

# Social Media and Copyright Law

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

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Friday, April 5, 2013

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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



facebook



LinkedIn

# Transparency Report

Google | Transparency Report



Home Traffic **Removal Requests** User Data Requests

Introduction **Copyright** Government

Overview

Owners

Reporting Organizations

**Specified Domains**

Requests

FAQ

Download Data

Visible Changes



## Specified Domains ⓘ

Past Week Past Month Past Year **All Available**

Specified Domain	Copyright Owners	Reporting Organizations	URLs	% <span>ⓘ</span>
filetube.com	2,456	819	3,812,858	< 5%
torrentz.eu	1,870	734	1,755,666	< 1%
fenopy.eu	823	263	1,551,744	< 10%
torrenthound.com	1,273	375	1,534,669	< 5%
sumotorrent.com	899	294	1,359,986	< 5%
isohunt.com	1,611	641	1,323,015	< 5%
rapidgator.net	819	242	1,320,292	< 10%
kat.ph	1,450	478	1,297,988	< 5%
bittorrent.am	1,000	301	1,247,491	< 5%
filetram.com	1,531	393	1,233,168	< 1%
extratorrent.com	985	352	1,141,405	< 1%
downloads.nl	432	63	1,126,983	< 5%



## 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

UPDATE #1: Lionsgate has filed a bogus DMCA takedown on this fair use remix. I'm currently fighting to get it restored, in the meantime you can see the HTML5 popup version of Buffy vs Edward here.



## 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

