Social Media and Copyright Law

Social Media and the Law: An Exploratory Look into the Legal Effects of Online Interconnectedness

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The DMCA: An Overview of § 512

- Added to the Copyright Act in 1998 to address liability for online infringement.
- It provides an *optional* “safe harbor” for online service providers engaged in (i) transitory digital network communications; (ii) caching; (iii) storage at the direction of a user; and (iv) search engines.
- It does not provide a cause of action.
- No penalty to deciding not to implement the safe harbor requirements.
§512(c): Storage at the Direction of a User

- Has a policy that provides for termination of repeat infringers.
- No actual knowledge or “red flag” knowledge or, if there is knowledge, acts expeditiously to remove.
- No direct financial benefit + right and ability to control.
- Responds expeditiously to takedown notices.
- Has a registered DMCA agent.
The DMCA Process

- RH sends a [compliant] takedown notice
- ISP takes content down and notifies the user
- *If* user does nothing, content stays down
- *If* user files a [compliant] counter notification, ISP may put content back up (no takedown liability)
- If RH wants to pursue relief, RH sues user or ISP
- ISP can raise DMCA as a defense
# Transparency Report

**Specified Domains**

<table>
<thead>
<tr>
<th>Specified Domain</th>
<th>Copyright Owners</th>
<th>Reporting Organizations</th>
<th>URLs</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>filestube.com</td>
<td>2,456</td>
<td>819</td>
<td>3,812,858</td>
<td>&lt; 5%</td>
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<td>torrentz.eu</td>
<td>1,870</td>
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<td>1,755,666</td>
<td>&lt; 1%</td>
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<td>fenopy.eu</td>
<td>823</td>
<td>263</td>
<td>1,551,744</td>
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<td>torrenthound.com</td>
<td>1,273</td>
<td>375</td>
<td>1,534,669</td>
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<td>899</td>
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<td>&lt; 5%</td>
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<td>isohunt.com</td>
<td>1,611</td>
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<td>1,323,015</td>
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<td>rapidgator.net</td>
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<td>242</td>
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<td>kat.ph</td>
<td>1,450</td>
<td>478</td>
<td>1,297,988</td>
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<tr>
<td>bittorrent.am</td>
<td>1,000</td>
<td>301</td>
<td>1,247,491</td>
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<tr>
<td>filetram.com</td>
<td>1,531</td>
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<td>1,233,168</td>
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<td>extratorrent.com</td>
<td>985</td>
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<td>downloads.nl</td>
<td>432</td>
<td>63</td>
<td>1,126,983</td>
<td>&lt; 5%</td>
</tr>
</tbody>
</table>
Do Good Intentions Matter?

- “Our goal at Pinterest is to help people discover the things they love. Driving traffic to original content sources is fundamental to that goal.”

- “I always turn all ads off on my remix videos and never profit off them.”
  -rebelliouspixels
The Copyright Alert System “Six Strikes”

- Partnership of ISP’s and content owners
- Will identify illegal downloads through P2P systems and alert the ISP who will alert the customer
- Strikes 1-4 are various warnings
- Strikes 5-6 may be temporary caps on internet speed; temporary suspension of internet service; browser lock + phone call