



UNIVERSITETET  
I OSLO

# Copyright in the Age of Cloud Computing: Social Media Use

ALAI Congress, Kyoto, 17. October 2012

*Professor dr. juris Ole-Andreas Rognstad*



# Social Media



- Sets of internet applications that build on Cloud Computing, allowing creation and exchange of user generating content
- Fulfils the NIST characteristics of Cloud Computing
  - On demand self service; broad network access; resource pooling; rapid elasticity; measured service
- Based on Software as a Service (SaaS)
  - Provision of software infrastructure which the user uses without needing to know how it functions



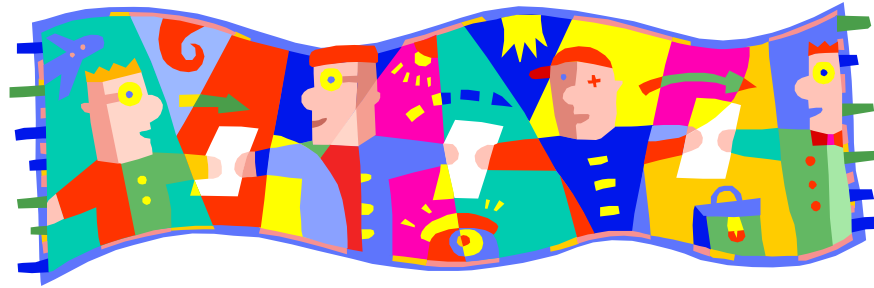
# Different kinds of social media

- Collaborate Projects
- Blogs and Microblogs
- Content Communication
- Social Networking Sites
- Virtual Game Worlds
- Virtual Social Worlds





UNIVERSITETET  
I OSLO



# Keywords: Sharing of information





# Three (out of $\infty$ ) problems/challenges

- (i) The responsiveness of traditional copyright rights structure to social media use of copyright protected material
- (ii) The possibility of rights clearance of third party content on part of the user
- (iii) Legal regulation of intermediaries' liability





# Retweets

579

TWEETS

77

FOLLOWING

120

FOLLOWERS



Follow

## Tweets



**Relatable Tweets!** [@girlposts](#)

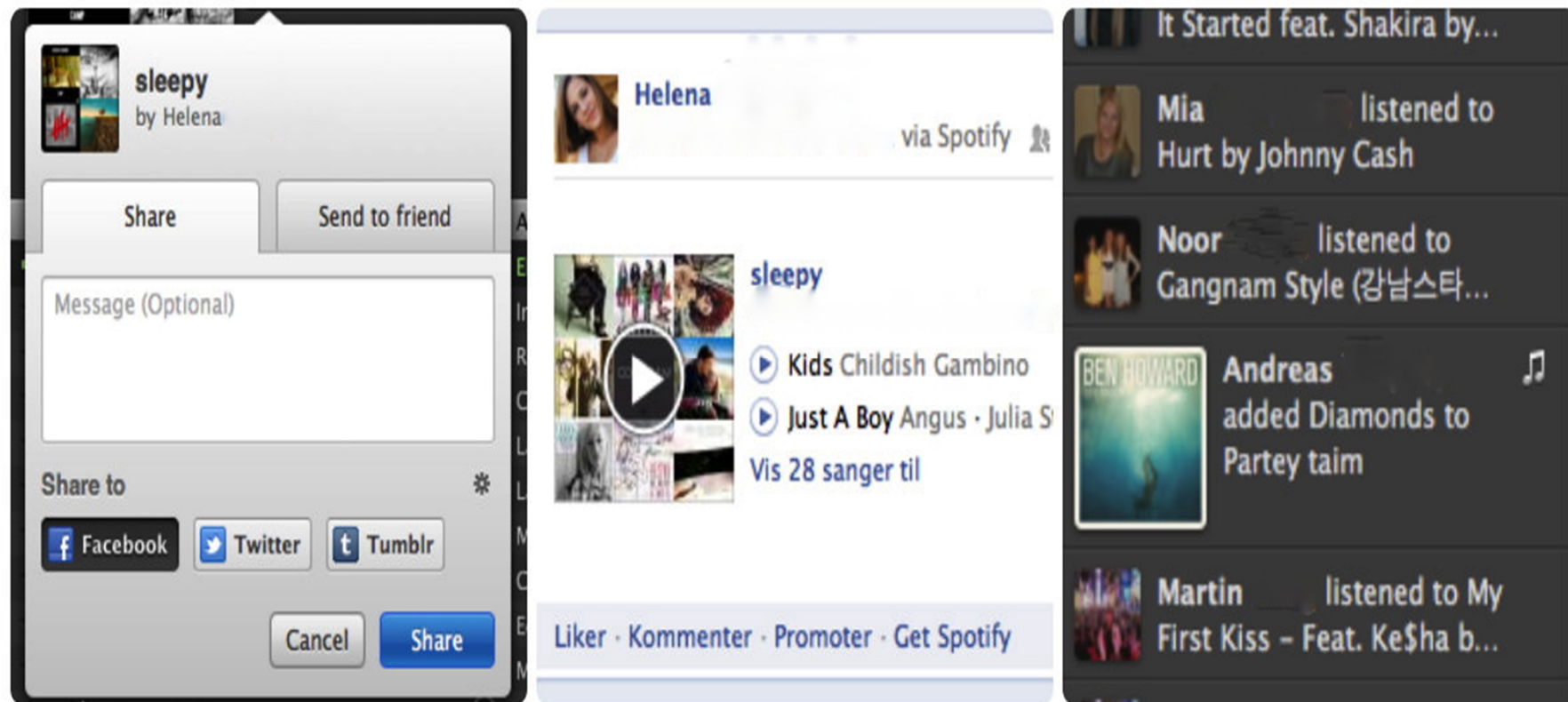
5h

That one person who makes you happy the second you start talking to them.

[Retweeted](#) by [Vilde](#)

[Expand](#) [Reply](#) [Retweet](#) [Favorite](#)

# Spotify on Facebook



The image shows a Facebook interface with a Spotify integration. On the left is a sharing dialog for a playlist titled "sleepy" by Helena. The dialog includes a "Share" button, a "Send to friend" button, a "Message (Optional)" text area, and social media sharing options for Facebook, Twitter, and Tumblr. A "Cancel" and "Share" button are at the bottom.

The main post is from user "Helena" and is shared "via Spotify". It features a video player for the "sleepy" playlist, which includes tracks like "Kids Childish Gambino" and "Just A Boy Angus · Julia S". Below the video, it says "Vis 28 sanger til".

On the right, a dark-themed sidebar shows a list of recent listening activity:

- It Started feat. Shakira by...
- Mia listened to Hurt by Johnny Cash
- Noor listened to Gangnam Style (강남스타...
- Andreas added Diamonds to Parthey taim
- Martin listened to My First Kiss - Feat. Ke\$ha b...



# (i) Individual use based rights vs. «everything flows kind of use»

- Shift from a copy based single use to a content based network use environment. Accentuated by cloud computing
- The use of copyright content in the cloud environment is based on a steady flow of information that is accessible 24/7 on the user's demand
- Current copyright regime: Individual use based
  - Each single act of reproduction and making available to the public are copyright relevant and calls for justification

• **Compatible with the shifting patterns of use?**







## (ii) How to clear third party rights on part of the user?

- What (easily accessible) options do users have for right clearance of third party content for the purpose of typical social media use?
- Cloud service providers: Key role
  - Negotiations with collective management organisations
  - Development of models like You Tube's Content ID



Copyright Center

Content Owners

Copyright Infringement Notification

Content Verification Program

Retractions

Content ID

YouTube Users

What happened to my video?

Why do I have a strike on my account?

Why was my account suspended?

What is my account status?

Copyright Education

What is copyright?

Copyright School

## Content ID

# YouTube™ AudioID & YouTube™ VideoID

Block, Monetize, or Track Viewing Metrics — It's Automated, and It's Free

### Overview

YouTube has created an advanced set of copyright policies and content management tools to give rights holders control of their content. YouTube provides content management solutions for rights holders of all sizes across the world, and provides tools to cater to the specific needs of various rights owners.

### Commercial partnerships

Use of YouTube's copyright tools is free, and does not require any commercial partnership with YouTube. Content partners who would like to monetize their content can apply to join our [YouTube Partner Program](#).



### What is Content ID?

YouTube's state-of-the-art technologies let rights owners:

- Identify user-uploaded videos comprised entirely OR partially of their content, and
- Choose, in advance, what they want to happen when those videos are found. Make money from them. Get stats on them. Or block them from YouTube altogether.



## (iii) Regulation of intermediaries' liability

- Cloud computing: More centralized service provision system
- Opportunities for right holders vs. need for determining the limits of intermediaries' liability
- Time for international harmonization of intermediaries' liability?

