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Surge in Copyright Claims by Music Publishers for Unauthorized Use of Music in Social Media Marketing

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Music publishing companies are increasingly sending demand letters seeking payment for unauthorized uses of music that appear on social media platforms as part of brands' social media marketing efforts. Recently, there has been a notable uptick in cases filed in various federal courts targeting large brands for using music without the appropriate licenses or approvals.

The essence of these claims is that brands are using music in their marketing and advertising content without compensating the rights holders. These instances primarily involve videos posted on platforms like Instagram, TikTok, and X, where music is synchronized with content, some of which is created in collaboration with social media influencers hired by the brand to fulfill its marketing strategy. This unauthorized use of music can lead to significant legal and financial repercussions for the brands and influencers involved, as each instance of unlicensed use constitutes a separate infringement claim. It is crucial for brands to ensure they have the appropriate licenses for any music used in their social media marketing efforts to avoid potential litigation and settlement costs.

Music publishing companies will continue to take action to secure compensation for the rights holders they represent against brands engaged in the unauthorized use of music in social media content. Given this, it is essential to understand the rules of each platform and how the available music on the respective platforms may be used, the copyright implications associated with the use of music in such content, and the potential legal and financial risks involved.

Contact your Vorys attorney if you have any questions regarding the use of music on social media platforms when engaging in social media advertising and marketing, or if you need assistance with issues related to claims of copyright infringement.