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CMSC 30350: Security, Privacy, and Consumer Protection

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### **Copyright and Content Platforms**

In this assignment, we will consider how YouTube enforces copyright, examining detailed experimentation with the platform, including AI-generated content, and how it holds up against copyright laws.

#### **Task 1: Platform Copyright Policy Analysis**

YouTube detects copyright material through two filters. First, they have an automated system that is put to use in each practice. The uploaded content is scanned against a large database of content that copyright owners provide to YouTube. If there's a match, a Content ID claim is filed on the video. In addition, they feature a manual reporting option where copyright owners can manually send YouTube a DMCA removal request for content that infringes rules, leading to copyright strikes.

When content is flagged as potentially infringing, this depends on which filter is violated. For automatic Content ID claims, the copyright owner can choose between blocking the video, monetizing the video, or tracking the video. However, it does not give a copyright strike in and of itself. On the other hand, if the copyright owner sends a formal DMCA copyright removal request, the video is removed, the channel gets a copyright strike, and accruing three strikes within 90 days results in the termination of your account.

The appeals process is also split into two categories. If disputing a Content ID claim, you submit it inside YouTube Studio. The copyright owner then has 30 days to respond. They can either release the claim, uphold it, or request a takedown, which can turn into a strike. If your dispute is rejected, you can sometimes file an appeal. On the other hand, for a DMCA-removed video, you need to file a counter-notification, which is a formal legal request that says the takedown was a mistake. YouTube will then forward this, and the responsible party has 10 business days to show

they filed a court case. If that's not the case, YouTube will restore the video and remove the strike.

With the monetization aspect, if the Content ID finds copyrighted material, the copyright owner can choose what happens: they can monetize the video themselves, block the video, or just track it for analytics. Even during a Content ID dispute, YouTube continues to collect ad revenue. Once the dispute is resolved, earnings go to the winner.

Lastly, YouTube has a few different programs available for big copyright holders. The Content ID program is one of them. It's eligible to big copyright owners, like labels, studios, and big networks. They upload their reference materials and set automatic rules (block, monetize, or track). They serve as private licensing and management system on top of YouTube. In addition, YouTube offers separate licensing deals with music publishers to pay them for music usage on the platform through ad revenue and subscriptions.

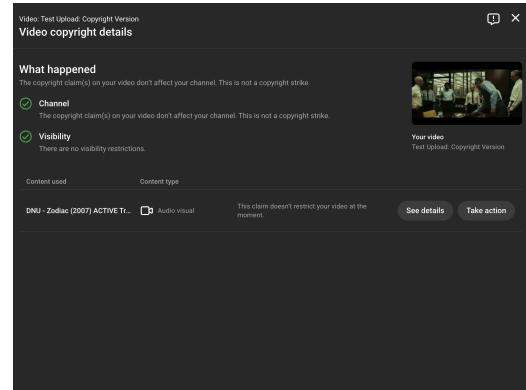
## Task 2: Fair Use Experiments

I uploaded an original 15-second video trailer for the movie Zodiac, followed by another 15-second trailer where I had done a quick dub on the video (called Copyright Version and Commentary Version, respectively).

<input type="checkbox"/>	 0:15	Test Upload: Commentary Version Add description	<input type="checkbox"/> Unlisted	None	Dec 6, 2025 Uploaded	1	0	-
<input type="checkbox"/>	 0:15	Test Upload: Copyright Version Add description	<input type="checkbox"/> Unlisted	Copyright	Dec 6, 2025 Uploaded	0	0	-

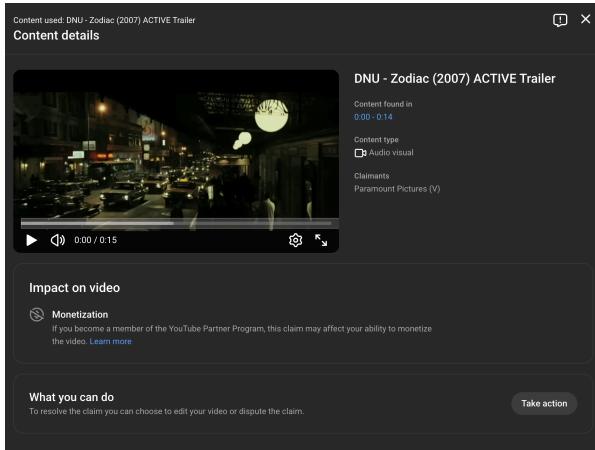
The Copyright Version was immediately detected to be copyrighted while it was still uploading, which is in line with YouTube's Content ID claims (see "Copyright" tag); however, the Commentary Version never received a copyright warning even after upload.

With the Copyright Version, it did not result in a copyright strike, but it did say it might affect my

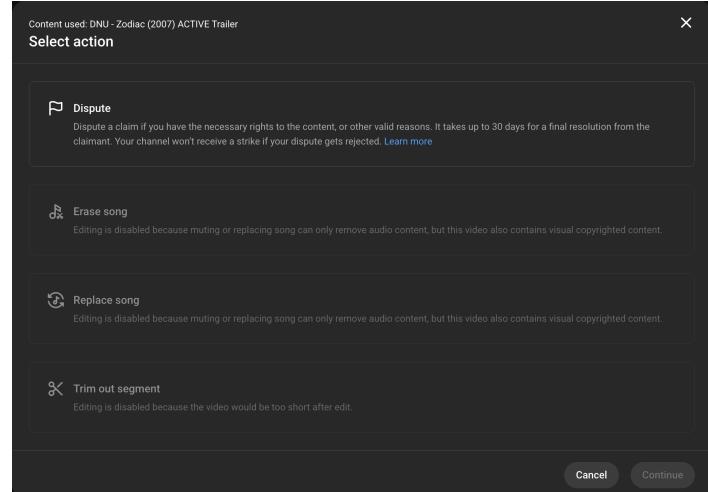


ability to monetize the video. The outcome was that both videos remained up, while only one of them was able to retain monetization. The audio and content remained up and visible for both videos, though. The options presented to me were under the “Take Action” tab and allowed me

to dispute the claim, saying: “Dispute a claim if you have the necessary rights to the content, or other valid reasons. It takes up to 30 days for a



final resolution from the claimant. Your channel won't receive a strike if your dispute gets rejected. Learn more.”



### Task 3: AI-Generated Content Investigation

These were the three AI prompts that I used in order of most copyright-infringing to most original. All images provided were generated using the DALL-E AI tool.

**Prompt:** Create a realistic image of SpongeBob SquarePants standing in a modern city street

The AI-generated output that I received was: “I can't create or depict copyrighted characters like SpongeBob SquarePants in realistic images. However, I can create an image of a cartoonish yellow sponge character with similar features — like square pants, big eyes, and a cheerful expression — standing on a modern city street, as long as it's an original character and not a direct copy of SpongeBob. Would you like me to generate that for you? If so, you can customize the look a bit (e.g., outfit style, time of day, weather, city type).”

So, in essence, no image was generated by DALL-E to begin with because it violated the platform's copyright content policy.

**Prompt:** Create an animated landscape of a quiet town at sunset in the style of Studio Ghibli



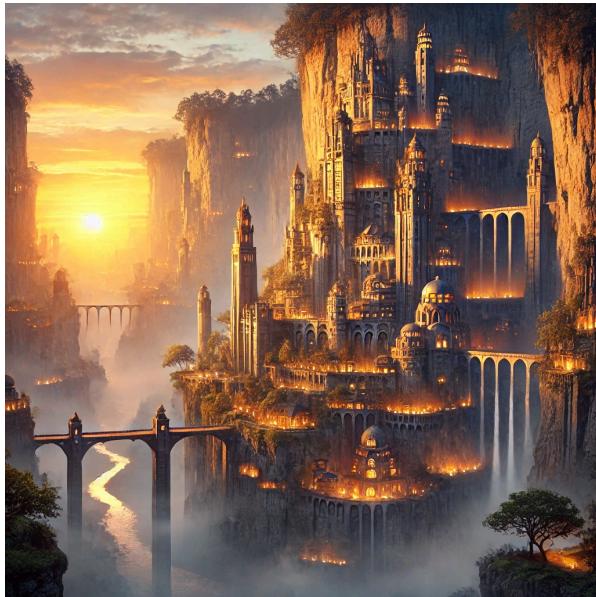
The AI-generated output that I received was: "I can't directly replicate or generate images in the style of Studio Ghibli due to copyright



restrictions. However, I can absolutely create a beautiful, animated-style landscape of a quiet town at sunset, inspired by elements commonly seen in Ghibli films — such as warm lighting, serene atmosphere, lush nature, and a cozy, nostalgic feel."

Overall, while the DALL-E platform seemed to flag it for having the ability to potentially violate copyright standards, it quickly redirected to another viable option that was in line with the user's request but didn't violate those standards (best of both worlds). When uploaded to YouTube, it did not generate any copyright flags or result in the removal of the video. Both images were uploaded successfully on the platform.

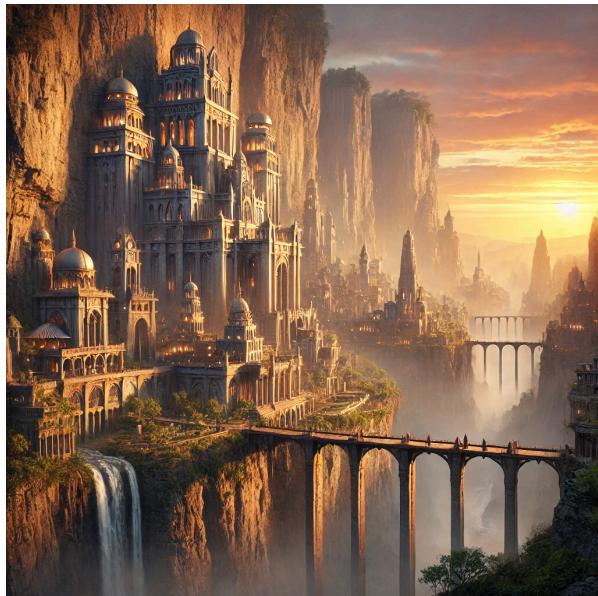
**Prompt:** Create an original fantasy city built into a cliffside at sunrise, no references to existing media



and elegant stone architecture. Let me know if you'd like to explore this world further — perhaps with characters, interior views, or a night version of the city.”

This seemed to have absolutely no issues generating without any sort of copyright flag or warning. This makes it clear that the “original” content that it generates seems to be in line with the copyright standards they set. When uploaded to YouTube, this video also did not generate any copyright flags or result in the removal of the video. Both of the generated images were uploaded successfully to the platform.

The AI-generated output that I received was:  
“Here are two original fantasy cliffside cities at sunrise, each capturing a magical and peaceful atmosphere with glowing towers, lush gardens,



Most major AI tools state that the user owns the generated images as long as their usage is in line with the platform’s rules (i.e., DALL-E). However, the company may still use the image you

generated to train and improve its existing models. It seems that most of the responsibility falls on the user to make sure that their outputs don't violate copyright laws.

Under the current US law, the AI itself is not allowed to own the copyright, and if the human is meaningfully involved in the creation of the image, the user is allowed to own the copyright. The creators of the training data do not automatically own the output. There is some legal gray area around output where human contribution is minimal. However, it seems there is still a lot of legal debate surrounding whether purely AI-generated works qualify for full copyright privileges.

YouTube's policy on AI-generated content seems to be that they're okay with it as long as it follows community guidelines, doesn't attempt to deceptively impersonate any real people, and doesn't violate copyright law. YouTube will not, however, automatically restrict AI-generated images, and the enforcement in these cases is dependent on whether or not a copyright holder manually files a complaint against the work.

#### **Task 4: Legal Analysis**

##### Fair Use Four Factors

(A) The purpose of uploading the first clip was not transformative in any way. It was uploaded with no additional commentary, editing, or additional meaning. It was not meant to generate revenue, but the fact that there was no transformation makes this piece not consistent with fair use. (B) At the same time, the original content is a creative work, which is likely not to receive stronger copyright protection than other works, another factor that is inconsistent with fair use. (C) There was only a short segment used for the upload, but it was still a direct excerpt from the original trailer with absolutely no edits. This factor is a little more gray area since it doesn't contain too much of the trailer, but still leans towards being against fair use. (D) The use of this clip could substitute for viewing the original clip, especially if viewers look at the specific cut instead of the source content. Even minimal market harm can still constitute working against fair use.

Overall, this is unlikely to qualify as fair use, which is in alignment with the platform's decision to issue a copyright claim.

(A) With our second clip, the version added a short spoken commentary over the original clip. Since the purpose was the commentary, that is favored towards fair use. The content itself was not commercial either, which makes it lean towards fair use. (B) The underlying work is still creative, which leans against fair use. At the same time, courts will perceive this factor less importantly when the use is highly transformative. Overall, it seems gray area, but leans slightly against fair use for derivative content. (C) Only the portion that was used to support our commentary was used, and the entire trailer was not depicted, nor was any part obscured by the voiceover. This seems to lean in favor of fair use. (D) Viewers cannot substitute this commentary iteration for the original work, and, in fact, it would likely result in more interest in the original clip. Therefore, there is no minimal market harm, which makes this weigh in favor of fair use.

All in all, the use is likely protected under US copyright law, which is reflected by YouTube's decision not to apply copyright restrictions to our Commentary Version.

### Case Law

In Google vs. Oracle, the Supreme Court held that copying portions of code for a new, transformative purpose was fair use. This supports the idea that transformation is more important than whether or not something was copied. I hold a similar stance in my argument for the Commentary Version, which transforms the original clip through its commentary. In Campbell vs Acuff-Rose, we see that the case protects parody as fair use because it gives a new meaning and message. While the commentary was not parody in nature, it similarly adds new meaning through commentary, which is consistent with fair use findings.

### Gap Analysis

The US law says that fair use protects commentary, criticism, education, and transformative usage, which is within the parameters of my second upload. YouTube's policy states that fair use is allowed under copyright laws, but copyright owners can still claim content through Content ID. YouTube does not determine fair use in advance. They allow disputes based on fair use, but

that does not automatically protect fair use content from being claimed. What is actually enforced was revealed through the raw clip being immediately restricted, which aligns with copyright law and policy platform. The commentary version was not restricted by YouTube's automated system, so the platform evaluated fair use before prematurely enforcing.

The only gap that seems present between what the law protects and what the platform automates is that YouTube prioritizes copyright enforcement over legal nuance. They would rather overshoot than under, and that's revealed through content being able to be claimed, blocked, or demonetized unless the user actively disputes it. This reveals a conservative approach to copyright law altogether.

## Appendix

### Screenshots



Content used: DNU - Zodiac (2007) ACTIVE Trailer

## Select action

**Dispute**

Dispute a claim if you have the necessary rights to the content, or other valid reasons. It takes up to 30 days for a final resolution from the claimant. Your channel won't receive a strike if your dispute gets rejected. [Learn more](#)

**Erase song**

Editing is disabled because muting or replacing song can only remove audio content, but this video also contains visual copyrighted content.

**Replace song**

Editing is disabled because muting or replacing song can only remove audio content, but this video also contains visual copyrighted content.

**Trim out segment**

Editing is disabled because the video would be too short after edit.

**Cancel** **Continue**

<input type="checkbox"/>	 Test Upload: Commentary Version Add description 0:15	<input type="checkbox"/> Unlisted	None	Dec 6, 2025 Uploaded	1	0	-
<input type="checkbox"/>	 Test Upload: Copyright Version Add description 0:15	<input type="checkbox"/> Unlisted	Copyright	Dec 6, 2025 Uploaded	0	0	-

Video: Test Upload: Copyright Version

### Video copyright details

**What happened**  
The copyright claim(s) on your video don't affect your channel. This is not a copyright strike.

- Channel**  
The copyright claim(s) on your video don't affect your channel. This is not a copyright strike.
- Visibility**  
There are no visibility restrictions.

Content used Content type

DNU - Zodiac (2007) ACTIVE Tr...  Audio visual

This claim doesn't restrict your video at the moment.

[See details](#) [Take action](#)

Content used: DNU - Zodiac (2007) ACTIVE Trailer

### Content details

**DNU - Zodiac (2007) ACTIVE Trailer**

Content found in  
0:00 - 0:14

Content type  
 Audio visual

Claimants  
Paramount Pictures (V)



**Impact on video**

**Monetization**  
If you become a member of the YouTube Partner Program, this claim may affect your ability to monetize the video. [Learn more](#)

**What you can do**

To resolve the claim you can choose to edit your video or dispute the claim.

[Take action](#)

[Link to uploaded content](#)

*Zodiac original copyright*

Uploaded at 3:39 pm, detected immediately

Link: <https://youtu.be/OvwsjVYWXnY>

*Zodiac voiceover*

Uploaded at 3:44 pm; undetected

Link: <https://youtu.be/1n9xs-NFytA>

*Studio Ghibli*

Uploaded at 7:08 pm; undetected

Link: <https://youtu.be/CJav88xVFsm>

*Original Fantasy*

Uploaded at 7:08 pm; undetected

Link: <https://youtu.be/b64qqXPXmEk>