



The Ultimate Guide to Copyrights For Social Media Influencers

PROTECTING YOUR DIGITAL BRAND & CONTENT

Learn how to protect your name, brand, and content including
platform-specific advice...



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What Is A Copyright & Why Does It Matter?

Copyright is a legal protection that gives you the exclusive right to copy and profit of your original works and creative content, including your photos, videos, original music, and online content. Other laws apply to your name & likeness although those protections generally fall under privacy law, not copyright law.

For influencers, copyright protection safeguards their brand and content from unauthorized use or theft. If someone piggybacks off your content, brand, or personal image for their own benefit or profit, they need your permission. Without it, they're violating copyright law and you're entitled to take legal action against them and seek money damages for their infringement.

The digital ease and access to content as well as new AI deepfake technologies mean that someone can steal your content, your brand, and your likeness in ways that weren't possible before. Estimates project the number of social media will push 6 billion people by 2027.



Types of Social Media Content Theft & Infringement



Music Copyrights

The unauthorized use of copyrighted music is infringement. Platforms like IG have blanket licenses & new AI is designed to catch this more often, but it still happens!



Comedy Content

Comedic videos and jokes can be protected material. If someone copies your bits, particularly verbatim, it's likely copyright infringement.



User-Generated Content (UGC)

Original content is copyrighted as soon you tape it to video. Content ideas can be borrowed, but not mirrored. This is a balancing test that many unethical creators get wrong.



Photos and Visual Art

One common infringement is when people poach pictures or art to display on their own personal or business websites. Sometimes it's as simple as a copy and paste infringement.



Copyrighted Film Content

Film content - scripts, video segments, music, memorable lines - can be copyrighted material.. Uploading long-form segments is a common infringement.



Name, Image, Likeness Rights

Use of your name, image, or likeness without your permission, it's illegal, particularly if done for commercial reasons. Artificial renderings, called deepfakes, are a serious issue like this fake Tom Cruise.



Knockoff Goods

Counterfeit goods are a form of trademark, not copyright, infringement. This is however another type of intellectual property infringement that may apply to you. Monitor accordingly.

An abstract graphic on the left side of the slide. It features a series of overlapping, semi-transparent geometric shapes in shades of blue, purple, and pink. Bright, glowing light rays emanate from the center, creating a sense of depth and movement. The overall effect is modern and digital.

How Can I Protect My Content on Social Media?

Most digital infringement induces the same psychological reactions as having tangible property stolen from you. If you're a successful creator or influencer, your content output represents not just your financial livelihood but is often your artistic purpose. And while you may go long stretches of time with no issues, if you don't set up the proper protections for your work, you'll spend as much time smarting as you do fixing your problem!

In the fast-moving, expansive world of digital content, ironclad protections are hard to come by. World superstars are constantly fending off infringement lawsuits and working around the clock to police their trademarks. For example, Taylor Swift has been involved in no less than 5 high profile lawsuits, while Ed Sheeran has had 3 major copyright suits against him. (He has lost none so far). Since interpreting intellectual property infringement often involves subjective analysis, it's better to think of IP protection as how to minimize your overall risk liability than something you can always nail shut like a coffin (although wouldn't that be nice!)

In the next few slides, we'll cover what you can do before, during, and after posting your content to effectively protect yourself!

Before Posting Your Content...

Here are a few ways to protect your work before hitting post...

✓ Add Your Signature

It's done on physical works so why not your digital content? This is often overlooked for digital works, yet still effective. If you don't like full text, use initials or create your own signature symbols that you can remove for digital sales or distribution.

✓ Using Watermarks

Where appropriate consider using watermarks on your work. Check out [Getty Images](#) for a great example! They use a small rectangle with author credit that, in my opinion doesn't inhibit the enjoyment of the image. If a text watermark isn't for you, consider new technologies like invisible watermarks. Sites like [Garandor](#) are a good place to start!

✓ Embedding Metadata

Metadata is all the file information embedded with the image. It includes the camera settings, image location, and other various information. Importantly, you can also add all your copyright information within the metadata. It adds extra layer of copyright proof right into the computer's photo file. Metadata applies to videos & non-images as well. If you're not familiar with metadata, [The Visual Center has a helpful informational video on metadata](#).

✓ Registering Copyrights

Registering your copyrights is not required, but it helps prove priority ownership of the content. Our general advice is that if you've reached a certain tier of success, you should be copyrighting the majority of your creative outputs. If you're not there yet, consider at least copyrighting your most vulnerable material!

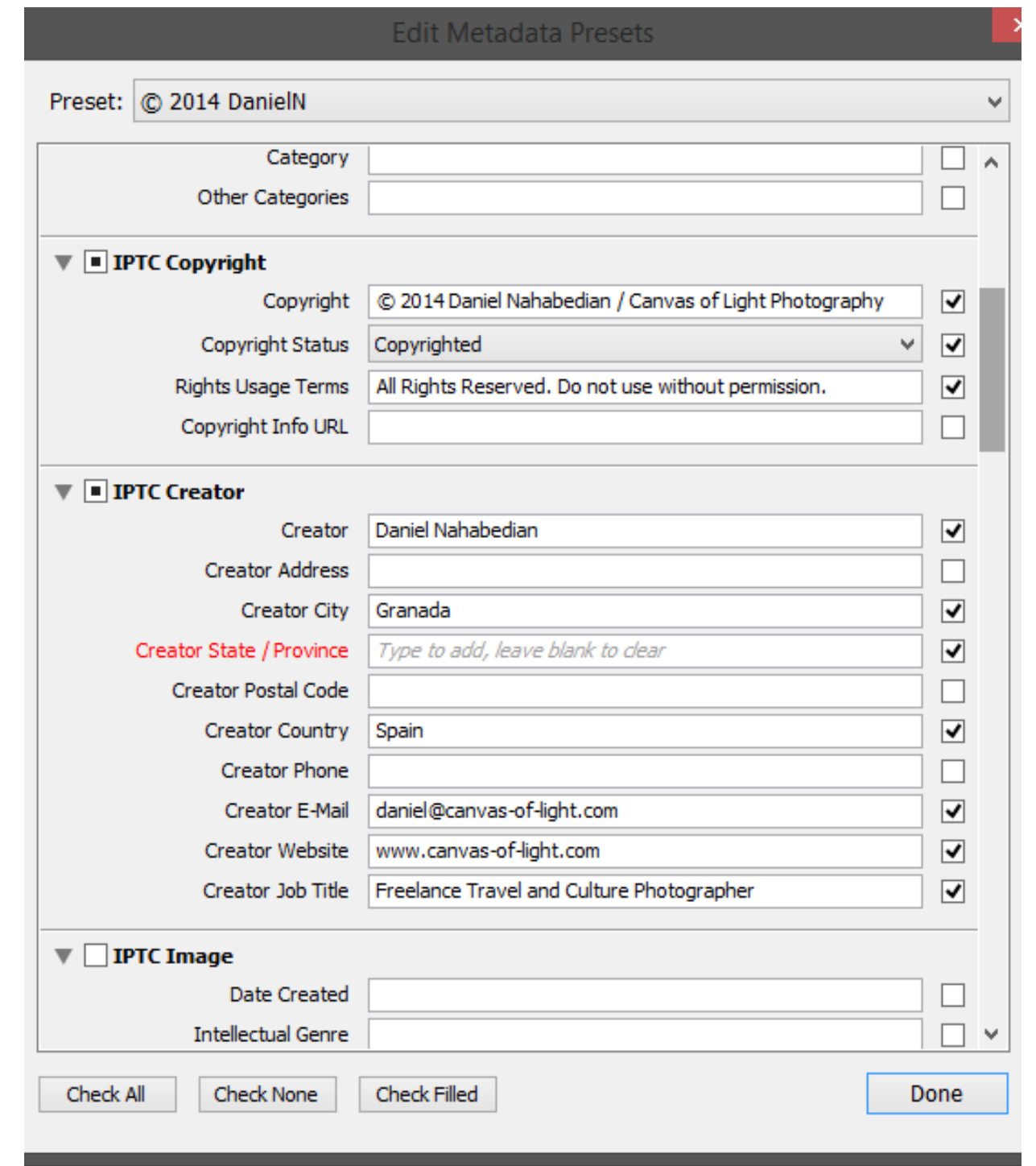


A Deeper Look at Metadata

“Metadata” in its simplest terms is “the data that describes the property of other data” or to use a metaphor, the data is the tip of the iceberg and the metadata is the larger part of that iceberg below the surface. The metadata for a photo or video will contain some or all of the following: descriptive data, administrative data, and rights data. The metadata will tell you about the camera settings, file type, date of creation, and the copyright information.

Inputting copyright information can be done in your editing software. For how to add metadata to your images, check out photographer [David Molnar’s explanation here!](#) This is for the editing software Lightroom, but all image/video editors should have some version of this process.

If you’re tech savvy or interested in learning more, the International Press Telecommunications Council (IPTC), which helps set global standards for the management and exchange of technological information, has a wonderful [Photo Metadata User Guide](#) providing more in-depth information. Included within are several metadata usage examples.



The screenshot shows the 'Edit Metadata Presets' dialog box in Adobe Lightroom. The 'Preset' dropdown is set to '© 2014 DanielN'. The 'IPTC Copyright' section is expanded, showing fields for Copyright, Copyright Status, Rights Usage Terms, and Copyright Info URL, all of which are checked. The 'IPTC Creator' section is also expanded, showing fields for Creator, Creator Address, Creator City, Creator State / Province, Creator Postal Code, Creator Country, Creator Phone, Creator E-Mail, Creator Website, and Creator Job Title, all of which are checked. The 'IPTC Image' section is collapsed. At the bottom, there are buttons for 'Check All', 'Check None', 'Check Filled', and 'Done'.

Fig. 1: The copyright ownership information for an image should look like this when properly inputted

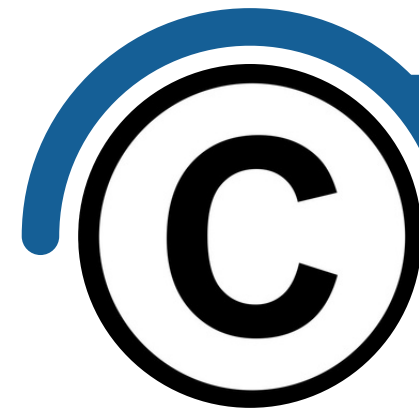
If you’re interested in looking at a photo’s metadata, [MetaData2Go](#) is also helpful tool!

While Posting Your Content...

It's best to consider posting content on social media platforms to be publishing for copyright's sake. By definition, "publication" is when one or more copies or phonorecords of a work are distributed to the public at which point the work is not subject to any express or implied restrictions concerning the disclosure of that work. Although the law can be confusing on this, since social media platforms are public forums according to the law, posted content should be considered "published" since it gives users the right to redistribute your work within the platform.

Publishing your work affects a few things. Most importantly, it changes the privacy and confidentiality you have over your work, exposes it to higher chances of unauthorized use, and exposes you to infringement claims if you've borrowed content. Also, it changes the way you must register the work with the U.S. Copyright Office.

So how should you handle it? Here are some tips to keep in mind while posting to better protect your work.



Use Copyright Notices or Advisories

Add the copyright symbol © to your post captions when appropriate with along with other rights-protecting language like "All rights reserved." (For example: © 2024 Zala Law, LLC)



Include Licensing or Purchasing Information

If your work is for sale or licensing, say so! Provide a link where users can purchase or license your work. Advertising availability carries an implied warning against unauthorized uses.



Limit Settings or Download Availability

Each platform will have its specific settings for usage of your posted content. In some cases, you can restrict downloading availability or other in-app sharing like re-mixing your content.



Post Low-Resolution Versions Only

Another method is to only post low-resolution versions of your work online. This greatly reduces the ability of someone to copy and use your work in most desired applications!

After Posting Your Content...

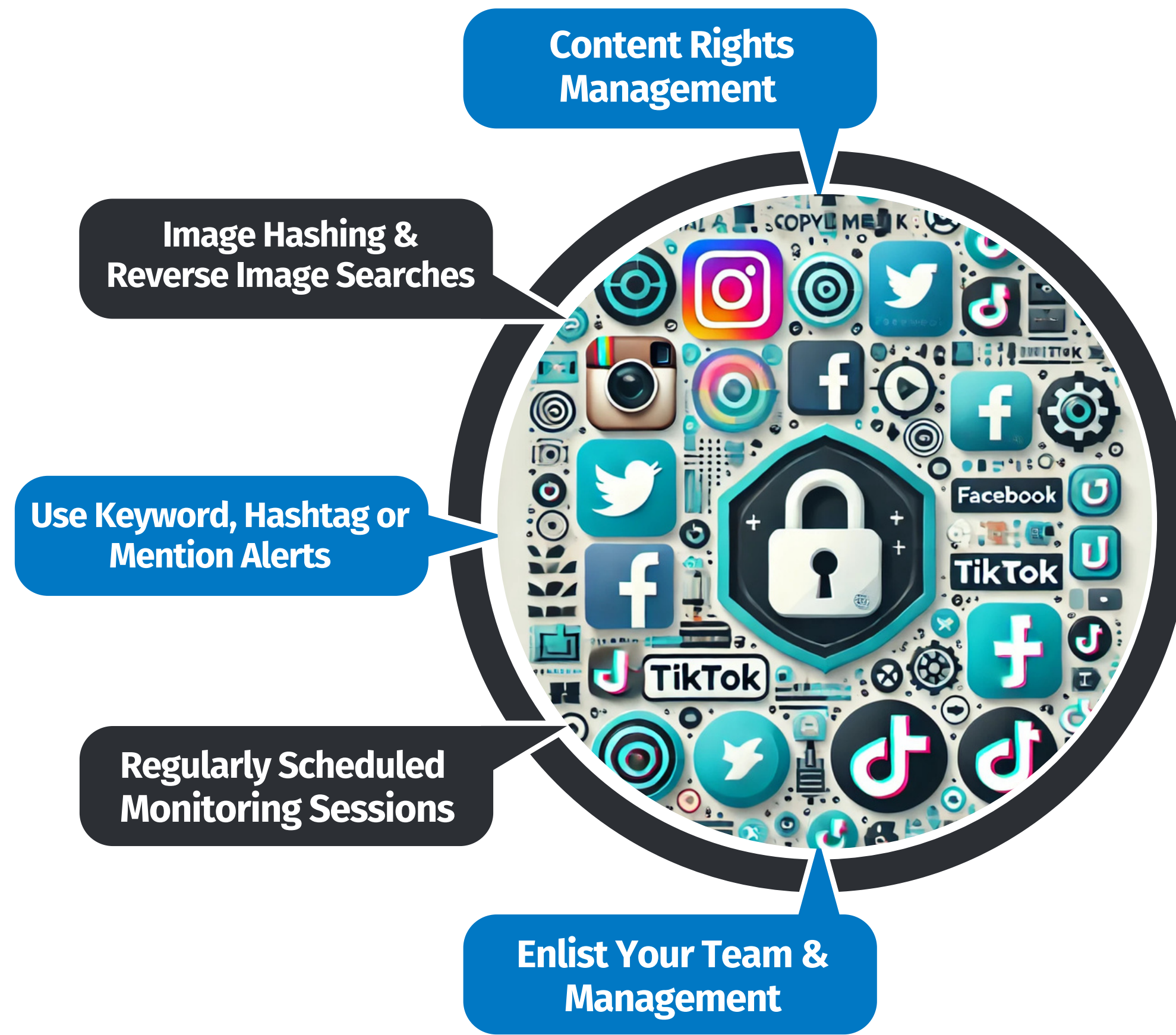
Once you've continued posting content and have built the engagement you want, it's time to monitor your content. Platforms like Youtube, Facebook, & Instagram provide their own internal content rights management systems or CRMs. These are designed for intra-platform abuses of content, but in order to police beyond that, you'll have to consider broader methods. Either way, one reality is that protecting content requires continuous monitoring.

Sometimes an unauthorized use will find you via a friend's message, "Isn't this you?" or "This reminded me of you...". Relying on these acts of kindness is the equivalent of living on your heels. Instead, be proactive and use new available technologies! One best practice is to catch infringement as soon as possible. For those that can afford it, outsourcing the policing of your intellectual property is a good solution for individuals or businesses lots of IP, wide reach, and not enough time to do it themselves.

Over the next few slides we'll discuss how to effectively use the following four methods to protect your intellectual property :

- Google Reverse Image Search
- Image Hashing Technologies
- Post or Mention Identifiers
- Content Rights Managers





Taking A 360° Approach to Content Monitoring

The best approach to monitoring content or IP is to take a 360° approach. While there are several must “to-dos”, this approach is more a philosophy than a fixed set of actions. Take a fishing net approach and use every available tool at your disposal to increase your monitoring reach.

In addition to rights management platforms, you can track hashtags, mentions, competitors, and peers (see the chart on the left). Also, if you have a team, ask them to keep an eye out as well as they use social media in their daily lives. Help other creators and they’ll help you in return!

Tools You Can Use...

✓ Image Hashing

Image hashing is a technology similar to fingerprinting. Just like fingerprints are unique, image hashing generates a unique “hash”, a stream of characters uniquely identifying that photo. Image hashing can pick up modifications to images that the eye can’t see but show up in different hash computer outputs.

✓ Reverse Image Searches

One tool you can use is a reverse image search. You upload your image to a search engine which then scours the internet for identical or similar matches. Take most popular images and periodically do a reverse image search. [Google Reverse Image Search](#) is a good place to start!

✓ AI Tracking Services

Sophisticated AI tracking services can help you monitor vast swaths of the internet. Websites like [COPYTRACK](#), [Brandwatch](#), [Rightsline](#), & [Pex](#) offer various copyright detection and content tracking services. Most of these are paid services, but as more come along, pricing will be come accessible. COPYTRACK in particular is a free service.

✓ Content Rights Managment

CRM services allow you to upload reference files which the platform then scans across its platform for unauthorized uses. A non-authorized use will prompt a notice to you about the infringing material. Using CRMs involves a platform approval process though.



CRMs

Content rights managements tools are platform-specific tools that allow you to monitor your content across specific platforms. They are invaluable tools and should be as soon as eligible to apply for approval. For smaller independent creators, you will likely have to rely on a DMCA takedown request, to be discussed in the next slide.

Platform-Specific Tools



Youtube

After uploading reference files (audio or video) to YouTube's Content ID system, it will scan its entire database for unauthorized uses. You can then block, track, or monetize the unauthorized content from there. Unfortunately, Content ID is only for major creators and businesses and must be applied for and approved. Smaller independent can consider 3rd-party services like MCN (Multi-Channel Networks) effectuate similar copyright protection.



Meta (Facebook & Instagram)

Meta, the parent company of both Facebook and Instagram, provides a rights management service that is similar to Youtube's Content ID. It's an applied-for CRM reserved for the platform's biggest creators. By comparison, Meta's Rights Management services are less automated and comprehensive so many creators must still rely on manual DMCA takedown requests.



TikTok

TikTok operates with a reference-upload system as well automating its copyright management for its biggest creators. Users can also submit a copyright infringement report directly through the site. DMCA takedown notices are also a primary method of removing content as well



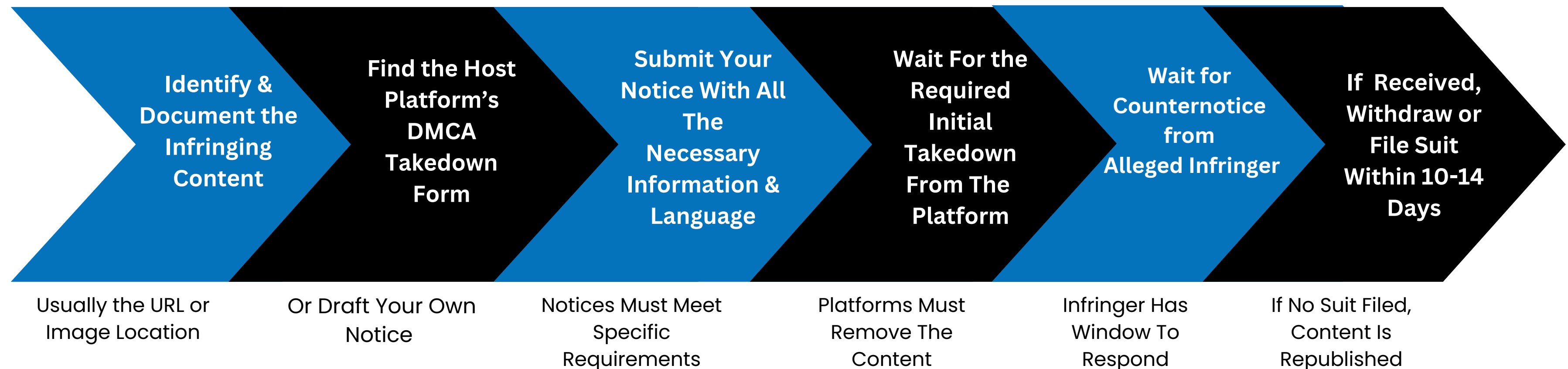
Twitch

Twitch relies on DMCA takedown notices for content protection. It has a Content ID system but just for audio detection services. The platform will mute or remove copyrighted music it identifies during live streams.

DMCA Takedowns : What To Do If You Discover Infringement...

Social media companies actually enjoy broad protections under the law. The controversial Section 230 of the Communications Decency Act (CDA) absolves them of liability for any comments or posts made on their platforms. They're not required to remove anything simply because it's offensive or disagreeable, but the Digital Millennium Copyright Act (DCMA) however, they're required to takedown copyright violations. The DCMA was enacted to provide much needed copyright protections for digital works.

The DMCA is especially relevant for social media creators since it creates one of the few means that creators have to remove infringing content. If you're not able to enjoy the automated protections of the platforms' rights management, your best bet is to send a DMCA takedown request. Platforms are required by law to take down material that you can show to be infringing. However, the initial takedown is just the first part of the process. We explain the DMCA takedown process step-by-step here!





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You've just read the ultimate guide to copyrights for social media!

If you ever need help with an infringement issue,
monitoring your content, or with a DMCA takedown,
email our firm at info@zalalaw.com
or visit our website at www.zalalaw.com



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