

Copyright violations on YouTube

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Introduction

Around 1 million website links were removed recently by Google which infringed the copyrights (including music, movies, software). If you create something new and interesting then you don't want anyone else to get profit from that idea and this has resulted in the emergence of copyrights. Copyright is provided for the protection of the owner's creation, but copyright extremism is showing opposite results because extreme copyright rules are diminishing creative ideas and artistic lives.

DMCA (Digital Millennium Copyright Act)

Since 1998, several search engines have removed links that infringes the right of the copyright holder at his/her request, however, they can be held liable for such infringement if the search engine refuses to do the same. 97% of the DMCA takedown requests are compiled up and with an average turnaround time of 10 hours counted from the submission of a valid takedown notice to the removal of the offended link. Nearly, 550,000 takedown requests were targeted by the Redmond (out of a total of about 1.24 million) which is further followed by the British Recorded Music Industry) and NBC/Universal with about 150,000 takedown requests each.

DMCA Takedown

It is basically known as the right to process a takedown notice against the owner of an illegal online material or content. It is well established and accepted internet standards which are followed by the internet service providers.

Copyright

Copyright is a term which is well known to everyone. Be it any TV show, novel, advertisement or any video posted on youtube it will be written as either @AllRightsReserved or @CopyRightsReserved. It is basically a right which is given by the law to the owners of the original work. For Example: musical, literary, dramatic, artistic works and it also includes sound recording and cinematograph films. Classes of work which are subjected to copyrights are given in chapter III of [Indian Copyright Act, 1957](#). Copyright act only protects the originality of the idea and its presentation in tangible form instead of protecting idea as a whole.

Copyright didn't evolve suddenly, rather it came after various protests by authors, when they felt personally insulted and with the introduction of printing press in England in the late 15th century. Later on, it took the form of Indian Copyrights Act, 1957 and new amendments have been made like [The Copyright Rules, 2013 by the Ministry of Human Resources and Development on 14th March 2013](#). In the words of Walter Savage Landor, "No property is so entirely, purely and religiously a man's own as what comes to him immediately from God, without intervention or participation".

Digital rights with special reference to rights of other countries

After observing a wide use of internet, it became prone to piracy and very easy to copy digital contents and selling them illegally. A new concept has emerged in early the 1990s namely: Digital Rights Management (DRM), however, it was not used because of its complications for an average person. The rights given to the copyright owner on digital media are "*Digital Rights*" and these are protected by Digital Rights Management which works like a software which includes a wide range of technologies. It works against duplication and illegal distribution of digital media that are protected by copyright law. DRM works in a number of ways like digital signature, digital certificate, encryption, etc., in areas of music, films, television, computer games, etc. It includes two technical measures i.e. technical protection measures and rights management information. Former permits copyright owner to control access to their works whereas latter manages materials to customers. WIPO Copyright Treaty, 1996 has backed the laws on Digital Rights Management. However, India has adopted DRM via the copyright (amendment) bill, 2010.

The Doctrine of "Fair Use"

The doctrine of "Fair Use" is covered under section 107 of the Copyright Act, 1976. It is not always wrong to use a copyrighted content. A person can reuse copyrighted content without the owner's permission for the purpose of comment, research, criticisms, news reporting, scholarship, and teaching. The aim of Copyright Act is to maintain a balance between owner's right on their original work and interest of the society while competing with free flows of ideas. In the words of a legal scholar named Jason Cohen, "The fair use doctrine helps to prevent the copyright owner's exclusive rights from interfering with the purpose of the Act i.e., promotion of learning". There is not any specific test to consider fair use and copyright infringement because it varies from case to case. Mere substituting of the original work will not be considered as fair use.

What constitutes Fair Use

1. Purpose for use of copyright work: Court will look out for “transformative work”. If the whole of the original work is copied it will not be considered as fair use, some transformations are needed in the original. Courts prefer non-profit organizational purposes over commercial use while determining fair use.
2. Nature of the copyrighted work used: Fair use is more favorable to factual work than fictional work.
3. Amount of copyrighted work used: Use of small bits of work will more likely to be fair use but it will also be subjected to an exception which says that borrowing small part of work which is “heart” of the work will not be considered as fair use.
4. Effects when copyrighted work is used: If the use of some part of work is affecting the profit-making capacity of the original work, it will less likely to be a fair use.

Digital rights in Europe

Freedom of speech and expression is an important element of democracy and same is supported by information technology. European digital rights ([EDRi](#)) is taking care of the digital rights of people. It is an association of civil and human rights associations from across Europe. As more and more people starts using the online platform, the rights are more likely to be violated. European Digital Right (EDRi) key priorities for the future are privacy, surveillance, copyright reform and net neutrality.

Digital rights in Canada

Canada learns Digital Rights from Digital Millennium Copyright Act ([DMCA](#)). Canada is more favorable to European Digital Rights rather than the laws of the United States regarding Digital Rights. It supports the idea of maintaining a balance between owner's rights and consumer's needs. Canada is more homogenous than the USA and it is federal in nature when it comes to laws related to the impact of Digital Rights Management. Canadian government uses agencies such as Industry Canada, Heritage Canada, and Strategies to enhance and shape the area of copyright. In Canada, [accesscopyright](#) addresses are for printed works and [Socan](#) addresses are for musical work.

The concept of Content ID with special reference to YouTube

How will you come to know that your video has been uploaded by someone else without your permission? There is a way which tells you that the particular content is protected by copyright, it is known as Content ID.

YouTube's Content ID

A person who uploads a video and the content of that video is similar to someone's copyright protected content then in that case the video uploaded by that person will be struck down. It is basically a special protection given to content owners so that they can easily manage their copyrighted materials. It is done through a digital fingerprinting system. Before uploading on YouTube, your video will be compared with all registered audio and video files with Content ID.

YouTube has certain criteria under which a person can get a Content ID. A person must own some exclusive rights of original material which is uploaded frequently by YouTube user community. The content user must be able to provide shreds of evidence for claiming originality of particular content.

Steps for using Content ID:

1. You must set your content owner.
2. You must deliver your content to YouTube.
3. Content ID will look out for matches by scanning each new upload.
4. You must monitor and manage your content.

Procedure for claiming Copyright infringement on YouTube

Registration of copyrighted content is not mandatory; it will be automatically in existence as soon as an original work is created, therefore, no formality like registration is needed to be done to acquire copyright. Registration of copyright is helpful in court when any dispute arises regarding ownership of copyright. Entire YouTube channel cannot be reported for Copyright infringement, particular content can be reported.

It is a very common problem that many a times people tend to re upload your original video without your permission. But, YouTube allows you to complain about copyright infringement. You can file a complaint by copyright takedown notice. But, remember that as soon as you file a complaint, you are initiating a legal process. How to submit the complaint?

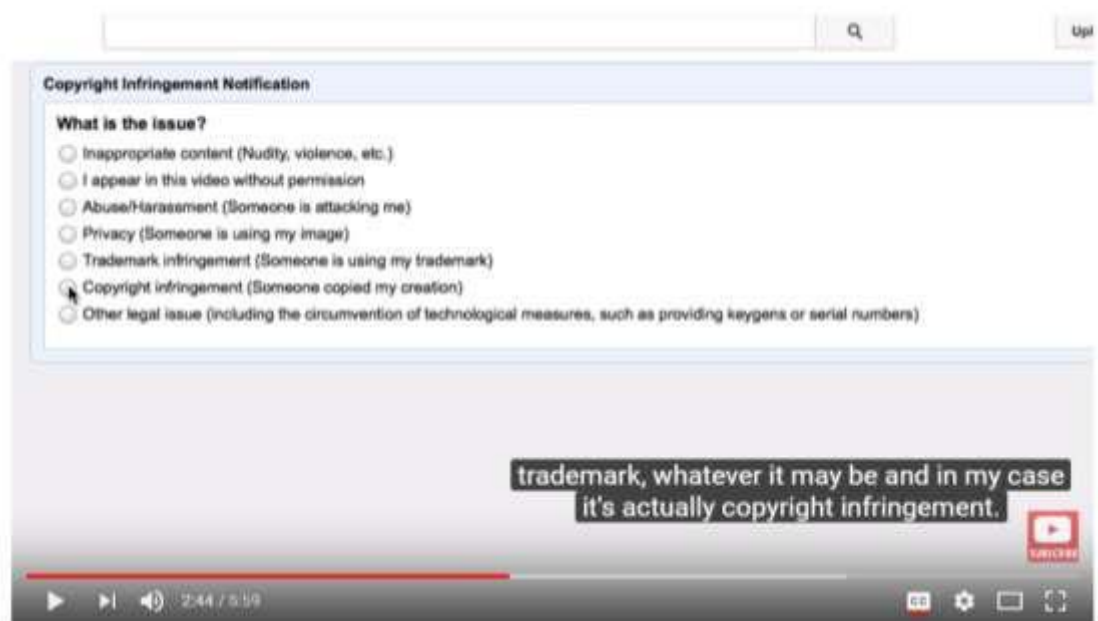
1. Firstly, you need to login to your YouTube account.

2. Secondly, you need to open the video against which you want to report and click on the report option given below.



3. Thirdly, select option of "infringing my copyright" and fill other options accordingly and then, click on "submit a copyright complaint".

A screenshot of the YouTube reporting form. The title is "What is the issue?". Below the title are several radio button options: "Sexual content", "Violent or repulsive content", "Hateful or abusive content", "Harmful dangerous acts", "Child abuse", "Spam or misleading", "Infringes my rights", and "Captions report (CVAA)". The "Infringes my rights" option is selected. Below this option is a dropdown menu with the text "Select one". To the right of the dropdown menu is a text box containing the text: "child abuse, spam or misleading, or infringes my rights, which in this case it actu".



4.

Finally, you need to fill the form that appears on your page.

Copyright Infringement Notification Basics

If you believe your copyright-protected work was posted on YouTube without authorization, you may submit a copyright infringement notification. These requests should only be submitted by the copyright owner or an agent authorized to act on the owner's behalf.

The fastest and easiest way to notify YouTube of alleged copyright infringement is via our webform:

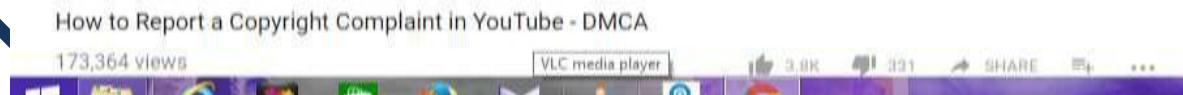
[Submit a copyright complaint](#)

If you choose to request removal of content by submitting an infringement notification, please remember that you are initiating a legal process. **Do not make false claims.** Misuse of this process may result in the suspension of your account or other legal consequences.

If you are a company and own exclusive rights to a large amount of content that requires regular online rights administration, you may want to apply for access to YouTube's Content ID system or to our Content Verification Program.

We will also accept free-form copyright infringement notifications, submitted by email, fax and mail.

and I'm telling you, you need to make sure you do not make false claims, because you



If you own a large amount of content and exclusive rights like that of a company which requires regular online rights administration, you may apply to Content ID or to Content Verification Program. YouTube also accepts free-form infringement notification through Fax or mail.

Copyright strike out on YouTube

Well everybody is given a warning when they commit any mistake so, is the case with YouTube. When owner's copyrighted-content is copied by someone then, before submitting copyright infringement complaint, the owner can give that person a few weeks to take down the copyrighted-content. If he/she does not comply by the same, the owner can submit a copyright complaint to YouTube. The complaint will cause a strike out on their account. YouTube will notify three strikeouts and after the third strike, YouTube will blacklist the copied content.

How to remove "Copyright Strike"

YouTube Copyright Strike would be removed after 6 months but nobody wants to be blacklisted by the YouTube for a long time period. To handle this situation YouTube has added a new feature to remove Strikeout, but it is altogether a different method. If the owner is convinced and he is ready to retract the video then there is a way to come out of Strikeout. Content creators can submit retraction:

1. First, you need to click on avatar icon at upper-right corner and then scroll down to creator studio.
2. Then, go to the left-hand side, click video manager and select the video you want to be retracted.
3. Then, click on submit a retraction.
4. It will reinstate the video.

Time limit of Copyright

Copyright is with the owner for 60 years after the owner's lifetime. After 60 years that would be added in the public domain which will remove the content from the purview of Intellectual Property Laws. Once added in public domain, the content can be used by anyone without permission. Most of the countries follow TRIPs (Trade Related Intellectual Property Rights) which has the time period of 60 years past death.

Whether or not attribution absolve a Copyright violation

YouTube takes copyright very seriously. Copyright is a moral right which must be protected from infringement. Just by giving credit to the owner irrespective of motive, the wrongdoer cannot be escaped from liability. If anyone uses the content of any other person without permission, that will constitute an offense. Proper permission received from the owner may help to escape from strike down. But, mere attribution will not absolve a Copyright violation if permission is not taken.

How to legally use Copyrighted music, games, movies

1. Determine the Copyright owner- it is very easy to determine copyright owner of movies, TV shows but it is very difficult in the case of music.
2. Check for terms and conditions for use- if it is mentioned in terms and conditions about monetizing a video then, it will be legal to use copyrighted content.
3. Try to find Copyright owner's contact information via a website, email or by filling a specific form provided to contact the owner.
4. If permission is granted then ask the owner to either post permission on their website so that YouTube can go and search the permission or ask him to send you proper permission documentation via email.

Conclusion

Copyright is considered as a moral right given to the owner because it is his original idea and work but at the same time, fair use is also reasonable because creativity would be hindered if extremism of copyrights would be in practice. Getting an idea from someone's original work is not wrong. There should be specific grounds to determine fair use because in the future it is going to be very difficult to handle so much content. Fair use allowance is reasonable because further development is based on the already existing material.

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