

Copyright Infringement on Reddit

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As of July 14th, 2015, Reddit, a popular social media site, has created a new set of rules for the website that its users must follow. One of the most important of these new tenets is the newly updated Copyright Rules for the website. The new rules state that “These types of content are prohibited:... Anything illegal (i.e. things that are actually illegal, such as copyrighted material. Discussing illegal activities, such as drug use, is not illegal)...” (www.reddit.com). In other words people can’t upload images, videos, or even audio pieces that could be considered copyright infringement. However, this new copyright rule doesn’t mean that account users aren’t allowed to post or link copyrighted content, it’s just that in certain situations it is not. Linking and embedding such mediums is allowed and is now the primary method of posting due to these new implementations. Reddit is trying to chase a white elephant, when it shouldn’t. Mod’s take care of copyrighted materials thoroughly and make sure that the posters are using proper fair use in regards to copyrighted works. For the most part, copyright is a major benefit to those who wish to publish their works, but like everything, there’s always drawbacks, especially when it comes to content online.

This new enforcement on copyrighted material and infringement on the website has received mixed responses from the online community. Many feel like the rules in place are vague with no true clear distinction on what is and what isn’t copyright-protected. I’m in that camp. I believe that while this new enforcement on tracking and stopping infringement will be better in the long run for the website, its vagueness and strict guideline set could be very problematic. There are billions of images on the internet and to try to claim ownership and block usage of said images is an impossible task. Reddit is trying to chase a white elephant when it shouldn’t. Mod’s approach is to take care of copyrighted materials thoroughly and make sure that the posters are using proper and fair use in regards to copyrighted works. For the most part, copyright is a major

benefit to those who wish to publish their works, but like everything, there's always drawbacks, especially when it comes to content online.

In order to easier understand the influence that this new manifest has on the website, one must know the history and culture of Reddit. In June of 2005, Alex Ohanian and Steven Hoffman created Reddit. Interest in this website exploded shortly afterwards, and the website and its unique layout and content made it into an internet phenomenon. Shortly after it was purchased in “October 2006 by Conde Nast for an estimated \$20 million, receiving 500,000 daily unique views.” (Macale). The rise and increasing momentum of this online beast eventually culminated in it being one of the most visited websites on the internet. The daily view count of the home page is now well over “4 million” (www.reddit.com). With a website that gets this much traffic and content, rules and guidance must be placed in order to create civility as well as allow the website to stay functional under the guidelines of the US government regulations. Reddit was compliant with the rules laid out; however, the website has suffered a series of internal problems such as CEOs resigning, employees being fired without justification, and irresponsible subreddit moderators. These factors played a big part into the creation and implementation of the new copyright rules on the website in order to reign in the collected chaos.

Copyright protection offers authors and content creators security, safety, and protection from unauthorized use of their work. The authorization, ownership and control of a work belongs solely to its creator and only its creator. A good way of knowing how to classify your work can lead to more protection. Most copyrights are under authorship works. Authorship works consist of “literary, musical, dramatic, audiovisual, pictorial, graphic and sculptural works.” (Middleton & Lee pg. 235). Having a copyright notice is one way of allowing a content’s author complete control. In order for a copyright notice to be complete, it must contain: “the word “copyright”, a

“c” in a circle (©), the date of publication, and the name of either the author or the owner of all the copyright rights in the published work.” (Stim). The copyright’s length of protection is also something that will strengthen the creator’s hold over their work. The length of this protection depends on the number of individuals who contributed and the year it was made. With works created after January 1, 1978, it spans the life of the creator “with an additional 70 years after his death.” (www.copyright.gov). Group works are also similar because the copyright of the work will last “70 years after the death of the last living author.” (www.copyright.gov). These are important details that are crucial in holding onto a work and being able to use them. Most copyrights need direct permission from the author itself. However, copyrighted works that can be used without its owner’s permission are typically found in the public domain. The public domain is access that is available to everyone. Works are sent to the domain usually after their copyright contract and protection has expired. This is when people are allowed to use these works for free and without permission.

In regards to Reddit’s form of copyright protection, it utilizes the DMCA policy. DMCA is short for the Digital Millennium Copyright Act of 1996. “The act itself “criminalizes” the production and dissemination of technology, devices, or services intended to circumvent measures that control access to copyrighted works...and the act of circumventing an access control, whether or not there is actual infringement of copyright.” (<http://definitions.uslegal.com/>). The act focuses on hunting down infringement all over the web. In this context, only the copyright holders are the ones who would know whether the content is actually infringing in accordance to Reddit’s user agreement. Reddit allows these holders to search for infringements and then file a complaint to eliminate said infringement. It’s a perfect example of how the DMCA works in action.

Reddit also uses the safe harbor method of the DMCA in another method of copyright protection. “DMCA safe harbor substantially limits the liability for copyright infringement.” (Hollaar). Safe harbors will protect you from copyright infringements on your website and its users by providing links to said infringement clauses. In order to actually receive these protections, “providers must comply with the conditions set forth in Section 512 including “notice and takedown” procedures that give copyright holders a quick and easy way to disable access to allegedly infringing content.” (www.rcfp.org). Reddit has an extensive history of using safe harbors to great effect. Moderators are very diligent, for the most part, in monitoring instances of said infringement and are quick to act with the notice and takedown methodology.

Another factor in how Reddit protects copyrights across its websites is how often it uses fair use. Fair use is when you are allowed to use segments of a copyrighted work to make a comment, discuss, quote, or even parody it. “In other words, fair use is a defense against a claim of copyright infringement.”(Stim). Examples of this would be using snippets of a movie or book that you are reviewing, or even South Park because of all the topics and works it has parodied and satirized. People using quotes and or memes in threads are another great example of how much Reddit, as well as the internet, have pushed fair usage into the forefront. Memes are a perfect example, as it is common for them to contain characters from works and use them to make of their own as well as a statement about a current event. Memes can convey ideas and those cannot be copyrighted. However, YouTube videos that often play clips from shows and movies are not using fair use properly and are usually taken down unless they have permission, or have at least tweaked the video.

Copyright laws have numerous benefits to those who use and actively seek them. For instance, any work that can be copyrighted will receive immediate limited protection as soon as

it is established. This allows for protection against intellectual property theft. Another benefit of copyright laws would be that it is specifically designed to protect intellectual property for everyone. Cases with infringement and intellectual property theft will actually only have to provide the burden of proof instead of the typical proof beyond reasonable doubt. These cases are much simpler and manageable. Copyright laws also serve as a large source of motivation for many. It allows the author to collect profit from an exclusive monopoly pool. It also allows them to send their copyright to other individuals like publishers and advertisers. It truly does spark creativity among authors and creators for several reasons. The push to be original, as well as to make money are a driving force for many people these days. The chance to create a lasting work and collect royalties and influence from the success of a work is a strong motivation. This drive for royalties allows these content creators to focus solely on their crafts rather than trying to focus on living on a paycheck day by day.

There are many benefits found in Reddit's updated copyright manifest. One of those benefits is the creation of a new and healthier atmosphere. It's a step in the right direction that makes Reddit look more responsible and positive to the public, particularly towards advertisers, investors, and potential allies in other corporations. This will allow these individuals to see Reddit in a more business-oriented light and will hopefully allow for more business opportunities and potential corporate expansions for the company. The end result is hopefully a more influential reach. By creating more rules against illegal activity, Reddit will accumulate more attention from popular investors that might want to help expand the company's influence.

Another benefit would be dismantling and reducing the number of illegal torrents on that website. Pirating has always been a major problem on the internet and Reddit was known as a torrent hub in its early stages. With these new ground rules set in stone, subreddits such as,

/r/moviesonline, /r/illegaltorrentsand, and /r/fullmoviesonyoutube will be deleted, thus helping the movie and television industries. Not only would this take away measures of notoriety from Reddit, but also force torrenters to seek their targets elsewhere, which would slow the tide of illegal distribution. The situation would be similar to the MEGAUPLOAD raid, in which one of the biggest illegal torrenting sites on the internet was shut down and its founder arrested.

However, there are several cons pertaining to copyright laws. One of them would be that it's very pro-big business. Intellectual property patents are normally bought by large corporations and businesses. These companies would extend the length of time the contract has, which would leave very little for anything to the public domain. They're often more beneficial to large businesses rather than individuals due to the large resource pool. It helps to be wealthy when it comes to copyright laws, due to the average price of copyrights. Prices for a copyright patent are usually between \$30-\$250 dollars, which can get steep and expensive to maintain. It tends to be a rich man's game.

When there are benefits, there must be drawbacks to this updated manifest. One of the drawbacks would be that there is a fuzzy line in many areas to what is considered a copy infringing post. The lines are blurred as to what is and what isn't. One of Reddit's most popular subreddits, /r/pics is having this dilemma. This subreddit has users link and post thousands of photos a day through sites like Imgur, Flickr, and Tumblr. These images would've been correctly uploaded by the copyright owners of said pictures. Unfortunately, many would be infringing, by either the re-posting by a third party without permission or because they're licensed images from sources that are owned by someone else. This subreddit could be gutted, all thanks to someone who doesn't properly source or credit a link or image. It could cripple the one of the biggest

outlets of internet culture. Memes, jokes, pictures, and videos could be taken down, and a vast amount of digital culture along with it.

This could also put limits into how much fair usage could be used on the site. If there is a very stingy moderator, then fair usage could be limited and mandated, which defeats the whole purpose of the concept. Reddit is a birthplace of jokes, memes, and many modern ideas. Putting a cap and enforcement on using them could prove disastrous. People would leave the website and flock to another one with less rules, like 4chan.

Bottom line, I really don't feel the need for our copyright system to change. Despite the hurdles that people need to go through in order to have a successful work protected, it works fairly well. The current system inspires competitiveness, originality, and spectacle for those who wish to make that arduous climb to fame. Sure, there are hiccups like the wealth gap and the ambiguity of the copyright laws, but what system doesn't? For the most part it's a fair system that rewards those who want to pursue and achieve their aspirations. As for Reddit's new guidelines and rules, I'm mixed on. I'm all for clamping down and getting rid of illegal torrenting. However, the lines are very vague, blurred, and fuzzy in terms on what is fair use and what isn't in regards to images, videos, and gifs on the website. It can get confusing as it limits forms of expression on the internet and it gives more authority and power to the moderators and officers on Reddit. Reddit's had issues like this before and it's worked itself out by trusting in the community to do the right thing. That sense of trust needs to come back in order for there to be less scrutiny, less chaos, and less drama to one of the largest sites on the internet.

Bibliography

1. Web. 30 Oct. 2015. <https://www.reddit.com/help/useragreement>
2. "Protection for Infringing Material Posted by Others: DMCA Safe Harbor Provisions." *Protection for Infringing Material Posted by Others: DMCA Safe Harbor Provisions*. N.p., n.d. Web. 30 Oct. 2015. <https://www.rcfp.org/browse-media-law-resources/digital-journalists-legal-guide/protection-infringing-material-posted-oth>
3. Hollaar, Lee A. "Digital Law Online: DMCA Safe Harbors." *Digital Law Online: DMCA Safe Harbors*. N.p., 2002. Web. 30 Oct. 2015. <http://www.digital-law-online.info/lpdi1.0/treatise33.html>
4. Stim, Rich. "Copyright Protection: What It Is, How It Works." *Stanford Copyright and Fair Use Center Copyright Protection What It Is How It Works Comments*. N.p., 27 Mar. 2013. Web. 30 Oct. 2015. http://fairuse.stanford.edu/overview/faqs/copyright-protection/#if_you_want_to_use_material_on_the_internet
5. "Digital Millennium Copyright Act of 1998." *Encyclopedia of the First Amendment* (2009): n. pag. <Http://www.copyright.gov/>. Web. 30 Oct. 2015. <http://www.copyright.gov/legislation/dmca.pdf>
6. *Copyright Basics*. N.p.: n.p., n.d. *Www.copyright.gov*. Library of Congress. Web. 30 Oct. 2015. <http://www.copyright.gov/circs/circ01.pdf>
7. Macale, Sherilynn. "A Rundown of Reddit's History and Community [Infographic]." TNW Network All Stories RSS. 13 Oct. 2011. Web. 3 Nov. 2015. <http://thenextweb.com/socialmedia/2011/10/14/a-rundown-of-reddits-history-and-community-infographic/>
8. Middleton, Kent R., Lee, William E. *The Law of Public Communication*. 19th ed. White Plains, N.Y.: Longman, 2016. Print.

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