Who Owns a YouTube Video? Copyright Protection for Digital Creators in India

News & Updates • October 14, 2026

Think about the last YouTube video you watched. It might have been a travel vlog, a product review, a legal explainer, a cooking tutorial or a short documentary. Behind those few minutes of viewing could be hours of scripting, filming, editing, research and creative effort.

YouTube has made publishing content remarkably accessible. Individuals, independent creators, educators and businesses can now build audiences by sharing their knowledge, skills and ideas. As video creation becomes an increasingly important part of the digital economy, however, a question deserves more attention: who owns the content once a video goes online, and what happens when someone else uses it without permission?

A video may contain several distinct creative elements, from original footage and narration to music, graphics, scripts and editing. Each can raise separate questions of ownership, licensing and permitted use. Uploading a video to a public platform does not, by itself, place it in the public domain.

A Video Is More Than a Single Copyright

Under the Copyright Act, 1957, copyright can subsist in different categories of work, including cinematograph films, sound recordings, musical works, artistic works and literary works. A single YouTube video may bring several of these categories together.

This distinction matters. A creator may have filmed and edited an original video but used a song, stock footage or an illustration belonging to someone else. Ownership of the finished video does not automatically establish ownership of every element within it. Equally, permission to use a song does not necessarily confer rights over the video in which it appears.

Section 17 addresses first ownership, subject to statutory exceptions and agreements. Section 19 prescribes requirements for assignments of copyright. For creators working with editors, production teams, agencies or sponsors, the contractual allocation of rights can therefore be as important as the act of creating the content itself.

When a Video is Reposted Without Permission

Consider a creator who discovers that another channel has uploaded an entire video without authorisation. The copied version may attract views and advertising revenue while the original creator loses control over distribution.

The Copyright Act provides a legal framework for addressing infringement. Section 14 defines the exclusive rights associated with copyright, while Section 51 addresses when copyright is infringed. Depending on the facts, remedies may include injunctions and damages under Section 55.

The dispute in *Super Cassettes Industries Ltd. v. YouTube LLC & Ors.* is particularly relevant to this setting. Super Cassettes pursued copyright claims concerning its works on YouTube. The litigation illustrates that online video-sharing platforms can become the setting for disputes over unauthorised use of protected material. It also highlights the importance of distinguishing the rights in the underlying content from the role played by the platform hosting it.

A related judgment, *MySpace Inc. v. Super Cassettes Industries Ltd.* (Delhi High Court, 2016), examined intermediary liability for user-uploaded copyrighted material. The Division Bench stressed the importance of identifying specific infringing content rather than relying on an unrestricted demand covering an entire catalogue of works. The judgment is significant for understanding how copyright enforcement interacts with online hosting, notice procedures and intermediary protections.

Neither dispute means that every allegation of copying automatically establishes infringement. Ownership, authorisation, the material used and the applicable legal framework remain central to the analysis.

Does Giving Credit Make it Lawful?

A common misconception among online creators is that crediting the original uploader makes reuse permissible. Attribution may acknowledge the source, but it does not, by itself, replace permission where permission is legally required.

Indian law does recognise limited exceptions. Section 52 of the Copyright Act includes fair dealing for purposes such as criticism or review and reporting current events, subject to the provision's terms. This is not an unrestricted licence to reproduce another creator's work.

A commentary video that incorporates a short excerpt to analyse or criticise it raises different questions from a channel that reproduces someone else's video primarily to attract viewers. The purpose and context of the use matter. So do the nature and extent of the material used. No universal rule makes a particular number of seconds automatically lawful.

Content ID is Not the Copyright Act

YouTube's Content ID system and copyright removal procedures offer platform-level mechanisms for identifying and addressing certain uses of copyrighted material. They can be useful, but a platform decision and a legal determination are not the same thing.

A claim may affect a video's availability or monetisation under platform policies. Conversely, the absence of a Content ID claim does not establish that a use is lawful. Creators must distinguish platform enforcement from the rights and remedies available under Indian law.

As video creation continues to grow, copyright protection begins with a deceptively simple question: what exactly the creator own, and what have they merely been permitted to use? The answer can shape how a creator collaborates, licenses content, responds to copying and builds a sustainable digital presence.

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