

## The Impact of Social Media on Intellectual Property Law

Fatin Hamamah<sup>1</sup>, Munaji<sup>2</sup>, Erna<sup>3</sup>, Sukama<sup>4</sup>, Marhendi<sup>5</sup>

<sup>1,2,3,4,5</sup>Universitas 17 Agustus 1945 Cirebon, Indonesia

Email: <sup>1</sup>fatinhamamah@untagcirebon.ac.id, <sup>2</sup>munaji@untagcirebon.ac.id,

<sup>3</sup>erna.untag1945@gmail.com, <sup>4</sup>sukama@untagcirebon.ac.id, <sup>5</sup>marhendi@untagcirebon.ac.id

### Abstract

In the digital era, social media has revolutionized the way we communicate and interact, having a significant impact on intellectual property (IP) law. Social media platforms such as Facebook, Twitter, Instagram, and TikTok have blurred the lines between private and public spaces, creating new challenges in implementing and enforcing IP laws. This research aims to explore various legal strategies the importance of legal awareness education among social media users, and the role of technology in supporting intellectual property law enforcement. The research method used is a normative research method to investigate the impact of social media on intellectual property law. The results of the analysis show that social media influences the perception and application of IP law, including issues of privacy and the management of personal and social boundaries. A deep understanding of the dynamics of social media and IP law is critical to ensuring copyright and intellectual property protection in an increasingly connected world. The importance of intellectual property law in the digital era lies not only in the protection of copyrights and patents but also in the adaptation and evolution of the law to address new challenges arising from technological developments. Intellectual property law in today's digital era cannot be ignored. In the digital era that continues to develop, technology has become the main factor influencing change in society, including in the legal aspect.

**Keywords:** Social Media, Copyright, Intellectual Property.

### Abstrak

*Dalam era digital, media sosial telah revolusionalisasi cara kita berkomunikasi dan berinteraksi, membawa dampak signifikan terhadap hukum kepemilikan intelektual (IP). Platform media sosial seperti Facebook, Twitter, Instagram, dan TikTok telah mengaburkan batasan antara ruang pribadi dan publik, menimbulkan tantangan baru dalam penerapan dan penegakan hukum IP. Tujuan dari penelitian ini untuk mengeksplorasi berbagai strategi hukum serta pentingnya edukasi kesadaran hukum di kalangan pengguna media sosial, peran teknologi dalam mendukung penegakan hukum kepemilikan intelektual. Metode penelitian yang digunakan adalah metode penelitian normatif untuk menyelidiki dampak media sosial pada hukum kepemilikan intelektual. Hasil analisis menunjukkan bahwa media sosial mempengaruhi persepsi dan penerapan hukum IP, termasuk isu privasi dan pengelolaan batas-batas pribadi dan sosial. Pemahaman yang mendalam tentang dinamika media sosial dan hukum IP menjadi penting untuk memastikan perlindungan hak cipta dan kekayaan intelektual dalam dunia yang semakin terhubung. Pentingnya hukum kepemilikan intelektual dalam era digital tidak hanya terletak pada perlindungan hak cipta dan paten, tetapi juga pada adaptasi dan evolusi hukum untuk mengatasi tantangan baru yang muncul dari perkembangan teknologi. Hukum kepemilikan intelektual dalam era digital saat ini tidak dapat diabaikan. Dalam era digital yang terus berkembang, teknologi telah menjadi faktor utama yang mempengaruhi perubahan dalam masyarakat, termasuk dalam aspek hukum.*

**Kata Kunci:** Media Sosial, Hak Cipta, Kepemilikan Intelektual.

## **Introduction**

In the digital age, social media has revolutionized the way we communicate and interact, having a significant impact on intellectual property (IP) law. Platforms such as Facebook, Twitter, Instagram, and TikTok, have blurred the lines between private and public spaces, creating new challenges in implementing and enforcing IP laws. The history of IP law, with its roots in the era of printing in 15th-century Europe, has evolved to accommodate new forms of expression emerging from developments in technology and the internet.

Research by Mamonov (Mamonov et al., 2017) as well as Gilden (Gilden, 2018) highlights how social media influences the perception and application of IP law, including issues of privacy and the management of personal and social boundaries. In this context, a deep understanding of the dynamics of social media and IP law becomes essential to ensure the protection of copyright and intellectual property in an increasingly connected world.

Technological developments, including social media, have influenced patterns of infringement and enforcement of intellectual property rights, requiring a redefinition of the function of law as a means of technological control (Harnowo, 2022). These challenges include issues of piracy and infringement of intellectual property rights which raise concerns about the enforcement of legal measures for the protection of intellectual property rights (Abdullah et al., 2021).

Thus, the importance of intellectual property law in the digital era lies not only in the protection of copyright and patents but also in the adaptation and evolution of the law to address new challenges arising from technological developments. This approach ensures that intellectual property law remains relevant and effective in protecting the rights and interests of creators in the ever-changing digital era.

The importance of intellectual property law in today's digital era cannot be ignored. In the digital era that continues to develop, technology has become the main factor influencing change in society, including in the legal aspect. Technological developments have influenced patterns of infringement and enforcement of intellectual property rights. One of the functions of the patent and copyright system is the dissemination of knowledge that is needed by society. However, technological developments in information systems also facilitate the dissemination of knowledge and works but have inadvertently violated intellectual property rights. Therefore, the function of law must be redefined so that law can be used as a means of technological control (Harnowo, 2022).

On the other hand, challenges in protecting intellectual property rights in the digital era also include issues of piracy and violations of intellectual property rights which raise concerns

about the enforcement of legal measures to protect intellectual property rights. Research shows that these challenges are rooted in issues of increasing technology that require advanced technology to overcome, lack of law enforcement officers to monitor entry points into the country, cross-border issues where agencies need to cooperate with international agencies, lack of awareness among the public, territorial boundaries, and fragmented institutional frameworks (Abdullah et al., 2021).

In the global context, a need has emerged to redefine the concept of intellectual property rights beyond intellectual property rights law, expand the traditional view to include new digital global mechanisms, and develop and adopt the necessary supporting tools as well as new theoretical justifications and global perspectives. In today's digital era characterized by automated, autonomous, and advanced technologies, all these technologies require redefining intellectual property rights norms to better suit the digital age, to ensure that all stakeholders, from creators and inventors to end users, can take advantage of existing intellectual property rights in related industries which are greatly influenced by developing technology (Yanisky-Ravid et al., 2020).

Thus, the importance of intellectual property law in the digital era lies not only in the protection of copyright and patents but also in the adaptation and evolution of the law to address new challenges arising from technological developments. This approach ensures that intellectual property law remains relevant and effective in protecting the rights and interests of creators in the ever-changing digital era.

The importance of the topic 'The Impact of Social Media on Intellectual Property Law' in today's digital era cannot be underestimated. Social media has revolutionized the way we communicate, share information and interact. With these technological advances, new challenges in intellectual property (IP) law have emerged. Social media enables the rapid and widespread dissemination of content, often without regard to copyright, trademark, or other intellectual property rights. This raises the question of how IP law should adapt to the ever-evolving digital environment.

One significant example is the relationship between Section 230 of the Communications Decency Act and various intellectual property laws, including the four invasion of privacy laws, copyright law, trade secret law, patent law, trademark law, and right of publicity law. Section 230 protects social media companies from liability for content posted by their users, which raises questions about the extent to which they should be held liable for IP infringement on their platforms (Buresh, 2022).

Additionally, with the increasing importance of social media in marketing and branding, brands and copyrights are becoming increasingly important. For example, in India, several new intellectual property laws have been enacted to meet international commitments under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. This shows how IP law is evolving to adapt to changes in the global economy and the importance of social media (Makwana, 2021).

Another interesting case is the branding strategy via social media for Micro, Small, and Medium Enterprises (MSMEs) in Wonogiri, Central Java. This study highlights the importance of awareness about the protection of intellectual property rights, such as trademarks, copyrights, and industrial designs, in the context of promotion and branding via social media (Ardhanariswari et al., 2020).

As a transition to the main discussion of the article, we should consider legal solutions that can overcome the challenges that social media brings to the realm of intellectual property. The importance of adapting intellectual property law in the face of a digital era dominated by social media lies not only in copyright and patent protection but also in the ability to respond effectively to emerging new dynamics. Legal solutions must include a more flexible and dynamic approach, taking into account the speed of information dissemination and interaction on social media. Social media has brought new challenges and complexities to the application of intellectual property law. From the use of music on platforms like TikTok to the protection of corporate brands and reputations, as well as disputes between app developers, social media has expanded the scope and application of IPR law. This demands adaptation and a deeper understanding of the interaction between social media technology and IP law.

The main discussion of this article will explore various legal strategies, including revision of existing regulations, development of new policies, and strengthening cooperation between countries and international institutions. We will also discuss the importance of education and legal awareness among social media users, as well as the role of technology in supporting intellectual property law enforcement. By understanding the complexity of these challenges, we can develop solutions that not only protect the rights of creators and innovators, but also promote fair and ethical use of social media, thereby striking a balance between innovation, creative expression, and protection of intellectual property rights.

Some previous research related to intellectual property law includes the following: (a) Use of Music in Social Media: A study by Admadja (Admadja, 2022) highlights how the use of songs in TikTok videos raises questions about legal protection for TikTok application users against rights holders. create uploaded songs. This research found that there is a form of legal

protection for users of the TikTok application, including in the form of a collaboration agreement contained in User Generated Content, which is based on applicable legal and regulatory provisions. (b) Influence of Social Media on Reputation and Brand Protection: Another study by Catayoc (Catayoc, 2019) discusses the McLibel case involving McDonald's, showing how marketing and brand protection efforts in social media must be ethical and not misleading. This case highlights the importance of IPR law in protecting a company's reputation and brand on social media. (c) IPR Disputes Among Social Media Application Developers: Research by Wahba (Wahaba, 2022) highlights disputes between American, Japanese, and Chinese technology companies regarding IPR violations in the development of social media applications. This study shows how social media applications have become an important part of everyday life, causing an increase in IPR disputes between large companies (Wahaba, 2022). (d) The Influence of social media on Copyright Protection: Leah Chan Grinvald (2015) in her work "Social Media, Sharing and Intellectual Property Law" explores how social media has changed the way we understand and apply copyright law, especially in the context of content sharing (Grinvald, 2015). The difference between this research and previous studies is that this research offers a new contribution by identifying the form of legal protection implemented by TikTok for users, emphasizing the importance of IPR law in maintaining reputation and brands on social media, revealing the dynamics of IPR disputes between global technology companies, and explores changes in the understanding and application of copyright law due to the influence of social media. These aspects show how social media not only influences everyday life but also brings significant changes in legal practices and international business competition.

## **Methods**

In this article, we apply normative research methods to investigate 'The Impact of Social Media on Intellectual Property Law'. This approach involves an in-depth analysis of applicable legal regulations, doctrine, and legal principles to understand the interaction between intellectual property law and the challenges posed by social media. We will review relevant legislation, jurisprudence, and academic literature to identify relevant legal norms and analyze their application in the context of social media.

This analysis aims to answer critical questions such as how current intellectual property law regulates the use and distribution of copyrighted works on social media platforms, the adaptation of law to the evolution of digital technology, and the identification of gaps and inconsistencies in existing law. Next, we will conduct a critical evaluation of the effectiveness of current legal regulations in addressing challenges arising from the interaction between social

media and intellectual property law. This normative approach will allow us to develop informed recommendations for policy changes or legislative improvements, to achieve a more effective balance between the protection of intellectual property rights and the dynamics of social media use.

In analyzing 'The Impact of Social Media on Intellectual Property Law' through a conceptual approach, we must consider how social media influences the nuances of individual communication and power relations in online texts. This is important for understanding how intellectual property law is reacting to the new challenges emerging from social media. Kelsey and Bennett (Kelsey & Bennett, 2014) emphasize the importance of understanding individual communicative nuances (ICN) and complex power relationships in online texts to analyze the impact of social media on intellectual property law.

Additionally, social media has a significant impact on a company's reputation, sales, and even survival, which can be defined using seven functional building blocks: identity, conversation, sharing presence, relationships, reputation, and groups. (Kietzmann et al., 2011) illustrate how these blocks can influence the way intellectual property laws are applied and perceived in the context of social media.

By understanding these dynamics, we can better analyze how intellectual property law must adapt to the ever-changing social media environment. This includes considering how current laws may be inadequate to address rights to social media accounts and how laws such as the Computer Fraud and Abuse Act may be more appropriate to address these issues.

In the research on 'The Impact of Social Media on Intellectual Property Law', the statutory approach plays a crucial role. This approach involves an in-depth analysis of various applicable laws and regulations, and how they interact with social media dynamics. For example, Haynes (Haynes, 2005) highlights the importance of understanding intellectual property law as shaped by the needs of the media industry, especially in the context of digitalization, the music industry, and celebrity image rights. Additionally, Buresh (Buresh, 2022) discusses Section 230 of the Communications Sovereignty Act which relates to intellectual property law, affecting content on social media.

This approach also involves evaluating how current laws may need to be adapted to address new challenges arising from social media use. For example, Khan and Wu (Khan & Wu, 2020) explore the impact of the digital economy on intellectual property law, including cyber squatter legislation, legal and economic protection, and the need for technology-independent policies. This approach allows researchers to not only understand the current legal

framework but also to identify areas where reform may be needed to maintain a balance between copyright protection and freedom of expression in the digital era.

In analyzing the 'Impact of Social Media on Intellectual Property Law', conceptual and statutory approaches can be combined to provide comprehensive insights. The conceptual approach allows us to understand the theoretical framework and basic principles underlying intellectual property law, while the statutory approach provides a practical view of how this law is applied in the context of social media.

First, a conceptual approach helps us identify and analyze key concepts in intellectual property law, such as copyright, trademarks, and patents, and how these concepts interact with social media phenomena. Social media, with its dynamic and user-content-driven nature, poses unique challenges to traditional intellectual property law. For example, Mutula (Mutula, 2013) highlights how social media affects intellectual property rights, including privacy, confidentiality, trust, security, safety, and intellectual property.

Second, a statutory approach allows us to explore how current laws and regulations govern the use and protection of intellectual property in the context of social media. For example, Buresh (Buresh, 2022) shows how social media companies have great political power, influencing intellectual property laws through their content. Additionally, Inshakova (Inshakova et al., 2020) discuss new internet technologies that encourage research on intellectual property exchange and its application as a platform for the transfer of exclusive copyrights via smart contracts.

By combining these two approaches, research can provide a more holistic view of how social media affects intellectual property law. This includes understanding changes in legal practice and interpretation caused by social media, as well as exploring the potential for legal reform to address new challenges arising from the interaction between social media and intellectual property.

In research on the impact of social media on intellectual property law, the research methods used include a variety of approaches. According to Appel (Appel et al., 2020), these methods include academic research, discussions with industry leaders, and popular discourse. Van Osch and Coursaris (Coursaris & Osch, n.d.) add that frequently used methods tend to be cross-sectional, individual-level surveys, or case studies. Additionally, Actor-Network Theory (ANT) is used to track user experiences around legitimate and illegitimate media distribution. This approach allows researchers to understand how social media influences the perception and practice of intellectual property law. By utilizing qualitative and quantitative methods, research

can reveal how social media plays a role in disseminating intellectual works, both legally and illegally, and how this influences the understanding and application of intellectual property law.

These methods also allow researchers to explore ethical and methodological aspects of social media research, as discussed by Reich (Reich, 2015), who highlights how social media is changing recruitment, informed consent, data collection, and dissemination in qualitative research. This research is important for understanding how intellectual property law is evolving in the context of ever-expanding social media.

### **The Impact and Influence of Social Media**

In this article, we use a conceptual approach to analyze the impact of social media on intellectual property law. This approach involves a deep understanding of how social media is changing the dynamics of communication and social interaction, as well as its impact on the application and perception of intellectual property law. We draw on Kelsey and Bennett (Kelsey & Bennett, 2014) who emphasize the importance of understanding individual communicative nuances and power relations in online texts. This aspect is crucial in understanding how social media affects intellectual property law, especially in the context of copyright, trademarks, and patents.

Furthermore, this article also examines how social media affects a company's reputation, sales, and survival, which can be analyzed through seven functional building blocks: identity, conversation, sharing, presence, relationships, reputation, and groups, as described by Kietzmann et al. (Kietzmann et al., 2011). This understanding helps in analyzing how intellectual property laws must adapt to the changes brought about by social media.

Finally, the article also considers how current laws may be inadequate in addressing rights over social media accounts and how laws such as the Computer Fraud and Abuse Act may be more appropriate to address this issue, as explained by Miao (Reich, 2015). This approach allows for a more comprehensive analysis of how intellectual property law must evolve to address the challenges brought by social media.

### **Social Media's Role in Intellectual Property Challenges**

In the context of the impact of social media on intellectual property law, one relevant case study is the phenomenon of "flash infringement" at live concerts, which is related to the use of smartphone applications such as Meerkat and Periscope, as well as flash mob culture. M. M. Epstein in his article "Social Media and 'Flash Infringement': Live Music Culture and Dying IP Protection" (Epstein, 2017) in "Intellectual Property: Copyright Law eJournal" highlights that



this phenomenon poses a potentially unstoppable threat to copyright and other intellectual property on live music performances. This phenomenon reflects how social media can influence and change the way copyright and intellectual property rights are perceived and enforced in the context of live and interactive activities.

The following are several case studies and analyses related to the impact of social media on intellectual property law, especially in the context of copyright infringement and dissemination of works without permission: (a) Legal Protection of Local Palembang Songket Weaving Products (Yurnida et al., 2021). Summary: Copyright law provides certain periods for creators to exploit the economic benefits of their work, often through the activities of actors; b) Discourse on Intellectual Property Rights in the Creation of Graphic Design Works (Banindro, 2002). Summary: Intellectual property rights, particularly in graphic design, can protect creations by graphic designers through trademark and copyright laws.

The impact of social media in the context of copyright and intellectual property, including its impact on creators and copyright holders. Social media's impact on copyright and intellectual property covers a wide range of aspects, from new threats to copyright to changes in authoring, creativity, consumption, collaboration, and sharing practices. Here are some key findings from related research: (a) 'Flash Infringement' at Live Concerts: Smartphone apps such as Meerkat and Periscope, as well as flash mob culture, create new threats to copyright and intellectual property rights at live concerts and mash-up parties DJ (Epstein, 2017); (b) Influence on Intellectual Creativity: Social media promotes intellectual creativity and ideas, but the concept of improvement for copyright protection is difficult to maintain due to the intangible and temporary nature of works on the Internet (Itanyi, 2017); (c) Political Power of Social Media Companies: Social media companies have tremendous political power, influencing copyright and intellectual property laws through their content (Buresh, 2022); (d) Copyright and Social Media Imbalance: The imbalance between copyright principles and social media, such as Instagram, causes user confusion and vulnerability, requiring better information and user agreements (Bosher & Yeşiloğlu, 2018); (e) Non-exclusive License of User Content: Most social media services grant users a non-exclusive, transferable, royalty-free license to intellectual property posted through the service, allowing social media companies to use this content in advertising (Storella, 2014); (f) Copyright Infringement Reporting Procedures: Social media have procedures for reporting trademark and copyright misuse, and may take appropriate action, such as suspending user accounts and removing infringing content (Barxhaj, 2016); (g) Technological Features and Copyright Infringement: Some technological features on social media sites, such as Facebook, YouTube, Twitter, and Wikipedia, are designed with

copyright considerations in mind, exposing users to the risk of copyright infringement (Tan, 2015); (h) Legal Challenges in Schools: Social media use can contribute to violations of copyright laws and create legal challenges for school districts in balancing free speech and compliance with federal regulations (Hickman, 2021); (i) Effect of Copyright on Creative Activity: Copyright law can have both positive and negative influences on creative activity, affecting both economic development and human capital accumulation (Park, 2010); (j) Blurred Traditional Media Categories: Traditional media categories are becoming blurred as projects are increasingly created as transmedia social audience engagement platforms (Garon, 2012); (k) In conclusion, social media has brought about significant changes in the way copyright and intellectual property is understood, managed and protected. This includes new challenges in copyright protection, changes in creative practice, and the need for a more adaptive and informed legal approach.

### **Ethical and Social Considerations**

Social media's impact on copyright and intellectual property covers a wide range of aspects, from new threats to copyright to changes in authoring, creativity, consumption, collaboration, and sharing practices. Here are some key findings from related research: (a) 'Flash Infringement' at Live Concerts: Smartphone apps such as Meerkat and Periscope, as well as flash mob culture, create new threats to copyright and intellectual property rights at live concerts and mash-up parties DJ (Epstein, 2017); (b) Influence on Intellectual Creativity: Social media promotes intellectual creativity and ideas, but the concept of improvement for copyright protection is difficult to maintain due to the intangible and temporary nature of works on the Internet (Itanyi, 2017); (c) Political Power of Social Media Companies: Social media companies have tremendous political power, influencing copyright and intellectual property laws through their content (Buresh, 2022); (d) Copyright and Social Media Imbalance: The imbalance between copyright principles and social media, such as Instagram, causes user confusion and vulnerability, requiring better information and user agreements (Bosher & Yeşiloğlu, 2018); (e) Non-exclusive License of User Content: Most social media services grant users a non-exclusive, transferable, royalty-free license to intellectual property posted through the service, allowing social media companies to use this content in advertising (Storella, 2014); (f) Copyright Infringement Reporting Procedures: Social media have procedures for reporting trademark and copyright misuse, and may take appropriate action, such as suspending user accounts and removing infringing content (Barxhaj, 2016); (g) Technological Features and Copyright Infringement: Some technological features on social media sites, such as Facebook,

YouTube, Twitter, and Wikipedia, are designed with copyright considerations in mind, exposing users to the risk of copyright infringement (Tan, 2015); (h) Legal Challenges in Schools: Social media use can contribute to violations of copyright laws and create legal challenges for school districts in balancing free speech and compliance with federal regulations (Hickman, 2021); (i) Effect of Copyright on Creative Activity: Copyright law can have both positive and negative influences on creative activity, affecting both economic development and human capital accumulation (Park, 2010); (j) Blurred Traditional Media Categories: Traditional media categories are becoming blurred as projects are increasingly created as transmedia social audience engagement platforms (Garon, 2012).

In conclusion, social media has brought about significant changes in the way copyright and intellectual property are understood, managed, and protected. This includes new challenges in copyright protection, changes in creative practice, and the need for a more adaptive legal approach.

### **Ethical and Legal Challenges in Social Media**

The interaction between social media and intellectual property law raises significant ethical and social considerations, including issues of privacy, the right to information, and the impact on freedom of expression. The following are several sources that outline expert opinions or analysis in this regard: (a) Freedom of Expression, Privacy, and Ethical and Social Responsibility in Democracy in the Digital Age by J. Rascão (Rascão, 2020); (b) Ethical Considerations and Social Media: A Case of Suicidal Postings on Facebook by K. Lehavot, D. Ben-Zeev, and Robin E. Neville (Lehavot et al., 2012) explores ethical considerations involving social media in health settings mental, including beneficence, maleficence, privacy and confidentiality; (c) Ethical dimensions of social media in the information society by S. (Mutula, 2013) highlights concerns about how social media affects legitimate user rights, such as privacy, confidentiality, trust, security, safety, intellectual property, access, and affordability ; (d) Freedom of Expression and the Right to Privacy and Ethics in Dialectic of Human Rights in This Complex and Turbulent Society by J. Rascão and Nuno Gonçalo Poças (Rascão, 2020) discusses the challenges posed by social media and the internet to freedom of expression, privacy, and ethics; (e) Book Review: Regulating Social Media: Legal and Ethical Considerations, edited by Susan J. Drucker and Gary Gumpert by Kris Boyle (Boyle, 2014) reviews the ethical and legal issues arising from social media, including privacy, defamation kindness, cyberbullying, and misrepresentation; (f) Legal and Ethical Issues in Social Media by Amy Van Looy (Van Looy, 2016) discusses social media ethics from the perspective of

organizations, individual employees, and intellectual property law; (g) The 2020 Presidential Election and Should Social Media Laws that Affect the Outcome of Intellectual Property Laws Be Dramatically Changed? by Donald L. Buresh, Ph.D., Esq. (Buresh, 2022) highlights the potential for social media companies to use intellectual property law to impact privacy, the right to information, and freedom of expression; (h) Social Media Ethics by M. Leeuwen (Van Leeuwen, 2015) highlights ethical concerns arising from social media use, including its impact on personality, cognitive performance, and intellectual property and privacy; (i) Social Media -- Legal Ramifications by Bhagavatula (Bhagavatula, 2015) explores the legal impact of social media users' actions, including intellectual ownership and privacy concerns; (j) Private Governance of Freedom of Expression on Social Media Platforms: EU content regulation through the lens of human rights standards by R. Jørgensen and L. Zuleta (2020) highlights the challenges faced by private actors in regulating freedom of expression without human rights protection man; (k) Social Media, Ethics and the Privacy Paradox by Nadine Barrett-Maitland and Jenice M. Lynch (2020) highlights that if users pay attention to privacy settings and adhere to moral values, many privacy and unethical problems can be avoided (Barrett-Maitland & Lynch, 2020); (l) The Ethics of Doing Web Science Research: Panel Abstract by K. Kinder-Kurlanda and P. Boldi (Kinder-Kurlanda & Boldi, 2017) discusses ethical challenges in web science, including crowdsourcing, social media data sharing, and media reliability social; (m) Information technology Act implications on social media and cybercrime by Suneeta Hegde (2021) highlights social media platforms as key to freedom of expression, but also raises questions about self-censorship and surveillance (Hegde, 2019); The Role of User Psychological Contracts in the Sustainability of Social Networks by S. M. Koufaris, and R. Benbunan-Fich (Mamonov et al., 2017), (showing that perceived violations of privacy and intellectual property rights in social networks can trigger violation of the user's psychological contract; (o) Ethical Decision Making in a Peer-to-Peer File Sharing Situation: The Role of Moral Absolutes and Social Consensus by C. Bateman, (Bateman et al., 2013) found that the level of idealism, formalism, and a strong social consensus is increasing recognition that file sharing is an ethical issue.

In conclusion, the intersection of social media and intellectual property law introduces a myriad of intricate ethical and social considerations. These include the delicate balance between protecting intellectual property rights and fostering freedom of expression on digital platforms. Issues of privacy, particularly concerning the use and dissemination of personal data through social media channels, also come into play, alongside concerns about the ethical implications of content ownership and dissemination. Moreover, the dynamic nature of social media

platforms constantly challenges existing legal frameworks, necessitating ongoing adaptation and careful consideration of regulatory responses to ensure equitable and ethical practices in the digital age. Therefore, addressing these complexities requires not only a deep understanding of legal principles but also a thoughtful approach that balances innovation, individual rights, and societal values.

### **Social Media's Impact on Intellectual Property Law**

Social media has become an integral part of many people's daily lives and influences many aspects of life, including intellectual property laws. Intellectual property law is an area of law that protects the intellectual property rights of owners of certain exemplary works, such as copyrights, patents, and trademarks. Social media has influenced intellectual property law in the following ways: (a) Expanding the reach of copyright.

Social media has enabled creators to promote their work more widely and effectively. This results in increased use of intellectual works, which can expand the reach of copyright. Social media can expand the reach of copyright by allowing users to share content with others. This can help gather more users and expand the reach of copyright. Apart from that, social media can also help collect feedback from users and improve the content that has been created. However, it is important to remember that copyright remains in effect, and content shared via social media remains the property of the user and may not be used without permission (Kietzmann et al., 2011). (b) Clarify intellectual property laws. Restrictions refer to the boundaries that determine when an intellectual work cannot be accessed or used by others. Social media has helped clarify non-internal boundaries by allowing users to define clear boundaries in the use of intellectual works (c). Reduce copyright infringement. In the past, copyright infringement occurred frequently due to difficulties in identifying infringement. However, with the development of social media, users can easily identify copyright violations and report them to the owner of the work. This helps reduce copyright infringement and protect the rights of work owners. Social media can reduce copyright infringement in several ways, such as providing access to appropriate information and strengthening understanding of copyright. There are several steps you can take, such as educating users about copyright and ensuring that shared content does not infringe anyone else's copyright. In addition, social media can also utilize technology to identify and remove content that violates copyright (Singh et al., 2020). (d) Allows access to intellectual works. Social media allows users to access intellectual works widely and easily. This helps expand the reach of intellectual works and allows users to use those works in more effective ways.

Social media has become an important part of many people's daily lives, and many of us use social media to share information, ideas, and intellectual work. However, social media can also be an easy way to access and share intellectual works without original permission or credit. To avoid this, it is important for social media users to always give credit and mention the source of intellectual work when posting it. This is not only a fair measure, but can also help to ensure that intellectual works remain valuable and respected. In addition, social media users must also pay attention to copyright and rights to intellectual works. Reposting intellectual works without permission may be illegal and may have negative impacts on social media users and users of intellectual works. (e) Strengthen the law enforcement system. In intellectual property law, the law enforcement system is very important to protect intellectual property rights. Social media strengthens law enforcement systems by allowing owners of works to easily track copyright violations and report them to the appropriate authorities.

## **Conclusion**

Intellectual property law in the digital era addresses the challenges posed by social media in the application and enforcement of intellectual property law, including issues of privacy and managing the boundaries between public and private spaces. There is a need for a deep understanding of the dynamics of social media and intellectual property law to ensure the protection of creators' rights in an increasingly connected world. There is a need to adapt and evolve intellectual property law to address challenges arising from technological advances, including the development of new forms of expression. The traditional approach to intellectual property law needs to be redefined to become a tool of technological control, and there is a need to redefine the concept of intellectual property law globally beyond the traditional approach to include new mechanisms for global digital practices and the development and adoption of necessary supporting tools.

## **Bibliography**

- Abdullah, N., Hanafi, H., & Nawang, N. I. (2021). Digital era and intellectual property challenges in malaysia. *Pertanika Journal of Social Sciences and Humanities*, 29, 205–219. <https://doi.org/10.47836/pjssh.29.s2.14>
- Admadja, D. (2022). Juridical Analysis of Music Uploaded on Tiktok Media in View of Intellectual Property Law. *International Asia Of Law and Money Laundering*, 1(3).

- Appel, G., Grewal, L., Hadi, R., & Stephen, A. T. (2020). The future of social media in marketing. *Journal of the Academy of Marketing Science*, 48(1), 79–95. <https://doi.org/10.1007/s11747-019-00695-1>
- Ardhanariswari, K. A., Probosari, N., & Wijayanti, A. (2020). *Branding Strategy By Social Media Ads And The Implementation Of Intellectual Property Rights In Wonogiri Coffee SMES (UMKM)*. 133–140. <https://doi.org/10.31098/PSS.VIII.189>
- Banindro, B. S. (2002). Wacana Hak-Hak Atas Kekayaan Intelektual dalam Menciptakan Karya Desain Grafis. *NIRMANA*, 4(4), 118–130.
- Barrett-Maitland, N., & Lynch, J. (2020). Social Media, Ethics and the Privacy Paradox. *Philosophy, Computer Science, Law*, 1(1), 1–14.
- Barxhaj, M. (2016). Social media is important key in market economy. *European Journal of Economics and Management Sciences*, 20–22. <https://doi.org/10.20534/EJEMS-16-3-20-22>
- Bateman, C. R., Valentine, S., & Rittenburg, T. (2013). Ethical Decision Making in a Peer-to-Peer File Sharing Situation: The Role of Moral Absolutes and Social Consensus. *Journal of Business Ethics*, 115(2), 229–240. <https://doi.org/10.1007/s10551-012-1388-1>
- Bhagavatula, N. L. (2015). *SOCIAL MEDIA-LEGAL RAMIFICATIONS*. <https://doi.org/http://dx.doi.org/10.2139/ssrn.2571973>
- Bosher, H., & Yeşiloğlu, S. (2018). *An analysis of the fundamental tensions between copyright and social media: The legal implications of sharing images on Instagram*. <https://doi.org/https://doi.org/10.1080/13600869.2018.1475897>
- Boyle, K. (2014). Book Review: *Regulating Social Media: Legal and Ethical Considerations*, edited by Susan J. Drucker and Gary Gumpert. *Journalism & Mass Communication Quarterly*, 91(2), 384–386. <https://doi.org/10.1177/1077699014531194>
- Buresh, D. L. (2022). The 2020 Presidential Election and Should Social Media Laws that Affect the Outcome of Intellectual Property Laws Be Dramatically Changed? *Journal of Human Psychology*, 1(4), 35–62. <https://doi.org/10.14302/issn.2644-1101.jhp-22-4282>
- Catayoc, R. B. (2019). *Importance of Intellectual Property Law: The McLibel Case*. <https://ssrn.com/abstract=3506567>
- Coursaris, C. K., & Osch, W. Van. (n.d.). *Association for Information Systems AIS Electronic Library (AISeL) SIGHCI 2013 Proceedings Special Interest Group on Human-Computer Interaction 2013 A Contextual Messaging Framework: Informing the Design of Effective Social Media Marketing Messages*. <http://aisel.aisnet.org/sighci2013/22>

- Epstein, M. M. (2017). *SOCIAL MEDIA AND “FLASH INFRINGEMENT”: LIVE MUSIC CULTURE AND DYING IP PROTECTION*. <https://ssrn.com/abstract=2919565>
- Garon, J. M. (2012). The Heart of the Deal: Intellectual Property Aspects in the Law and Business of Entertainment. *Journal of Intellectual Property Rights*, 17, 443–453.
- Gilden, A. (2018). SEX, DEATH, AND INTELLECTUAL PROPERTY. In *Harvard Journal of Law & Technology* (Vol. 32).
- Grinvald, L. C. (2015). *Social Media, Sharing, and Intellectual Property Law* (pp. 1046–1071). Oxford University Press, New York.
- Harnowo, T. (2022). *Law as Technological Control of the Infringement of Intellectual Property Rights in the Digital Era: Vol. Volume, 2 Nomor 1*.
- Haynes, R. (2005). Media rights and intellectual property. In *Media Rights and Intellectual Property*. Edinburgh University Press. <https://doi.org/10.3366/edinburgh/9780748618804.001.0001>
- Hegde, S. (2019). *Information technology Act implications on social media and cybercrime*. <https://ssrn.com/abstract=3916236>
- Hickman, B. (2021). The \$12,000 Tweet: A Collision at the Intersection of Social Media and Copyright Law. *Journal of Cases in Educational Leadership*, 24(2), 3–16. <https://doi.org/10.1177/1555458920964851>
- Inshakova, A. O., Deryugina, T. V, & Malikov, E. Y. (2020). Intellectual Property Exchange as a Platform for Exclusive Copyright Transfer by Means of Smart Contracts. *Artificial Intelligence: Anthropogenic Nature vs. Social Origin*, 693–705.
- Itanyi, N. (2017). *Expanding The Frontiers of Nigerian Copyright Laws In The of Social Media*. <http://ajol.info/index.php/naujilj/article/view/82405>
- Kelsey, D., & Bennett, L. (2014). Discipline and resistance on social media: Discourse, power and context in the Paul Chambers “Twitter Joke Trial.” *Discourse, Context and Media*, 3(1), 37–45. <https://doi.org/10.1016/j.dcm.2013.12.001>
- khan, A., & Wu, X. (2020). Impact of Digital Economy on Intellectual Property Law. *Journal of Politics and Law*, 13(4), 117. <https://doi.org/10.5539/jpl.v13n4p117>
- Kietzmann, J. H., Hermkens, K., McCarthy, I. P., & Silvestre, B. S. (2011). Social media? Get serious! Understanding the functional building blocks of social media. *Business Horizons*, 54(3), 241–251. <https://doi.org/10.1016/j.bushor.2011.01.005>
- Kinder-Kurlanda, K., & Boldi, P. (2017). *The Ethics of Doing Web Science Research*. 1–1. <https://doi.org/10.1145/3091478.3098883>



- Lehavot, K., Ben-Zeev, D., & Neville, R. E. (2012). Ethical considerations and social media: A case of suicidal postings on facebook. In *Journal of Dual Diagnosis* (Vol. 8, Issue 4, pp. 341–346). <https://doi.org/10.1080/15504263.2012.718928>
- Makwana, K. (2021). *INTELLECTUAL PROPERTY RIGHTS AND SOCIAL MEDIA*. Journal of Unique Laws and Students . <https://www.uniquelaw.in/post/intellectual-property-rights-and-social-media>
- Mamonov, S., Koufaris, M., & Benbunan-Fich, R. (2017). The role of user psychological contracts in the sustainability of social networks. *Communications of the Association for Information Systems*, 40(1), 218–248. <https://doi.org/10.17705/1cais.04010>
- Mutula, S. (2013). Ethical dimension of social media in the information society. *Innovation-the European Journal of Social Science Research*.
- Park, W. (2010). The Copyright Dilemma: Copyright Systems, Innovation and Economic Development. *Journal of International Affairs*.
- Rascão, J. P. (2020). Freedom of Expression, Privacy, and Ethical and Social Responsibility in Democracy in the Digital Age. *International Journal of Business Strategy and Automation*, 1(3), 1–23. <https://doi.org/10.4018/ijbsa.2020070101>
- Reich, J. A. (2015). Old methods and new technologies: Social media and shifts in power in qualitative research. *Ethnography*, 16(4), 394–415. <https://doi.org/10.1177/1466138114552949>
- Singh, S., Kumar, M., Rawat, A., Khosla, R., & Mehendale, S. (2020). SOCIAL MEDIA AND ITS IMPACT ON USER BEHAVIOR -A METHODOLOGICAL AND THEMATIC REVIEW. *Journal of Content, Community and Communication*, 12, 236–249. <https://doi.org/10.31620/JCCC.12.20/22>
- Storella, A. C. (2014). *NOTE IT'S SELFIE-EVIDENT: SPECTRUMS OF ALIENABILITY AND COPYRIGHTED CONTENT ON SOCIAL MEDIA*. <http://www.google.com/intl/en/policies/terms/>,
- Tan, C. H. Y. (2015). *Technological “Nudges” and Copyright on Social Media Sites*. <https://ssrn.com/abstract=2580089>
- Van Leeuwen, M. (2015). *Social Media Ethics*. <https://doi.org/10.1002/9781118290743.wbiedcs092>
- Van Looy, A. (2016). *Legal and Ethical Issues in Social Media* (pp. 207–220). [https://doi.org/10.1007/978-3-319-21990-5\\_11](https://doi.org/10.1007/978-3-319-21990-5_11)
- Wahaba, W. (2022). *The tort liability of the organizers of social networking sites on intellectual property violations*. [www.emaratalyom.com](http://www.emaratalyom.com)

Yanisky-Ravid, S., Benoliel, D., Gurry, F., Lee, K., & Yu, P. (2020). *Intellectual Property Laws in the Digital Era: An International Distributive Justice Perspective In Intellectual Property, Innovation, and Global Inequality*. <https://www.ft.com/content/20a8d1e0-810a-11e8-bc55->

Yurnida, L., Riviyusnita, R., & Utoyo, M. (2021). *PERLINDUNGAN HUKUM TERHADAP PRODUK LOKAL TENUN SONGKET PALEMBANG*.