

Who holds the IP rights to your social media content?

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Social media platforms Instagram, Facebook and TikTok have provided a (sometimes dangerously) easy way for wannabe celebrities to get themselves into the public eye. In past decades, becoming famous, whether it be as an actor, comedian, musician or writer, meant a long, hard slog - and without money or access to influential individuals in the relevant industry, it was virtually impossible.



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Today the opposite is true. Anyone can get their creative content into the public domain. All you need is a smartphone, some data and a modicum of talent (although whether the latter is actually a requirement is questionable).

But before you go posting your clips and photos on social media, take a minute to think about a few things.

Firstly, read the fine print - the legal stuff. Every social media platform has a comprehensive, and often onerous, set of terms and conditions that most users agree to without reading.

Many of these T&Cs state that the platform owner does not acquire ownership of any content posted on the platform by users. However, in most cases, by ticking the box saying that you've read and understood the T&Cs, you grant the platform

a non-exclusive, fully paid and royalty-free, worldwide license to use, modify, publicly perform, publicly display, reproduce and translate your content, and to distribute it on any media platform.



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This essentially means that although you remain the owner of your original content, once you have posted it, the power to control its dissemination essentially leaves your hands.

In addition, social media platforms generate some of their income from advertising sales, and often, by agreeing to the T&Cs, you consent to them placing advertisements on or in your content, without notifying you and without giving you any share in the revenue generated from the advert sales and placements.

From an intellectual property (IP) perspective, there are a couple of things you can do to protect yourself.

You own the IP rights in the content you create and post on social media. Although you give the platform the right to essentially do with that content as they please, it does not mean that anyone else has these rights. Although you probably can't stop other users from reposting your content on the platform, they are not generally allowed to make, publish or disseminate adaptations or reproductions of your content anywhere else or for any other purpose, without your permission.

Consider adopting and registering a catchy and distinctive trade mark for your social media persona. Not only will this assist in distinguishing you from the sea of other users, but a trade mark registration gives its holder a powerful right to prevent others from using the same or a similar trade mark in a similar field.

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