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Research Dossier: Online Content Piracy

Introduction to Research Dossier

In this age of the web people rarely go to individual sites for things and rather use a select few sites for all their needs, such as Facebook, Twitter, YouTube, or any other large social media network to receive information. As a result many do not try hard to find content to consume be it artistically, academically, or for entertainment purposes and would rather have it all given to them with little to no effort. Many have taken advantage of this and create pages that host content from around the world for all to see in one convenient place. While it may be convenient many individuals take advantage of this opportunity by hosting content without permission and claiming it as their own. Facebook in particular has been a big component in this problem. Facebook brags about the fact that they are able to obtain billions of video views a day and a majority of these views come from stolen content. . Many creators have contacted Facebook about this problem but they have done very little to help considering it keep users on the site and it earns them ad revenue. With Facebook boasting about their views and the money they are obtaining from it they have very little incentive to stop this problem.

Research Proposal

As a digital media major this topic is very important to me considering having seen it happen countless times with little to no repercussion and this could likely happen to me or my other colleagues. Many don’t give it a second thought, consume something and are on their way. But I would like to inform others of the harm such a thing has on creators. The increasing amount of plagiarism seen online doesn’t seem to be slowing down anytime soon, and considering that most networks are doing little to nothing to combat it I would like to inform others of this so that they too might be able to recognize and stop this theft.

Research Map

The area I would most likely use for this paper I the internet considering it is taking place there. Field research would come in second if I include interviews or try to recreate such a thing which would be challenging. I was unable to find many academic journals directly relating to my research but was able to find a few on copyright and its use in the modern era.

Research Questions

* Where does the line between fair use and plagiarism meet?
* What is being done/ what isn’t being done to combat stealing other’s content?

Keywords

* Fair use
* Online content
* “Going viral”
* Content aggregator
* Algorithms
* Ad revenue
* Freebooting
* Audience Retention/Engagement

Kind of research

Being a fairly recent topic there is very little regarding academia. I will be primarily researching people’s first hand experiences or other views on this topic.

Annotated Bibliography

"What the Shift to Video Means for Creators." *Facebook Media*. 7 Jan. 2015. Web. 2 Mar. 2016.

Facebook simply states statistics for videos on their platform and how content creators can use Facebook to their advantage. They are simply stating statistics and offering advice so I see little to no bias.

Abbruzzese, Jason. "How Do You Stop a Stolen Video before It Goes Viral? Facebook's Trying to Find Out." *Mashable*. 1 Sept. 2015. Web. 2 Mar. 2016.

Abbruzzese, a business reporter for Mashable, summarizes Facebook's announcement that they are preparing to test a new system to identify stolen content and how this affects content creators, creating an unbiased piece.

Collins, Joanna E. "User-Friendly Licensing For A User-Generated World: The Future Of The Video-Content Market." *Vanderbilt Journal Of Entertainment And Technology Law 2* (2013): 407. Academic OneFile. Web. 2 Mar. 2016.

*“*This Note argues that amateur remix and mashup videos have become a staple in our artistic culture, and the video-licensing system needs to evolve to accommodate artists of all levels. Some have advocated for a “sharing economy approach” to copyright, in which rightsholders voluntarily agree to collaborate in “peer-to-peer” marketplaces. While that approach accommodates the needs of amateur artists, it does not fully satisfy content owners’ interest in monetary compensation for the licensing of their original works. In contrast, a collectively managed taxation model, with rates that distinguish between professional and amateur artists, would balance the interests of content owners and sampling artists. It would remove the need for individually negotiated licenses, enable amateur artists to easily experiment with new art forms, and create a viable video-content market. The web video is here to stay, so it is time to turn copyright infringement into profit.*”*

Ginsburg, Jane C. "Fair Use For Free, Or Permitted-But-Paid?." *Berkeley Technology Law Journal 29.3 (2014): 1383-1446. Business Source Premier*. Web. 2 Mar. 2016.

“The U.S. Supreme Court in Sony Corporation of America v. Universal City Studios fended a fork in the fair use road. The Court there upset the longstanding expectation that uses would rarely, if ever, be fair when the whole of a work was copied. In the aftermath of that decision, lower courts have rendered a plethora of decisions deeming the copying of an entire work (even with no additional authorship contribution) a fair use, and therefore "free" in both senses of the word. A perceived social benefit or some market failure appears to motivate these decisions. This is because fair use is an on/off switch: either the challenged use is an infringement of copyright or it is a fair use, which section 107 declares "is not an infringement of copyright." As a result, either the copyright owner can stop the use, or the user not only is dispensed from obtaining permission, but also owes no compensation for the use. I contend that fair use for free should be available only where a second author copies in the creation of a new work (instances which I will call productive uses). By contrast, when the entire work is copied for essentially distributive purposes, courts and legislatures should sometimes allow the use, but subject it to an obligation to compensate authors and rights holders. This is not a radical idea: the United States is in fact an outlier in the broader international landscape of copyright exceptions. Many countries have permitted but

-paid regimes for various uses, including those by libraries, educational institutions, and technologies. Indeed, the United States has some as well, particularly respecting new technological modes of dissemination. For many authors and other members of the creative communities, while their works stoke the engines of others' enterprises, the Internet age has proffered more rags than riches. Creators should be compensated for the non-creative reuse of their works.”

Green, Hank. "Theft, Lies, and Facebook Video." *Medium*. 02 Aug. 2015. Web. 1 Mar. 2016.

Hank Green, a prominent content creator has a business with 30 employees helping to create online videos, explains how Facebook seems to be working against content creators by lying about video views and not doing enough to combat content piracy. Green has a definite bias in this article considering the fact that this has affected him personally.

Kurzgesagt – In a Nutshell. "How Facebook Is Stealing Billions of Views." *YouTube*. 10 Nov. 2015. Web. 1 Mar. 2016.

In a Nutshell, a popular YouTube channel, provides an infographic video on how Facebook is able to get 8 billion views a day by lying, cheating, and stealing. While they do try to provide an unbiased view of the situation by just providing information they ultimately have a bias considering that they were affected by the situation.

Oremus, Will. "People Used to Share YouTube Videos on Facebook. Now They’re Stealing Them." *Slate*. 8 July 2015. Web. 2 Mar. 2016.

Oremus, a senior technology writer for Slate, explains how Destin Sandlin's viral video was freebooted leading for him to lose millions of engagements and to lose a good chunk of revenue. The author is unbiased because he is just sharing Sandlin's experience.

Sandlin, Destin. "Facebook Freebooting - Smarter Every Day 128." *YouTube*. SmarterEveryDay, 19 Jan. 2015. Web. 2 Mar. 2016.

Sandlin, a popular YouTuber with over 2.8 million subscribers, explains how his viral video was stolen and uploaded to Facebook and explains how Facebook is profiting at his expense while also changing the online video industry. This has a bias considering it is a firsthand report of the subject.

Setalvad, Ariha. "Why Facebook's Video Theft Problem Can't Last." *The Verge*. 07 Aug. 2015. Web. 2 Mar. 2016.

Setalvad, a prominent writer for The Verge antagonizes Facebook for their lack of compliance with content creators to help protect their copyright. With Facebook as big as it is there is little to be done to directly communicate the problems or fight against them. The tone of the article is very aggressive towards Facebook creating a bias.

Sims, David. "The Fat Jew: Internet Celebrity and Joke Thief." *The Atlantic*. Atlantic Media Company, 17 Aug. 2015. Web. 2 Mar. 2016.

Sims, a senior associate editor for The Atlantic simply puts together an article explaining why "The Fat Jew" is so popular and the backlash he has gotten within the comedic community, creating an unbiased view.

Solomon, Leron. "Fair Users Or Content Abusers? The Automatic Flagging Of Non-Infringing Videos By Content Id On Youtube." *Hofstra Law Review 44.1 (2015): 237.* Web. 2 Mar. 2016.

“The article discusses America's fair use copyright doctrine and the nation's Digital Millennium Copyright Act (DMCA) in relation to the problems that are associated with the use of the Content ID automated digital fingerprinting system to regulate user-generated Internet content on video-sharing services such as YouTube. The legal liability of Internet service providers for copyright infringement by website users is examined, along with the flagging of non-infringing videos.”

Tamburro, Paul. "H3h3productions Exposes Facebook's Awful Approach to Stolen Videos - CraveOnline." *CraveOnline*. 16 Dec. 2015. Web. 2 Mar. 2016.

Tamburro, an editor for CraveOnline explains how popular Youtube channel h3h3productions disputed a copyright claim with Facebook for a video of theirs reuploaded to Facebook, to which Facebook replied stating that they don't see how the content reported violates his rights. This article is unbiased because it is simply restating what h3h3productions has reported.