

# YouTube pushing copyright laws to breaking point

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Copyright laws need to be dramatically rethought to deal with the exponential growth and novel pressures of websites like YouTube, MySpace and Wikipedia, a legal expert from The Australian National University will argue today.

Dr Matthew Rimmer from the ANU College of Law will discuss the US copyright infringement case brought against YouTube by the entertainment corporation Viacom at ANU this afternoon. He argues that this is a test case that could have major implications for Internet users in Australia.

“In January this year, Viacom demanded that all of its content be removed from YouTube – including segments from MTV, Comedy Central and Nickelodeon – after licensing discussions broke down,” Dr Rimmer said. “In the end, Viacom requested the removal of 150,000 video items, which they claimed had been viewed a staggering 1.5 billion times.

“While many of these items were demonstrated to infringe Viacom’s copyright, others had no link to that corporation’s material. Others still did reproduce Viacom’s material, but in a way that could be demonstrated to be of fair use. A prime example of this was MoveOn.org’s political spoof *Stop the Falsiness*, which reproduced segments of *The Colbert Report*, itself a political satire screened on the Comedy Central TV channel. This was included in Viacom’s original removal demands, but was later reinstated after legal arguments that the

work fell within the boundaries of fair use as a legitimate parody.”

Dr Rimmer argues that this is an example of the lack of clarity in current copyright legislation when it comes to dealing with what some have labelled ‘Web 2.0’ sites, such as YouTube, MySpace and Wikipedia. He believes that this uncertainty could lead to a curtailment of legitimate communications.

“Web 2.0 sites are not only useful tools, but also online communities where people gather to share information. Some people consider them to be new ‘news’ media, as legitimate a form of public information as traditional evening news bulletins.

“But in this very act of sharing, are the sites also vehicles of secondary infringement, in that they encourage others to reproduce and disseminate copyrighted material? This is certainly the case being made by Viacom and others against YouTube, which also faces the extraordinarily difficult task of policing millions and millions of videos for copyright infringements. One of the traditional copyright protections, called safe harbours, meant you were safe from prosecution provided you moved quickly to remove material once you were notified of an infringing. Yet the sheer volume of material facilitated by a site like YouTube means that it’s very difficult to keep tabs on everything that’s posted.”

Source: Australian National University

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