

ANI vs YouTuber: A Legal Battle Testing Fair Use and Trademark Limits in India

Introduction: The ANI vs Mohak Mangal Case

News agency ANI filed legal action against YouTube content creator **Mohak Mangal** in two separate cases — one in a **trial court** over copyright infringement and one in the **Delhi High Court** over **trademark infringement, disparagement, and defamation**. The dispute centers around Mangal's use of ANI's copyrighted news footage in his videos, which ANI claims was done **without authorization**, impacting its revenue and reputation.

Core Legal Issues Involved

- Copyright Infringement:**
 - ANI alleges Mangal reused at least 10 of its video clips without permission.
 - It issued **takedown notices** via YouTube's copyright mechanism under the **Digital Millennium Copyright Act (DMCA)**.
- Fair Dealing Defense:**
 - Mangal counters that his use qualifies as **fair dealing** under Indian law — for **reporting current events, criticism, and review**.
 - He submitted **counter-notifications** on YouTube seeking reinstatement of removed content.
- Trademark Disparagement & Defamation:**
 - ANI also accuses Mangal of using **disparaging remarks** that damage ANI's public image and brand.

Understanding 'Fair Dealing' under Indian Copyright Law

- Under **Section 52** of the **Copyright Act, 1957**, certain uses are not considered infringement:
 - Use for **private research, criticism, review, or reporting current events**.
- Courts have held that **fair dealing is context-dependent**, focusing on:
 - Intent** of use (malicious or not)
 - Extent and nature** of the copied content
 - Economic impact** on the copyright owner
 - Transformative value** (creative input, critique)

Key Judicial Precedents and Developments

- TV Today vs NewsLaundry (2022):**

- The Delhi HC denied an injunction despite TV Today's copyright and defamation claims.
- Upheld the right to fair criticism and public interest, allowing limited content reproduction.
- **Delhi HC's Interim Decision in ANI Case:**
 - Directed removal of **disparaging remarks** but didn't adjudicate on copyright or trademark claims yet.
 - Mangal invoked the **de minimis** principle — suggesting the copied portions were too trivial to warrant legal action.

Important Legal Concepts in Play

1. Fair Dealing vs Fair Use:

- Indian law uses the term '**fair dealing**', unlike U.S. law's broader 'fair use'.
- More limited and **strictly interpreted** by Indian courts.

2. De Minimis Principle:

- A legal doctrine that **trivial matters** may not merit court intervention.
- Assessed using five factors including harm, intent, cost of litigation, and third-party impact.

Way Ahead

- **Judicial Clarification Needed:** The Delhi HC may be compelled to interpret and **lay clearer boundaries** on what constitutes 'fair dealing' in digital content, especially for news-related clips.
- **Digital Content Framework Review:** With growing online creators and digital journalism, India might need a more **refined copyright framework** to balance IP rights with **freedom of speech**.
- **Content Creators' Responsibility:** Creators should exercise **due diligence** while using third-party material, ensuring **critical, transformative, and minimal use** where necessary.

Conclusion

The ANI vs Mohak Mangal case could set a **significant precedent** in Indian copyright law. It brings to the forefront the **tension between intellectual property rights and digital content freedoms**. The courts' decisions could potentially **clarify the boundaries of fair dealing**, influencing the future of **journalistic commentary, digital criticism, and free expression** in the country.