

## **Assignment 4**

### **1. Platform Copyright Policy Analysis**

#### **Instagram's Copyright Policy**

I chose Instagram for this assignment. Instagram says that users should only post content that they created themselves or that they have permission to use. Their policy focuses mainly on copyright owners reporting violations, and Instagram responding through a notice and takedown system.

Instagram detects copyrighted content in two ways. First, they rely on copyright owners to submit reports through an online form. These reports go to Instagram's team, who can remove the content. Second, they sometimes use automated tools to detect music in videos. This usually appears as a mute or warning, but it is not as aggressive as YouTube's Content ID. Instagram does not scan every video the moment it is uploaded. This explains why none of my clips were removed, even though they contain copyrighted sports footage.

If a post is flagged and removed, Instagram notifies the user and gives them the option to appeal. A user can file a counter notification if they believe the content was taken down by mistake. Instagram follows DMCA rules, so when a counter notice is filed they forward your information to the copyright owner. If the copyright owner does not take legal action, Instagram may restore the post.

Instagram does not let users monetize posts the way YouTube does, so there are no special revenue sharing rules around copyrighted clips. Their main response is either no action or full removal. There are no licensing agreements like YouTube's Content ID program.

When I compare Instagram's stated policy with what I observed, there is a clear difference. Instagram's rules sound strict. They say that even short clips, background audio, or modified content can infringe copyright. But in practice, none of my uploads were flagged or removed. This suggests that Instagram relies heavily on copyright owners to report violations rather than using strong automated detection.

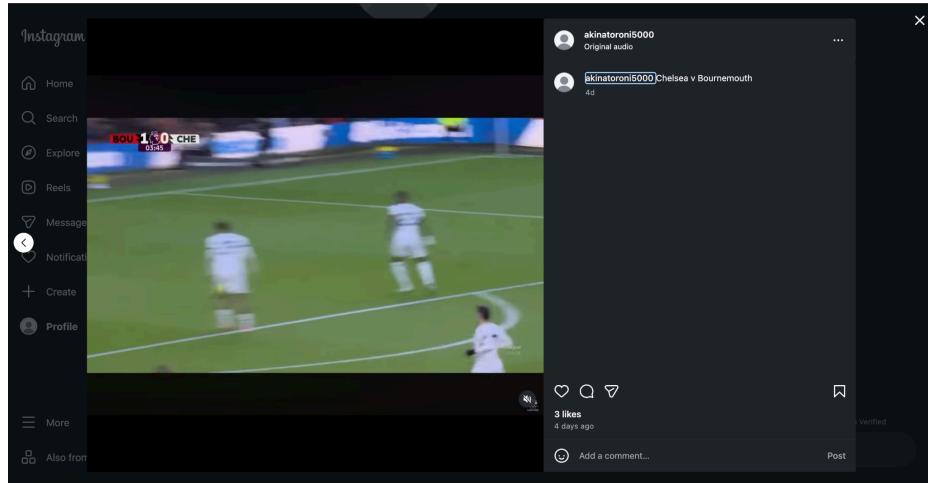
### **2. Fair Use Experiments**

For this part of the assignment, I uploaded three different pieces of copyrighted content to Instagram in order to test how the platform responds to short clips, longer clips, and content that includes commentary. None of the uploads were taken down, muted, or flagged. I describe each experiment below.

I uploaded a five second clip taken from an NBC Sports highlights video of the Chelsea vs Bournemouth match. The clip was taken directly from YouTube and I did not add any edits or commentary. My goal was to see whether Instagram detects short uses of copyrighted sports footage.

The upload was successful and I did not receive any warnings or copyright notices. As of December 11, the post is still visible on my account.

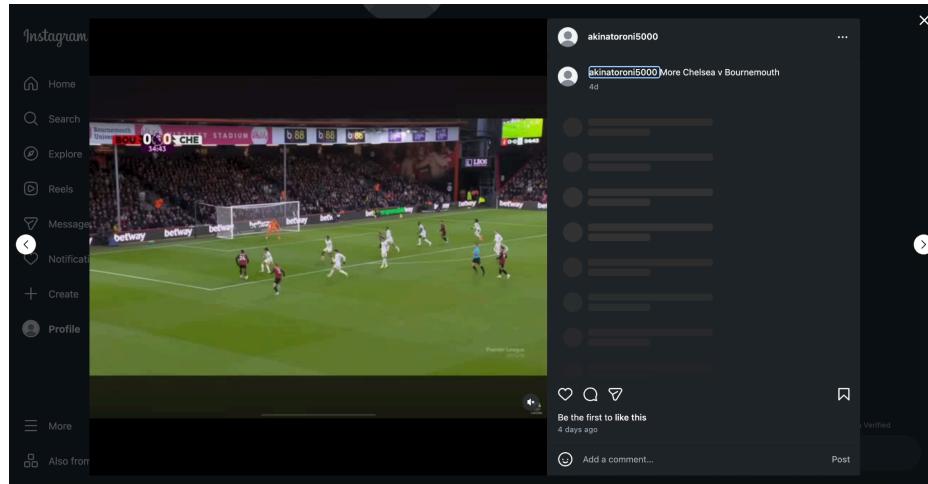
**Figure 1:**



For the second experiment, I uploaded a thirty second clip from the same NBC Sports highlights video. This clip is much longer and includes more of the original broadcast footage. I wanted to test whether Instagram treats a longer copyrighted video differently than a short one.

This upload was also successful. Instagram did not mute the audio or send any copyright notice. The post is still visible on my account and has not been restricted.

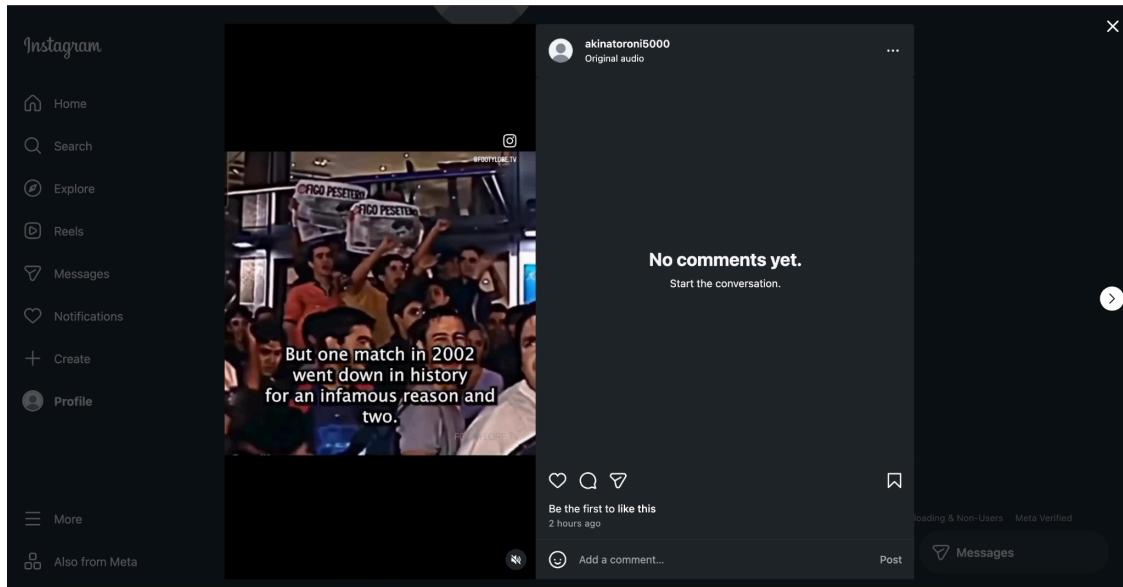
**Figure 2:**



For my final test, I uploaded a clip from the famous El Clasico match where a pig's head was thrown at Luis Figo. This clip came from a YouTube video. I added my own narration over the footage where I explained the context and why this moment is still talked about today. This type of use is closer to classic fair use because it adds commentary.

Instagram accepted the upload with no issues. There were no alerts, muting, or copyright claims. Since I posted this clip on December 11, only a short amount of time has passed, but there has been no enforcement so far.

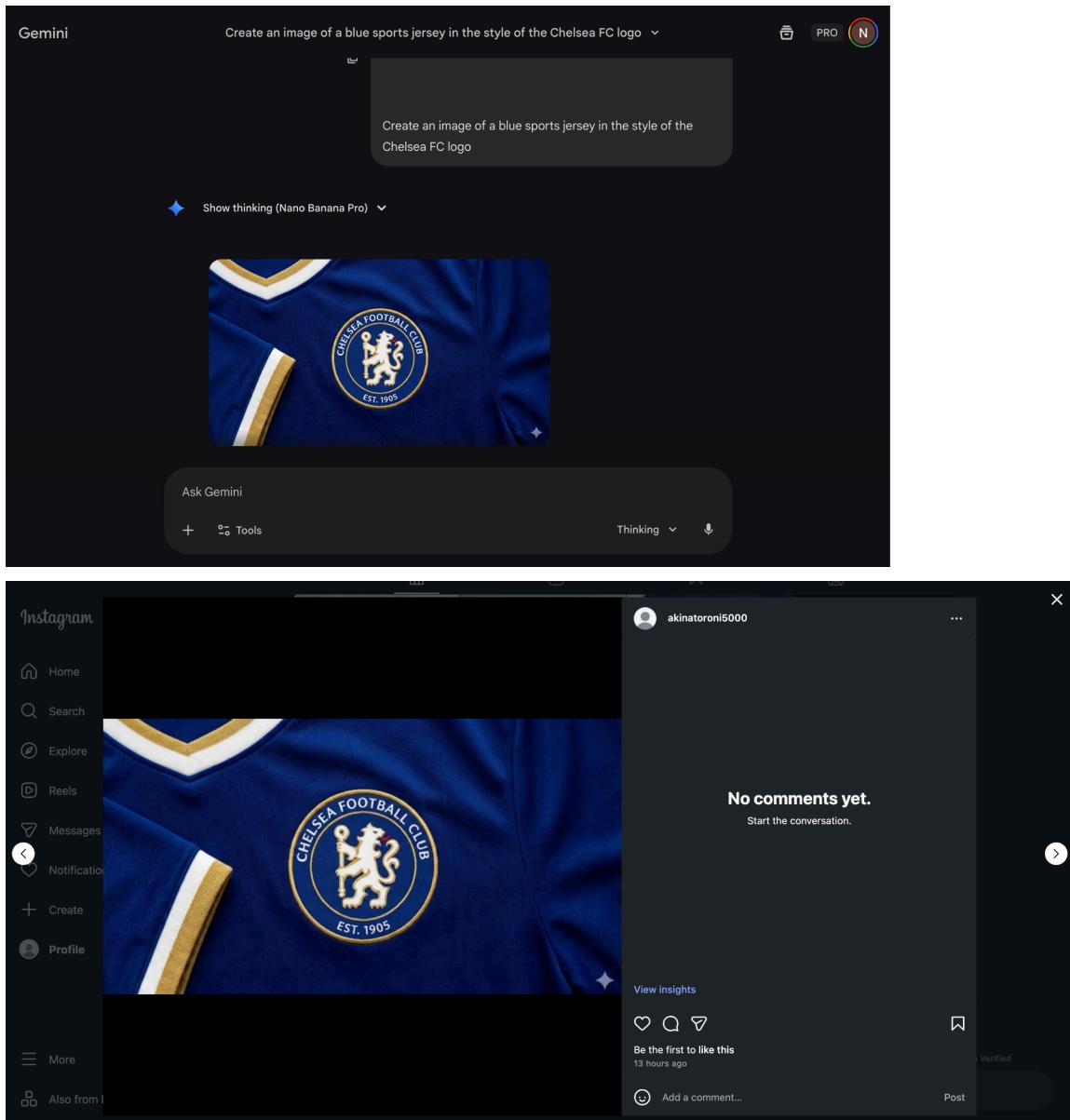
**Figure 3:**



### 3. AI-Generated Content Investigation

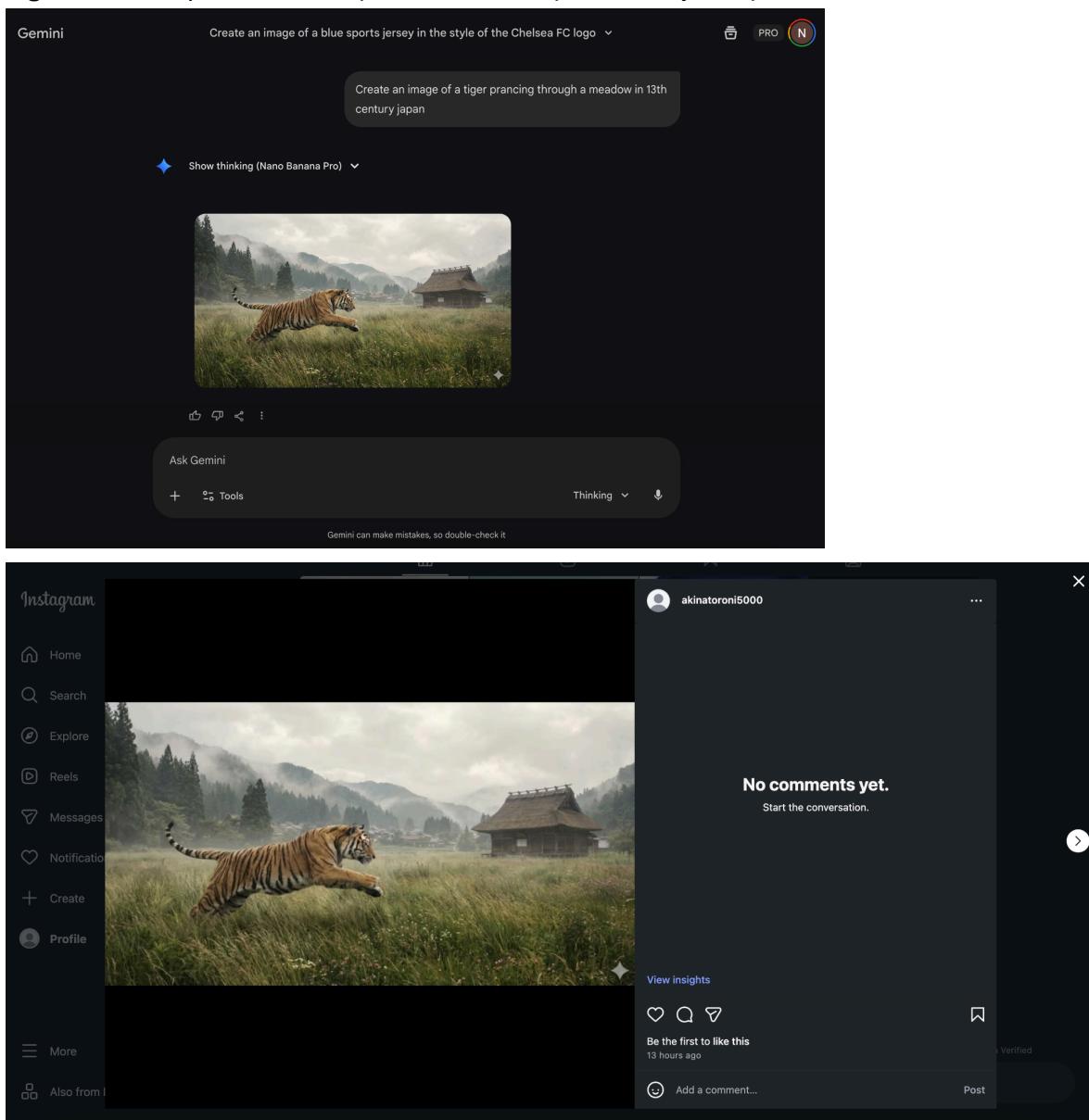
For this part of the assignment, I created three AI generated images using Gemini's Nano Banana model. Each prompt tested a different type of relationship to existing copyrighted styles. I then uploaded all three images to Instagram to see whether the platform would flag or remove them. None of the images were removed or restricted after almost twenty four hours.

**Figure 4:** Prompt — Create an image of a blue sports jersey in the style of the Chelsea FC logo



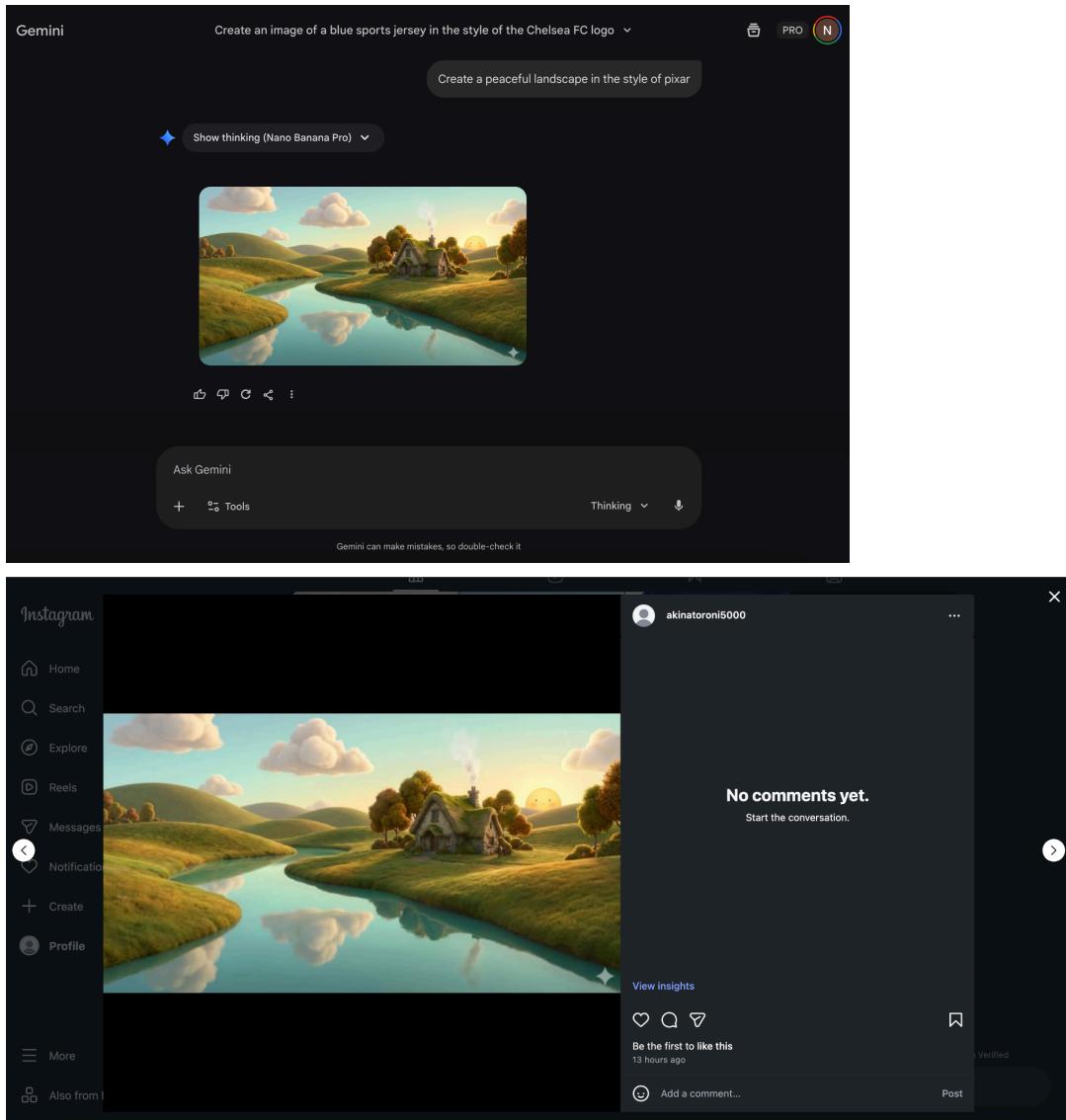
This prompt directly references a real copyrighted brand. The generated image was not a copy of the logo, but it was clearly inspired by the visual style of Chelsea FC. I uploaded the image to Instagram and received no warnings. The post stayed up with no issues.

**Figure 5:** Prompt — Create a peaceful landscape in the style of pixar



This prompt refers to a well known creative style, but it does not point to a specific copyrighted character or scene. The AI produced a landscape that had a soft, animated look similar to Pixar's style but not identical to anything from a Pixar film. The post stayed up with no issues as well.

**Figure 6:** Prompt — Create an image of a tiger prancing through a meadow in 13th century japan



This is an original prompt that does not reference any specific copyrighted material. The result was an image that looked historical and stylized, but it did not resemble a particular artwork. The post stayed up with no issues as well

### AI Tool Terms of Service

AI tools like Gemini generally state that users are allowed to use the outputs they generate. In most cases, the user owns the final generated image, although the company still limits how the tool itself can be used. These tools also make it clear that they cannot guarantee that the output

is fully free of copyright risk, since the models may learn patterns from large datasets that include copyrighted works.

### **Copyright Ownership of AI Outputs**

The legal status of AI generated images in the United States is still unsettled. Current guidance from the U.S. Copyright Office states that fully AI generated works cannot be copyrighted by a human unless the human contributed meaningful creative choices. However, the user can still use the image in practical ways, including posting it online.

### **Instagram's Policy on AI Generated Content**

Instagram does not have a dedicated policy page specifically for AI generated content. I looked through their copyright section and general intellectual property pages, and there is no separate guidance. From what I can tell, Instagram simply treats AI generated images the same as any other content. If the image contains something that clearly infringes a copyrighted work, they would rely on a copyright owner to report it.

So you are not missing anything. Instagram does not publish a special policy for AI content at this time.

## **4. Legal Analysis**

### Fair Use Factor Analysis for My Experiments

#### **Short raw clip (5 seconds).**

The purpose was non commercial and educational since it was for an assignment, but the clip was unmodified and did not add new meaning. The original work is creative sports footage. Five seconds is a small portion, but it still shows copyrighted material. The effect on the market is low because my upload does not replace the highlights. Overall, this leans slightly against fair use but not strongly.

#### **Longer raw clip (30 seconds).**

This is less likely to be fair use. It uses more of the copyrighted footage and does not transform it. The purpose was again educational, but the amount used is more substantial. Even though the market effect is small, courts generally see longer unmodified clips as less fair.

#### **Narrated clip (commentary on the Figo incident).**

This is the strongest fair use case. The purpose is commentary and criticism. My narration adds new meaning and context. The original work is creative, but the use is transformative. The amount used matters, but since the commentary depends on showing the moment, courts often allow this. The market effect is minimal. Overall this is likely fair use.

### **Gap Analysis**

There is a clear gap between copyright law, platform rules, and what actually happens. Under the law, my shorter clip and longer clip both raise fair use concerns. Instagram's policy also warns users that almost any copyrighted material can be removed. But in reality, Instagram did nothing. None of my uploads were detected, muted, or blocked.

The commentary clip is the strongest fair use case, but Instagram treats it the same as the raw clip because they do not evaluate fair use on upload. They wait for copyright owners to complain. This shows that enforcement on Instagram is weak and inconsistent. The law expects a detailed analysis, but platforms mainly react to reports rather than actively policing content.