On the YouTube vs. Viacom Case
Our antiquated copyright laws

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A federal judge has sided with Google's YouTube, and the Internet will live to fight another day. In 2007, media conglomerate Viacom sued Google, the parent company of YouTube, for copyright infringement after tens of thousands of Viacom videos were uploaded to the site without permission.

Viacom accused Google and YouTube of willfully turning a blind eye to the exuberant piracy that flourishes on the service, all in the quest for profit.

The battle pitted old media against new. It reflected the larger fight that continues between classic "content providers" such as artists, musicians and authors, and those who create new platforms to offer their work, usually without permission or remuneration. It presented innumerable questions about this nation's outdated copyright laws. And for the moment - because Viacom is planning an appeal - it looks like everything new is winning.

In a sense, the ruling sounds narrow - the judge claimed that Google was protected by the safe harbor provisions of the Digital Millennium Copyright Act, which generally protects Web sites from liability claims as long as they remove the offending material when notified by the copyright holder. YouTube does have an aggressive removal policy - the judge noted that Viacom sent the company a removal request for about 100,000 videos on February 2, 2007, and that YouTube had removed nearly all of them by the next business day. And in the years since the lawsuit was filed, YouTube has set up an automated system to find and block suspicious videos.

But ultimately the decision is about who has control over content - and the power is clearly shifting away from those who create it. That's good news for YouTube and Google, and Facebook, and all the other Internet companies that rely on others' content to power their own growth. And it's good news for many Internet users, for whom the status quo won't change.

The news is less good for those who aim to make a living as creators. But rather than attacking the new platforms, perhaps the next step for content creators is to push for changes in this nation's unwieldy copyright laws.

Our copyright laws have been in need of an overhaul for years. They stifle business and confuse consumers and creators. The drive to overhaul them has been gathering steam for many years, and we urge creators...
to join it - as long as the copyright laws reflect the new realities of the Internet. We can't expect people to create things for free - unless we believe that the only people in our society who can be creative are those who are already rich.

http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/06/28/EDF11E4FUVDTL
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