Copyright laws have been active in the United States for 224 years in the hopes of protecting the knowledge which others have created (“A Brief Introduction”). Over the last five decades the laws surrounding copyright have changed drastically such as increasing how long an intellectual property is protected and the degree of punishment for infringing upon copyrighted material (“A Brief Introduction”). The strict copyright laws have caused numerous people in the United States to protest, and everyone has to protect themselves under the rules of fair use (RIP: A Remix Manifesto). With the increased ability to communicate due to the digital age understanding how people interact with copyright and fair use has never been more important as it’s a tension between freedom of speech and motivating those to create and safeguard intellectual property.

This is why studying copyright and fair use in order to analyze how intellectual property owners interact with their copyright, the independent content creators who utilize copyrighted work under fair use on popular digital media sharing websites, and how these content creators feel in relation to copyright owners. Exploring these topics will allow readers to understand the conflict between independent content creators and copyright holders that exist in the digital space. To do this there will be three case studies analyzed in this document including music and copyright in the digital age, copyright in conflict with Pinterest, and YouTube’s copyright policies and their effects on users.

By: All
Edited: DH

Casestudy 1: Music & Copyright in a Digital Age

Although there has been an ongoing battle between artists and distributors about copyright, prior to the Internet, creative works were easily defined and their distribution could be tracked. This example is obvious when thinking about a physical piece of artwork, such as a painting. Less tangible, is the example of music, which this
The protection of artists is vital to our culture. Technology has given artists great advantages in their ability to efficiently create and distribute music, however, although “the costs of music production have decreased dramatically in the past few years…musicians are not dependent on recording infrastructure any more…the market power of the oligopolistic music majors eroded, evidenced by decreasing sales figures” (Tschmuck, 254). This becomes an issue for society because without artists' willingness to create work, the tools of creation become irrelevant. The issue is “that there will be no or, at least, a shortage of public goods because of the free-rider problem. If it is not possible to cover the costs of production, there will be no private supply of public goods” (Tschmuck, 252).

So, to move forward in addressing these concerns we need to identify two of the issues we are facing today. First of all, Internet users in our society do not recognize that they are violating copyright law. In a New York Times article by Nazanin Lankarani, University Law Students and Teachers were quoted saying, “Downloading is so easy, and there is so much free content on the Internet, it is hard to distinguish between illegal downloading, streaming free content and copying from a friend's laptop,” “You no longer need a ‘label’ to put out a good song. Soon, we will not be able to tell what is copyrighted and what isn’t. That is why defining the limits of copyright and public right is fundamental to the development of cyberspace,” and “When the product is digital, it does not feel like stealing” (Lankarani).

The second issue is that, regardless of intention, piracy is evolving rapidly and companies cannot keep up with the innovative ways that people are sharing files. For example, “When a studio legitimately uploads a clip from a copyrighted film to YouTube, the Google tool automatically finds and blocks copies of the product. To get around this roadblock, some YouTube users started placing copyrighted videos inside a still photo of a cat that appears to be watching an old JVC television set. The Content ID algorithm has a difficult time seeing that the video is violating any copyright rules; it just sees a cat watching TV” (Bilton).
If it hasn’t yet been made clear, piracy is having a huge negative impact on the profits of the companies that are creating media. “The hit HBO show "Game of Thrones" is a quintessential example of this. The show is sometimes downloaded illegally more times each week than it is watched on cable television. But even if HBO put the shows online, the price it could charge would still pale in comparison to the money it makes through cable operators” (Bilton).

So, we are now faced with companies that are losing profits because their content is being shared online, and the websites that facilitate file sharing are unable to keep up with their regulation of copyrighted material that is being illegally shared. Potentially beneficial, may be to collaborate. Music companies are realizing it isn’t effective to continuously be filing lawsuits. This is addressed in an article by Ben Sisario when he says, “As illegal downloading has become ingrained as a cultural habit, especially among young people, expensive litigation has become less effective, and the lawsuits against individuals were something of a public relations disaster for the music companies” (Sisario).

There is recent talk about the merging of media corporations and the websites that facilitate the easy sharing of media. After a copyright suit was recently settled between Google, who owns YouTube, and Viacom, the companies made a public statement on March 18, 2014 saying, “This settlement reflects the growing collaborative dialogue between our two companies on important opportunities, and we look forward to working more closely together” (Kaufman). The students in Lankarani’s previously mentioned article are pushing for ways that we can continue to share media online, but pay for it, potentially through their internet providers, who could in turn, pay the media companies.

Although there is no clear plan of action going forward, we are definitely recognizing that this is an issue that needs to be remedied. People are finding new ways to share content for free, and the companies creating the content are losing more and more money. If these companies lose so much profit that they can no longer produce media, we will be left in a society with nothing to share.

By: KS
Edited: DH, KS

Casestudy 2: Copyright and Social Media: A Preliminary Case Study of Pinterest

The social media outlet Pinterest provides an interesting example of how many user-generated culture will be affected by harsh copyright laws in the future. Similar to many other outlets, Pinterest encourages its users to, “Pin up anything you find online—recipes to make, clothing to buy, art that inspires” (Gard). This website quickly risen in popularity and achieved to become the third most visited social media site in the US of 2012 (Gard). However, its gain in popularity was due to the website’s easy goal: pin or share a link to an image. This widespread behavior is relevant in many if not all social media outlets and is viewed as controversial. Since users are encouraged to link photos that were not theirs but promote the link as if it was this causes confusion of ownership.
Because many people share, or re-pin in Pinterest’s case, other original ownership behind the link becomes lost. Often times, due to a chaotic amount of sharing, links naturally evolve and become reshaped to the point that the link will no longer redirect to the original creator of the content. This link-evolution allows thousands, if not millions, of links to lose their trajectory back to their original creators and forever forgotten because users continue to re-pin the broken links. Since users are sharing work without the original content’s creator permission and, to some extent, tailoring the image to suit their needs of expression this begs the question: is Pinterest encouraging their users to plagiarize?

Social media has created a sticky realm that blurs and blends the lines of fair use and copyright laws. Users on every outlet are encouraged to share whatever they desire. When those virtual showcases are shared then the cycle of sharing quickly begins creating a chaotic realm of copyright confusion. In Pinterest’s case the website instructs their users to pin whatever they find interesting or inspiring. Since the users’ behavior are due to Pinterest the users are technically legal to continue to act the way they do because Pinterest developed their behavior. However, Pinterest also fails to to teach or encourage the etiquette of keeping the origins of the content intact per pin. This lack of guidance pushes Pinterest down a dark path muddled full of potential copyright violation related obstacles.

Due to the rise of copyright issue we have to consider what the future holds for social media. Will Pinterest share a similar fate as YouTube where the website will begin to crack the whip and use copyright to re-shape its website? Will all the outlets of social media drastically limit the freedom to share? Or will everyone continue to have the power and freewill to share whatever they want.

By: JK  
Edited: DH, JK  

**Casestudy 3: Copyright and Media: Copyright in terms of YouTube**

YouTube is the most popular media sharing website on the internet, and in order to stay that way they have had to make sure its users have taken copyright seriously, but are still allowed to post videos with as much freedom as they can have. “YouTube and sites like it have expanded access to a rich spectrum of such material and suggested the potential for democratization of media memories and flows, they also introduce new ways to
regulate and deny access to content under the guise of enforcing copyright protection" (Hilderbrad). However, YouTube users can still use copyrighted material under fair use. On YouTube, fair use is defined as "a legal doctrine that says you can reuse copyright-protected material under certain circumstances without getting permission from the copyright owner" ("Copyright and YouTube"). The Digital Millennium act has protected YouTube and its content for years, like in the instance where Viacom sued Google and YouTube in 2007 for having thousands of copyrighted clips from their companies (MTV, Comedy Central, etc). The seven year long case ended with YouTube and its users have been protected from getting in trouble for copyright infringement because of the Digital Millennium Act (Hassanabadi, 428).

YouTube clearly defines copyright on their website so that users are aware of what kind of content is in violation of the law. They state that audiovisual works, music, written works, video games, dramatic works, and others are all subject to copyright. Despite this public knowledge, there are users who violate these copyright laws. For example, it's easy to find a user made tribute to the television show Breaking Bad that exclusively uses copyrighted clips without permission from the copyright holders. Users attempt to circumvent copyright laws by placing disclaimers on their videos stating it's not theirs or attributing credit to the original creators rather than the copyright holders ("Copyright and YouTube"). Utilizing fair use allows content creators to circumvent copyright laws, but fair use as a limited application

YouTube defines content protected with fair use as non-profit, educational, and not having a commercial for-profit motive ("Copyright and YouTube"). If a user were to share movie or television clips they'd have to possess a clear defense or be faced with consequences implemented by YouTube or the respective copyright holders. One way to prevent accusations of copyright infringement is to use a creative commons copyright on uploaded videos instead of the usual copyright that's placed onto the content. YouTube defines Creative Commons and its use as the following, "provide a standard way for content creators to grant someone else permission to use their work. YouTube allows users to mark their videos with a Creative Commons CC BY license. These videos are then accessible to YouTube users for use, even commercially, in their own videos via the YouTube video editor" ("Copyright and YouTube"). Essentially, Creative Commons places your material as a public good allowing other users to utilize it how they see fit and YouTube's Content ID won't search for videos utilizing Creative Commons material.

Content ID is a system devised by YouTube that scans all videos uploaded to YouTube and references their audio and visual database of copyrighted material to punish anyone infringing on another's copyrighted material (Tach). A good example of how Content ID works in Nintendo's new affiliate program where Nintendo gives permission for users to utilize Nintendo's copyrighted material in videos. However, Content ID will allow users to use Nintendo property if Nintendo themselves approve the video and attach Nintendo advertisements to the videos. Proceeds from the videos will now be distributed and split between Google (YouTube's owner), Nintendo, and the sometimes the user that posted the video (Tach). This allows YouTube users to utilize a wider variety of content without repercussions, like having their video removed or all revenue being given to YouTube and the copyright owner.

This cooperation between media distributors and copyright holders, like YouTube and Nintendo, appears to be a likely solutions for maintaining control over copyrighted material that users may redistribute. While it gives users the potential to share material without danger it comes with the price of censorship. If copyright holders
have the right to deny content based on their opinion, or if it's a positive or negative representation of their content, creators may become quickly muted by those seeking to control their ideas. Creative Commons content will also suffer as the influence of the copyright holders expands as they gain more weight with content distributors, like YouTube. A question users will face one day is if a future free of persecution over copyright is worth a future filled with corporate censorship?

By: GN
Edited: DH, GN