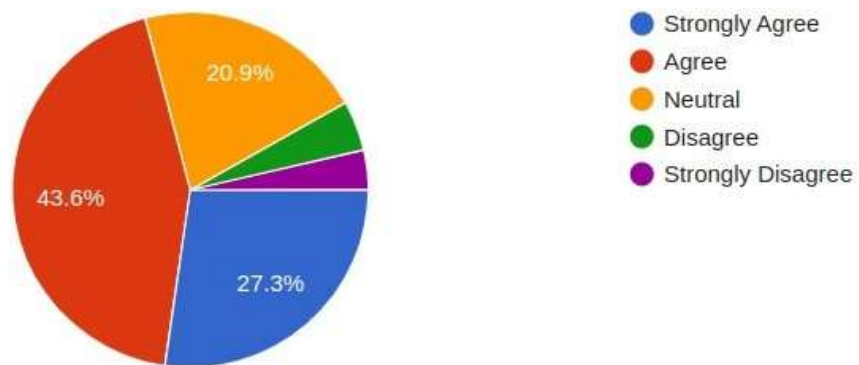
TABLE 4: WHETHER STRICT ENFORCEMENT OF COPYRIGHT LAW LIMITS CREATIVE FREEDOM

Particulars	1	2	3	4	5	Total
Male	0 (0.00)	1 (2.40)	9 (22.00)	21 (51.20)	10 (24.40)	41 (37.30)
Female	4 (5.90)	4 (5.90)	14 (20.60)	26 (38.20)	20 (29.40)	68 (61.80)
Transgender	0 (0.00)	0 (0.00)	0 (0.00)	1 (100.00)	0 (0.00)	1 (0.90)
Total	4 (3.60)	5 (4.50)	23 (20.90)	48 (43.60)	30 (27.30)	110 (100.00)

Source: Primary data obtained from respondents through a Google Form questionnaire.

10. Strict enforcement of copyright laws limits creative freedom.

110 responses



It is observed from table 4 that a significant majority of respondents believe strict enforcement of copyright laws limits creative freedom. About 43.60 percentage of respondents agree and 27.30 percentage strongly agree, showing that nearly three-fourths perceive enforcement as restrictive. Meanwhile, 20.90 percentage remain neutral, indicating uncertainty or mixed experiences. A small proportion, approximately 4.50 percentage disagree and about 3.60 percentage strongly disagree. Overall, the data suggests that strict copyright enforcement is largely viewed as limiting creative freedom, though a minority does not share this concern.

XI.

Testing Of Hypothesis

To test the hypothesis, both primary and secondary data were utilized. Primary data was collected from respondents across various educational backgrounds and regions, while secondary data was sourced from government reports, academic journals, and industry studies on impact of Copyright Laws on Small content creators.

Hypothesis 1:

Rather than helping, copyright laws hinder the growth of small content creators. This hypothesis is tested with reference to the survey data showing that 32.7 percentage agree and 16.40 percentage strongly agree (total 49.1 percentage), while 19 percentage disagree and 31.8 percentage remain neutral. Since the overall trend leans towards agreement with the statement, the hypothesis is supported by the data. Therefore, it is accepted and treated as the Null Hypothesis (H_0).

Hypothesis 2:

Strict enforcement of copyright laws limits creative freedom. The related data shows 43.60 percentage agree and 27.30 percentage strongly agree (about 70.9 percentage), while only about 8 percentage disagree and 20.9 percentage remain neutral. Since the majority opinion supports the statement, the hypothesis is supported by the data. Therefore, it is accepted and treated as the Null Hypothesis (H_0).

XII. Conclusion

The study concludes that copyright laws play a dual role in the creative ecosystem. While they are designed to protect original content and ensure fair recognition for creators, survey findings indicate that many small creators perceive them as restrictive. A considerable proportion of respondents believe copyright enforcement can slow creative growth and influence content decisions. At the same time, a section of creators still acknowledges the protective value of copyright. The presence of a large neutral group suggests mixed experiences and contextual impact. Overall, the effectiveness of copyright laws depends on balanced enforcement, awareness, and fair dispute resolution mechanisms to support both protection and creative freedom.

XIII. Suggestions

1. Simplify copyright registration and dispute resolution processes for small creators.
2. Expand fair use provisions to support Small creators.
3. Encourage use of flexible licensing models like Creative Commons for collaboration.
4. Provide government awareness programs on copyright rights and compliance for small creators.
5. Create special legal aid or small-claims copyright mechanisms for individual creators.
6. Maintain balance between enforcement and innovation to avoid over-restriction on creativity.

References

1. Copyright Act, 1957 (as amended), Government of India.
2. WIPO (World Intellectual Property Organization) (2022), Copyright and Related Rights: India Profile.
3. Ministry of Commerce and Industry, Government of India. (2021) National IPR Policy Implementation Review.
4. NITI Aayog. (2020). India's Digital Economy and Innovation Ecosystem Reports.
5. CIS – Centre for Internet and Society(2016–2023), Copyright and Digital Rights Research Papers.
6. ILO (International Labour Organization). (2021). Creative Economy and Digital Work Studies.
7. Lessig, Lawrence (2004), Free Culture Penguin Press.
8. Goldstein, Paul (2019). International Copyright: Principles, Law and Practice. Oxford University Press.
9. World Bank (2021), Digital Development and Creative Economy Indicators.
10. The Constitution of India.