

A Proposal of How to Stop Twitch DMCA Issue

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This proposal hinges around the idea of Twitch as a platform licensing the use of songs from the respective copyright holders. Now as to how this will be achieved and the benefits, read on.

Firstly, how will this work? Twitch as a platform would contact individual copyright holders and license the use of their songs for streamers to use on their platform. The primary target for this would be large large copyright holders over individual copyright holding artists (think Sony Music). The ruling of this agreement would likely specify that the music would only be used as a background to the content produced by the content creators that Twitch is representing, and that Twitch would moderate this. Basically no streams of someone just playing copyrighted music with a still image or looped animation in the background. The primary draw of the content would have to be something other than the music, so gameplay, commentary over top of the music, and or other live content (drawing, painting, building stuff, etc...). If this rule is stipulated then Twitch is not providing a competitive product to music streaming sites like Spotify, Apple Music, etc... and therefore should be able to negotiate a lower price to license these music libraries, as people wanting to just listen to music will go elsewhere (where the copyright holder can make money of their views/plays/sales). If anything this serves to make Twitch an advertisement for those songs as people will hear them in the background of a stream and seek them out elsewhere to listen to them. Obviously this would prevent any DMCA issues with this music because streamers would have the legal right to use it. This program would serve as a competitive advantage for Twitch as a platform as their streamers would be able to use copyrighted music without risk, as opposed to other sites where large streamers would likely worry about the risk of legal action and would thus be forced to either stop playing music (which is less pleasant for viewers) or play a smaller selection of non-copyrighted music.

How would this be implemented and how would Twitch afford it? Firstly, to the programmers who work on Twitch's algorithm, implement a hierarchy or tag system. Each song/album/etc is either tagged with, or sorted under, the name of the copyright holder. When the system is looking for copyrighted music in clips and VODs it can simply ignore the content under these classification or with these tags. This brings us on to how Twitch can help afford this. I've already mentioned the competitive advantage this would offer and how Twitch could negotiate lower costs due to the specific use case, but the other thing that can be done is pass part of the cost on to the streamers. I see three possible cases. First case, Twitch fronts the cost and all streamers on the platform gain access to the licensed material. Second case, streamers pay a subscription to Twitch to gain access to the material, something nominal like \$15-50 a month. In this case the system would check to see if a streamer is subscribed when checking their content and ignore the licensed material if they are. A

auto-renew feature for this subscription must be included as an option so that streamers don't accidentally have their content muted if they forget to renew. Should a streamer stop paying, upon the end of their subscription, their clips and VODs would be scanned and all copyrighted sections of audio would be muted, this would also be the same situation if a copyright holder pulled out of their deal, a full clip and VOD scan of the platform muting content with their tag. The third and final case, streamers can subscribe individually to the music libraries they want to use. This uses the same implementation as the above example but just with more tags. So for example you could sub to Sony's library but not some other library, when the algorithm scans your content it doesn't flag Sony stuff but it does flag the other stuff. This is, admittedly, the worst implementation as it is the most complicated.

Two final considerations. On the technical side, it is advisable to check the tags that a streamer has before scanning their clips and VODs and then simply not searching for that content within the video, less processing power this way rather than flagging all copyright content and then checking whether they have permission for it, though this really depends on the structure of the program. Secondly and lastly, all of the copyright holders should provide to Twitch a list of the songs and albums they are licensing and the names of the artists that created them, Twitch should then use this information to produce a publicly available database of the names (and only names, not the audio itself) of these songs and albums, using artist name, song name, and album title, as searchable fields, such that a streamer can ensure that a song is properly licensed when building their playlists. A streamer would hypothetically just go find a song they want, search either its name and find it, or search the artist name and see a list of that artist's songs/entire albums that are licensed by Twitch. This makes it easy for streamers on the platform to ensure that they are sticking to music they can legally play.

This is a preliminary proposal, it is rough and needs some refining and probably some input from people with legal backgrounds and from those in the music industry. This was written as a stream of consensus sort of thing so it's not formal in any way and may have some grammar/sentence structure mistakes. I am not associated with Twitch or any music copyright holders in any way. Feel free to share this document to spread the idea and propose other solutions to this problem. The goal of this is to promote productive discourse on how we may solve this problem rather than continue to blame copyright holders for exercising their rights to protect their material.