



FIR Against ShareChat Undermines Intermediary Liability Rights: IAMA

New Delhi, 13th March 2020: Internet and Mobile Association of India (IAMA) in a press statement has said that the FIR filed by the Bengaluru Police against ShareChat and its board of directors for an alleged copyright violation is prima facie of an act overreach of the current provisions of law. The usual process in such cases of alleged copyright violation is “notice and takedown” mechanism as stipulated under the IT Act (Amended) 2008. As per the provisions, digital intermediaries must first be given proper notice about any violative content and is expected to act only after receiving such notice. The FIR which is based on a complaint by Lahari Recording Company for alleged copyright violation goes against the safe harbor provisions enjoyed by digital intermediary platforms.

The association reiterates that it must be borne in mind that ShareChat is an intermediary and thereby under provisions of safe harbor under Section 79 of the IT Act is not liable either in a civil or in a criminal case for alleged copyright violations by contents hosted on their platform by third party users of the platform.

IAMA is deeply concerned that a criminal and a civil case has been filed directly against directors of the company for violating copyright that is unprecedented. According to IAMA, if this becomes a norm, then the digital intermediaries in India will suffer and the Government of India’s vision of Digital India will take an enormous hit.

About IAMA

The Internet and Mobile Association of India [IAMA] is a young and vibrant association with ambitions of representing the entire gamut of digital businesses in India. It was established in 2004 by the leading online publishers, and in the last 16 years has come to effectively address the challenges facing the digital and online industry including mobile content and services, online publishing, mobile advertising, online advertising, ecommerce and mobile & digital payments among others.

Sixteen years after its establishment, the association is still the only professional industry body representing the online industry in India. The association is registered under the Societies Act and is a recognized charity in Maharashtra. With a membership of nearly 300 Indian and overseas companies, and with offices in Delhi, Mumbai, Bengaluru and Kolkata, the association is well placed to work towards charting a growth path for the digital industry in India.

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