

# Enforcement of Intellectual Property Rights on Social Media and Digital Platforms

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## 1. Introduction

In our world today, there is a very thin line between content creation, distribution, and use. Social media platforms have significantly affected the way we interact with intellectual property (IP). Nowadays, anyone with a smartphone and an internet connection can easily become a content creator and market the same. However, as commendable as this technological advancement is, it comes with its own risks – a major one being the infringement of intellectual property rights (IPR).

For IPR holders, these digital platforms are both blessings and problems. This is because, on one hand, the platforms offer visibility and a wider reach, which in turn results in monetisation opportunities. On the other hand, they aid the infringement of IP, which traditional legal mechanisms are often unable to address. The major difficulty in protecting IPRs nowadays is in the area of enforcement. Traditional legal remedies are often too slow and geographically constrained, proving to be ineffective against the realities of this digital age. Whereas digital platforms operate across different jurisdictions, which makes it difficult for the enforcement of IPRs.

Moreover, the question of who bears responsibility for monitoring IP infringement remains a subject of many debates.

Notwithstanding that many platforms have adopted internal policies to address takedown requests and to mitigate liability, these internal policies are not effective all the time. In cases such as this, the legal framework governing liability of intermediaries and platform responsibility becomes the basis for effective IP protection.

This article explores these dynamics, focusing on the enforcement of IPRs on social media and digital platforms generally.

## 2. Nature and Scope of IP Violations Online

In the modern digital landscape, creative expressions can be produced, distributed, and accessed more easily than they have ever been. The internet

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gives creators the opportunity to share their work with a global audience. However, it also puts these works at the risk of illegitimate use and infringement of IP rights.

Unlike traditional media, such as print publishing or CDs/DVDs, which are often limited by geographical location and physical distribution, an online pirate site can make the same work accessible to the whole world with just a single click.<sup>1</sup> A single illegitimate upload of a person's work can be replicated and distributed across several jurisdictions within a very short time, thereby making infringements rapid and difficult to measure and even contain.<sup>2</sup>

The enforcement of IP rights in this environment is difficult, starting with identifying the infringing party. Anonymity means that holders of IP rights depend on internet service providers, who have obligations to disclose consumer data that vary widely across different jurisdictions.<sup>3</sup> Another issue is determining where to sue, as cross-border accessibility raises questions of jurisdiction, applicable law, and enforcement of judgments abroad.<sup>4</sup>

Traditional IP laws, designed for physical media, are poorly suited for the digital age, where content can be copied and shared globally almost instantly with little or no effort. These realities expose the shortcomings of current enforcement mechanisms

The most common forms of online IP infringement include:

**a. *Copyright Infringement***

This is the most pervasive form of online IP violation and is seen across multiple digital platforms and mediums. In the digital space, it usually involves the illegal downloading and streaming of movies, music, software, and digital content through unauthorised sites. The scale of this problem is huge, with millions of copyrighted works illegally distributed at a large scale across various jurisdictions.

Also, creators many times discover that their creative works are reproduced and disseminated without authorisation across different platforms. Social media platforms are the major channels for this unauthorised use, where

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1 Heike Wollgast, 'IP Infringements on the Internet – Some Legal Considerations' (WIPO Magazine, issue 1/2007, January–February 2007) <<https://www.wipo.int/web/wipo-magazine/articles/ip-infringements-on-the-internet-some-legal-considerations-35586>> accessed August 18 2025

2 Legal Foundations, 'Intellectual Property and the Internet: What Businesses Need to Know' (Legal Foundations, 10 February 2024) <<https://legalfoundations.org.uk/blog/intellectual-property-and-the-internet-what-businesses-need-to-know/>> accessed August 18 2025.

3 Heike Wollgast, *op. cit.*

4 Ibid.

copyrighted works are routinely shared, reposted, and monetised without proper licensing or attribution to the author or the holder of the IP right to the work. The ease of copying and sharing content in the digital space has created a space where infringement occurs both deliberately and through widespread ignorance of IP rights.

#### **b. Trademark Infringement**

Violations of trademark often exploit brand recognition for profit. For instance, on e-commerce platforms, sellers create infringing listings that use already existing and authentic trademarks to sell inferior replicas or even entirely different goods. These listings exploit consumer trust in established brands and consequently generate revenue through these deceptive practices.

The digital marketplace has more than enabled brand impersonation on an unprecedented scale. Third parties create fake social media accounts, rogue websites, and fraudulent apps to claim affiliation with authentic brands which have existing goodwill. Such impersonation facilitates the exploitation of brand equity to sell counterfeit products and enables the unauthorised acquisition of consumer data and other fraudulent activities.

### **3. AI as a New Enabler of Online IP Infringement**

In this day and age, generative artificial intelligence (AI) has emerged as a transformative tool, yet its use remains very disruptive. This also extends to the area of IP enforcement. AI platforms are programmed on a wide set of data, images and texts, enabling them to generate content on a very large scale.<sup>5</sup> The AI models are also often trained on copyrighted material and can generate large volumes of content derived from other sources, which raises questions of unauthorised use, ownership, and liability. Several disputes illustrate these challenges, with one of the most recent being *Getty Images v. Stability AI*.<sup>6</sup>

The claimants in the case were Getty Images (US) Inc. and other entities within the Getty Images Group, a global visual content creator and marketplace. The defendant, Stability AI Ltd., is an open-source generative AI company, which developed the deep learning model Stable Diffusion, designed to generate synthetic images in response to user prompts.

<sup>5</sup> Gil Appel, Juliana Neelbauer and David A Schweidel, 'Generative AI Has an Intellectual Property Problem' (Harvard

<sup>6</sup> *Getty Images and others v Stability AI Ltd* [2025] EWHC 38 (Ch)

Getty's core complaint in this case was the unauthorised use of copyrighted works for AI training. They alleged that Stability AI scraped millions of images from the Getty Images website, without their consent, and unlawfully used those images in training Stable Diffusion. Stability AI admitted to using some Getty Images in their AI training, but was, however, unable to identify the specific works used.<sup>7</sup>

The dispute also extended to the AI outputs. Getty claimed that the images generated by Stable Diffusion reproduced a substantial part of its copyrighted works or images that bear Getty's trademarks.<sup>8</sup>

From this case, the main challenges of generative AI vis-à-vis IP protection include:

- a. unauthorised use of copyrighted works in training;
- b. potential infringement in AI-generated outputs; and
- c. the unprecedented scale of AI-enabled infringement.

These challenges are difficult to tackle because AI operates as a black box. Unlike traditional infringement, where the source and method of copying can be traced to the source, AI more or less erases the link between the source material and its outputs, which makes it difficult to prove unauthorised use of a work or identify individual infringements in an AI-generated work.

With the pace at which the digital landscape is advancing, IP enforcement now requires up-to-date legal frameworks, technical solutions, and proactive monitoring to protect rights holders to match the demands of the age.

## 4. Enforcement Mechanisms for Online Content

Enforcing copyright online involves various mechanisms. A key example in the context of user-generated content is the “Notice and Takedown” system, largely codified under the **Digital Millennium Copyright Act (DMCA)** in the United States. The DMCA was the United States Congress's response to the rise of online copyright infringement. The DMCA aimed to balance the interests of content owners, whose works had become easier to copy and distribute, with those of Internet Service Providers (ISPs), who faced potentially huge costs if required to

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<sup>7</sup> *Getty Images and others v Stability AI Ltd* [2025] EWHC 38 (Ch), High Court of Justice, Business and Property Courts of England and Wales, Intellectual Property (ChD), 14 January 2025 <<https://www.judiciary.uk/wp-content/uploads/2025/01/Getty-Images-and-others-v-Stability-AI-14.01.25.pdf>> accessed August 18 2025.

<sup>8</sup> Ibid.

monitor every uploaded work.<sup>9</sup>

Under this framework, ISPs and other Online Service Providers (OSPs) are not required to actively monitor their platforms for contents that infringe. Instead, they may qualify for “safe harbour” protections, which shield them from monetary liability if they promptly remove infringing material upon notice from a copyright owner.<sup>10</sup>

Beyond the United States, the notice-and-takedown model has influenced international copyright enforcement. The European Union (EU) has implemented measures that require member states to implement procedures for removing infringing content hosted by intermediaries. Other countries, including Japan, Australia, and South Korea, have also adopted similar systems influenced by the DMCA.

Similarly, in Nigeria, the **Copyright Act 2022**<sup>11</sup> provides for notice-and-takedown procedures in instances of online infringement. **Section 54** of the Act empowers copyright owners whose online content is infringed upon to issue a takedown notice to the relevant service provider, requiring them to take down or disable access to any infringing content or links to such content on their system or network. **Section 55** further mandates that the service providers must act expeditiously upon receiving such notices or risk liability for infringement to the same extent as the person who uploaded the content. The Act also provides procedures for suspending the accounts of repeat infringers and includes provisions for blocking access to infringing material online.<sup>12</sup>

## 5. Challenges of Jurisdiction and Enforcement

The main difficulty in enforcing IP rights on digital platforms arises from the conflict between the territorial nature of IP law and the global reach of the internet. IP rights are typically granted and enforced under territorial regimes, meaning a trademark or copyright protected in one country offers no automatic protection elsewhere. Courts have struggled with the question of whether the mere accessibility of infringing material within a jurisdiction is sufficient to ground jurisdiction.<sup>13</sup>

9 Harvard, 'The Principles for User-Generated Content Services: A Middle-Ground Approach to Cyber-Governance' (2008) 121 *Harvard Law Review* 1387 <<https://harvardlawreview.org/print/vol-121/the-principles-for-user-generated-content-services-a-middle-ground-approach-to-cyber-governance/>> accessed August 18 2025.

10 Ibid. Mark A Lemley and R Anthony Reese, *Reducing Digital Copyright Infringement Without Restricting Innovation* (Stanford Law Review vol 56, 2004; UC Berkeley Public Law Research Paper No 525662, University of Texas Law, Public Law Research Paper No 63, University of Texas Law & Econ Research Paper No 025, 8 April 2004, last revised 6 February 2011) <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=525662](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=525662)> accessed August 18 2025.

11 Copyright Act, 2022 (Act No. 8 of 2022)

12 Copyright Act 2022, sections 54–61

13 Heike Wollgast, *op. cit.*

In *Hotel Maritime* (Bundesgerichtshof, I ZR 163/02, 13 October 2004),<sup>14</sup> a Danish hotel owner operated a website in multiple languages, including German, under the domain *hotel-maritime.dk*. The German “Maritime” hotel chain claimed trademark infringement and unfair competition. The German Federal Supreme Court held that not all internet use constitutes use in a country; only where the use has a “commercial effect” in that jurisdiction can it trigger enforcement. Applying this standard, the Court found that although the Danish hotel's website was accessible in Germany, its commercial impact on the German plaintiff was marginal. The Court ruled in favour of the Danish defendant, emphasising that the scope of national trademark protection cannot extend indiscriminately to foreign websites, otherwise it would unduly restrict cross-border commercial activities.<sup>15</sup>

Beyond territoriality, the anonymity afforded by digital technologies compounds enforcement problems. Infringers often conceal their identity and location using tools such as virtual private networks (VPNs), proxy servers, or false registration details. In such cases, the only viable source of information may be the ISP, but disclosure obligations vary widely across jurisdictions.

The **EU Enforcement Directive (2004/48/EC)**<sup>16</sup> has established a harmonised right of information against third parties; however, no equivalent framework exists globally. This Directive enables a judge to compel the provision of information on the origin and distribution networks of infringing goods or services, not only from the infringer but also from any other person involved, particularly those who possess infringing goods commercially or provide services for infringing activities. Unlike the optional **Article 47 of the TRIPs Agreement**,<sup>18</sup> which is limited to the infringer, this is a mandatory provision aimed at strengthening intellectual property enforcement across EU member states.<sup>19</sup>

IP enforcement is further complicated by the volume of online content. Online infringement occurs on a massive scale, giving rise to what is known as the “whack-a-mole” phenomenon: by the time a rights holder secures the removal of one infringing link, dozens of others may have already appeared.

Digital platforms play a critical role in this regard; their policies can either

14 Bundesgerichtshof [BGH] [Federal Court of Justice], Oct. 13, 2004, I ZR 163/02, HOTEL MARITIME (Ger.)

15 Bundesgerichtshof, I ZR 163/02, 13 October 2004; Bettinger & Thum, *Territorial Trademark Rights in the Global Village* (2000) 31 IIC 163, 285 et seq

16 Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights

17 Danny Friedmann, *The Effects of the Enforcement Directive on Dutch Patent Law: Much Ado About Nothing?* (9 June 2006) SSRN <<https://ssrn.com/abstract=1706070>> accessed August 18, 2025

18 Article 47, *Right of Information*: “Members may provide that the judicial authorities shall have the authority, unless this would be out of proportion to the seriousness of the infringement, to order the infringer to inform the right holder of the identity of third persons involved in the production and distribution of the infringing goods or services and of their channels of distribution.”

19 Ibid.

facilitate or impede protection. The debate now centres on whether platforms should remain passive hosts under safe harbour regimes, such as the U.S. DMCA (which shields them unless they fail to act upon notice), or whether they should act as active policemen, proactively monitoring and removing infringing content. Jurisdictions such as the EU, through its Digital Services Act, are moving towards stricter liability regimes requiring platforms to adopt risk-mitigation measures for illegal content, including IP infringement. Enforcement mechanisms must therefore evolve in step with the speed and scale of online infringement to remain effective.

## 6. Social Media and Digital Platform Policies and Liability Framework

In Nigeria's developing digital landscape, the enforcement of IPRs is anchored on statutes, most notably the **Copyright Act 2022** and **Cybercrimes Act 2015 (as amended)**, and also on the internal policies of major social media platforms like YouTube, Instagram, TikTok, X (formerly Twitter), and Snapchat, which all have their specified policies, including automated detection of copyrighted contents, user notices, and repeat-infringer rules.

YouTube operates a Content ID system, which scans uploaded content for copyrighted audio or video, as the case may be. Holders of IPRS who discover infringement of their IPR can submit a formal notice to takedown, which must follow specified formats, including identification of the work, a statement under penalty of perjury, their contact details, and a sworn declaration of authorisation, similar to the requirements under the Nigerian Copyright Act.<sup>20</sup> A valid takedown notice results in the removal of the identified content, a strike, and a possible termination of an account after three strikes within 90 days.<sup>21</sup>

Meta (which includes Facebook, WhatsApp, and Facebook-owned Instagram) requires users to grant a broad, royalty-free, sub-licensable license when uploading content.<sup>22</sup> Rights holders may submit DMCA-style takedown requests, and Meta enforces “repeat infringer” policies. Nigerian creators must also comply with Meta's branded-content and misinformation rules to remain eligible for monetisation features.

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<sup>20</sup> Section 54–55

<sup>21</sup> De Penning & De Penning, *'YouTube copyright strikes explained: how creators can protect their content'* <<https://www.lexology.com/library/detail.aspx?g=c02eea35-a82e-42b4-bb03-a1c9da9a2302>> accessed August 16, 2025.

<sup>22</sup> Habeeb B. Adefabi *'Copyright infringements in the era of social media'* <<https://dailytrust.com/copyright-infringements-in-the-era-of-social-media/>> accessed August 16, 2025.

TikTok enforces IP rules through its own scanning systems; unlicensed use of copyrighted music, images, or clips can result in removal, demonetization, or account suspension. Its community guidelines require the use of licensed music (e.g., via TikTok's own library) or explicit permission.<sup>23</sup> Influencers on TikTok in Nigeria must ensure that third-party content is either cleared or avoided.

X similarly requires its users to grant a license upon posting of content. Its internal policies allow for takedown requests upon discovery of infringement. Influencers who use paid promotion tools like Super Follows are equally required to clearly disclose partnerships and ensure that their content complies with IP, consumer-protection, and defamation rules.<sup>24</sup>

Snapchat, though less widely used by Nigerian IP holders, similarly maintains a takedown process for copyright complaints. While Snapchat's global policy is less visible in Nigeria, it generally mirrors industry norms: notice-and-remove, repeat-offender suspension, and license grants via terms of use.

These platform policies closely mirror Nigeria's statutory frameworks. Under the *Copyright Act*, service providers, including these platforms, must remove infringing content upon receipt of a valid notice, notify the infringer, and suspend repeat offenders for at least one month. They must also take reasonable steps to prevent the reuploading of removed content.<sup>25</sup> Failure to comply may result in liability equivalent to that of the infringer.<sup>26</sup>

## 7. Strengthening Online IP Enforcement: Gaps and Recommendations

It is glaring that as social media and online platforms continue to grow rapidly, there is a corresponding rise in IP infringement in the digital space, creating complex challenges in the effective enforcement of these IPRs.

Social media channels enable users to publish content instantly. This makes it difficult to track, regulate, and enforce IPRs. These social media contents get distributed freely across several channels, in contrast to traditional media content, which is regulated at the stage of publishing, broadcasting, or physical distribution. Also, it is very challenging for digital IP right holders to track every

23 'Social Media Policy Changes: What Nigerian Creators Need to Know' <<https://blog.luckyvuduacademy.com/social-media-policy-changes-what-nigerian-creators-need-to-know/>> accessed August 17, 2025.

24 'Terms of Service,' available at <<https://x.com/en/tos#>> accessed August 18 2025

25 *ibid*; European Union Intellectual Property Office (EUIPO), 'Nigeria's Media Industry: Growth, Challenges, and the Fight for Copyright Protection' <[https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/nigerias-media-industry-growth-challenges-and-fight-copyright-protection-2025-02-19\\_en](https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/nigerias-media-industry-growth-challenges-and-fight-copyright-protection-2025-02-19_en)> accessed August 17, 2025.

26 Sapphire & Breckinridge, 'Notice to Take Down Online Contents: The Requirements and Steps Under the Nigerian Copyright Act 2022' <<https://www.hg.org/legal-articles/notice-to-take-down-online-contents-the-requirements-and-steps-under-the-nigerian-copyright-act-2022-65123>> accessed August 17, 2025.

instance of probable infringement because one piece of content can be uploaded to multiple online platforms.<sup>27</sup> Moreso, the anonymity and pseudonymity used in social media platforms sometimes make it challenging to identify infringers.

While some digital platforms have incorporated IP enforcement mechanisms, significant gaps in these mechanisms hinder their ability to achieve optimal enforcement of IPRs on digital platforms. These flaws and the way forward can be analysed as follows.

i. ***Automated Content Identification Systems:***

To prevent intellectual property right infringements, online platforms like YouTube, Facebook, and Instagram utilise automated systems, including content recognition systems.<sup>28</sup> These systems automatically track and manage probable violations. For instance, YouTube's content ID evaluates uploaded content to identify copyrighted music, video clips, or images. The systems have the capability of blocking infringing content or redirecting revenue to the rights holder, without the need for the copyright owner to manually report the violation.<sup>29</sup> Although these systems have significantly improved the efficiency of identifying probable IP infringements, they are also not without flaws.

One of the major challenges of automated Content Identification Systems is their inability to accurately identify the context in which alleged infringing content is used. A content creator may use a short clip of a song or video in a way that does not infringe on the Intellectual property rights of another. This could be for educational or non-commercial purposes, which are some of the exceptions under the Nigerian Copyright Act, 2022.<sup>30</sup> Also, copyright principles like 'fair dealing'<sup>31</sup> are legally permitted as exceptions to infringement. However, automated systems are not equipped to evaluate whether uploaded contents fall within the contexts of these exceptions. Thus, the systems may wrongly identify content as infringing content and unjustly take it down or restrict access to it. This could occasion serious consequences like reputational harm, loss of revenue, and disruptions to their audience engagement.<sup>32</sup>

27 Daria Bulgakova, 'The Liability of Online Intermediaries Under European Union Law' *Kyiv-Mohyla Law and Politics Journal* (2023) [8-9] 1-43. <<http://kmlpj.ukma.edu.ua/article/view/303154>> accessed August 17, 2025.

28 Benjamin Boroughf, 'The Next Great Youtube: Improving Content ID to foster Creativity, Cooperation, and Fair Compensation' *Alb. L.J Science & Tech* (2015) 5 <<https://heinonline.org/HOL/LandingPage?handle=hein.journals/albnyst25&div=7&id=&page=>> August 17, 2025.

29 H. Boshier and S. Yesiloglu, 'An Analysis of the Fundamental Tensions Between Copyright and Social Media: The Legal Implications of Sharing Images on Instagram' *International Review of Law Computers & Technology* (2018) 164-186. <<https://www.tandfonline.com/doi/full/10.1080/13600869.2018.1475897>> accessed August 17, 2025.

30 S.20 of Copyright Act, 2022. ,

31 PART II of the Copyright Act 2022.

32 Ibid (n8).

Another major challenge is the complexities of Intellectual Property laws. In determining whether an uploaded content constitutes an infringement, there ought to be a careful legal analysis that considers intent, context, and purpose in different jurisdictions.<sup>33</sup> Automated tools are not equipped to make such judgments. It prioritizes wide range detection over legal accuracy. This means that legal exceptions, such as fair use or fair dealing, are often overlooked, thereby creating an imbalance where the need to swiftly remove infringing content is prioritized over legal accuracy.

Social media platforms, hence, should incorporate automated systems that can evaluate probable infringing contents in context, to determine when the content falls under an exception to infringement of a holder's intellectual property rights.

ii. ***Lack of Uniform Enforcement Policy across Platforms***

Another challenge in the Enforcement of intellectual property rights (IPRs) on social media is the lack of a Uniform Enforcement policy across online platforms. This is because the enforcement largely depends on the individual policies and rules of each social media platform, which often differ. Another point of lack of uniformity stems from the fact that some platforms rely on automated systems to identify probable infringement, while others rely on notifications from holders of such rights. This lack of uniformity creates confusion for rights holders and leads to uneven protection from one platform to another. To improve this situation, there should be an international standard of practice for how IPRs are enforced across all social media and online platforms.

iii. ***Lack of Robust Intellectual Property Legislation***

Enforcement of intellectual property rights online requires a legal background. One of the challenges of the enforcement of intellectual properties is the fact that most of the laws on online enforcement of intellectual property deal more with copyright, thereby leaving out other forms of intellectual property rights. For instance, Part VII of the Copyright Act 2020 provides for online copyright infringement. No similar provisions can be found in the Patent and Designs Act. Hence, infringements like

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33 Ibid.

counterfeit goods that are sold under patented brands and are distributed through online channels would be identified when the damage has already been done.

iv. ***Safe Harbour Provisions (Takedown Notification)***

Various Countries have incorporated safe-harbour provisions into their IP laws. These provisions require holders of an IPR, whose rights have been infringed upon, to notify the service provider or online platform, requiring it to take down any content uploaded to its platform that infringes their rights. Safe-harbour provisions enable social media to track and enforce online IP infringements without incurring liability on themselves. These provisions can be seen in the Copyright Act, 2022 of Nigeria<sup>34</sup> and the Digital Millennium Copyright Act of 1998 of the USA.<sup>35</sup> Some authors believe that safe-harbour provisions are essential in enabling social media platforms to enforce intellectual property rights without fear of liability; others believe that they make social media platforms unaccountable.<sup>36</sup>

The safe-harbour provisions, although they seem to be a valuable mechanism for intellectual property right holders to protect their work, come with some limitations. This can be seen from the risks of misuse, where people may file false takedown notices, thereby causing the unjust removal of non-infringing content. Also, the burden is on the copyright owners to consistently monitor the online platforms for potential infringements, making it difficult as there is a lot of content uploaded.<sup>37</sup>

v. ***Court Orders and Injunctions***

Another enforcement method available for intellectual property right holders is the opportunity to seek redress in court by way of injunctions and Court orders. However, this mechanism is not without limitations. This is because the process of judicial intervention may have different shortcomings in different jurisdictions, like being slow, costly, and complex, making it difficult for right holders who may lack the financial and legal resources to adopt this approach.

<sup>34</sup> Ibid

<sup>35</sup> Title II of the DMCA 1998

<sup>36</sup> Fatameh Asadi, 'Digital Platforms and Intellectual Property Infringement: Exploring Legal Liability for User-Generated Content in the Context of Digital Media' *Legal Studies in Digital Age* (2023) 2[1] 43. <<https://www.jlsda.com/index.php/ljsda/article/view/10/9>> accessed August 17, 2025

<sup>37</sup> Dan Burk, 'Copyright, Culture, and Community in Virtual Worlds' (2016) 5[4], 4. <<https://www.mdpi.com/2075-471X/5/4/40>> accessed August 17, 2025.

## 8. Conclusion

Social media and digital platforms enable various methods of intellectual property rights infringement. These platforms, in a bid to create an enabling digital environment for their users to maximise economic opportunities, inadvertently amplify the risk of IP infringement. Although mechanisms like automated content ID systems and take-down notification guidelines have been implemented by some platforms to enforce intellectual property rights online, their effectiveness is questionable, given the limited progress made in this area.

To truly protect intellectual property online, there should be a more holistic enforcement mechanism. This includes adopting an International standard that is globally recognised and would be used across all platforms, amending legislative frameworks and social media policies to encompass all forms of intellectual property right infringement, and incorporating more sophisticated automated content ID systems that analyse and evaluate content in context, to ensure it is not protected by a legally recognised exception before taking down such content. This is because the rights of intellectual property holders, the freedom of expression, and the obligations of online platforms must be balanced to achieve better enforcement strategies and preserve creativity.



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