

### Youtube's stated policy :

1. How YouTube detects copyrighted content
  - Automated systems:
    - **Content ID** scans every upload against a database of reference files from big rightsholders.
    - **Copyright Match Tool** finds reuploads of a creator's own videos.
  - Manual reports:
    - Any copyright owner can send a copyright removal request (DMCA notice).
2. What happens when content is flagged
  - **Content ID claim** (automatic):
    - Video usually stays up.
    - Rightsholders chooses to block, monetize, or track the video.
    - This is not a copyright strike.
  - **Removal request** (manual):
    - Video is taken down.
  - Channel gets a copyright strike (3 strikes → channel termination risk).
3. What is the appeals or counter-notification process?
  - **Content ID dispute/appeal (inside YouTube):**
    - Creator disputes claim → rightsholder can release, uphold, or escalate to a takedown.
    - While disputed, ad revenue is often held until it's resolved.
  - **Counter-notification (legal DMCA step):**
    - Used when a video was removed and you got a strike.
    - If the claimant doesn't sue within the window, YouTube may restore the video and remove the strike.
4. How does the platform handle monetization of content containing copyrighted material?
  - Only channels in the **YouTube Partner Program** can earn ad revenue.
  - If Content ID claims a video, the rightsholder can:
    - Take all revenue,
    - Share revenue with the creator (e.g., some music cases), or
    - Block the video.
  - Programs like **Creator Music** let creators buy licenses or accept revenue sharing on music.
5. Are there any special programs (e.g., YouTube's Content ID licensing agreements)?
  - **Content ID access:** For big rightsholders (labels, studios, etc.) who upload reference files and set global policies.
  - **Copyright Match Tool / Enterprise tools:** Help creators and companies find and act on reuploads at scale.
  - **Manual claiming tools & licensing deals:** Advanced partners can manually claim videos and enter specific licensing/monetization agreements with YouTube.

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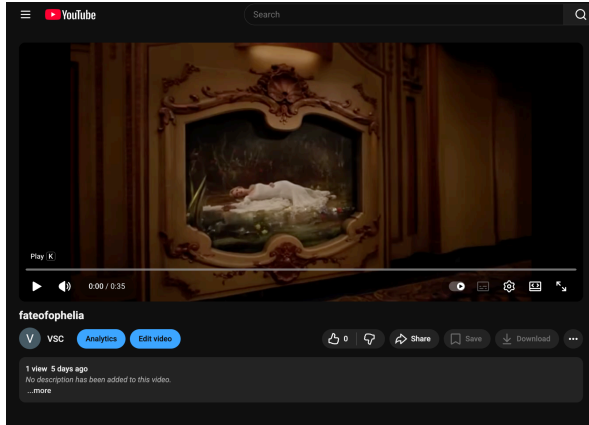
## Fair Use Experiments

I created a YouTube account uploaded:

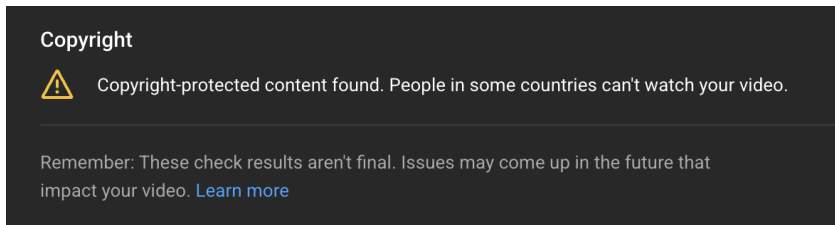
### **Taylor Swift-copy**

- 1 short segment (30 seconds) of copyrighted content of Taylor Swift's Music video the fate of Ophelia.
- <https://youtu.be/LCvkjdj9s0I>

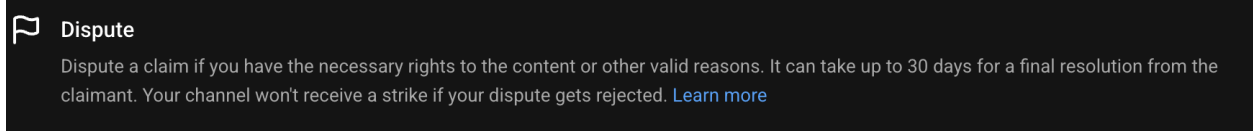
Screenshot of successful upload:



Time until detection (immediate, hours, days, never detected): I immediately got a warning, that banned my video from certain countries.

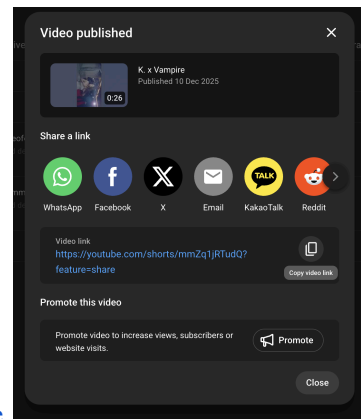


Any options presented to you (dispute, acknowledge, trim audio, etc.): I was presented with the option to dispute



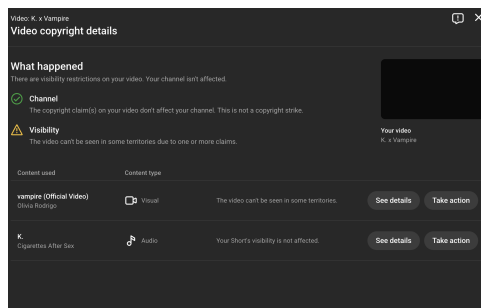
Final outcome (content stays up, gets muted, blocked in certain regions, completely removed, monetization disabled, etc.): Video stayed up with the ban in certain countries.

Cigarettes after Sex with Olivia Rogrigo Music video



<https://youtube.com/shorts/mmZq1jRTudQ?feature=share>

Time until detection (immediate, hours, days, never detected): I immediately got a warning, that banned my video from certain countries.



Any options presented to you (dispute, acknowledge, trim audio, etc.): I was presented with the option to dispute

**Dispute**

Dispute a claim if you have the necessary rights to the content or other valid reasons. It can take 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](#)

Final outcome (content stays up, gets muted, blocked in certain regions, completely removed, monetization disabled, etc.): Video stayed up with the ban in certain countries.

## AI-Generated Content Investigation

### Summer Nights in June

Tool: Suno

Goal: Make something very close to a specific song/artist.

Prompt: “Compose a 3 minute country song that closely imitates the melody and vibe of Something in the Orange by Zack Bryan with similar chord progression and structure, but different lyrics about summer nights.”

LINK to upload: <https://www.youtube.com/watch?v=O1bgFf2YC6Q>

Youtube allowed this to stay uploaded.

### Corazón en Contraste

Tool: Suno

Goal: Style mimicry (no direct copying, just “in the style of”)

Prompt: “Generate a 2-minute reggaeton track in Spanish inspired by Bad Bunny’s style, with a similar vocal vibe and modern production, but completely original melody and lyrics about unexpectedly catching feelings for someone totally different from you, someone you never imagined you’d like.”

LINK to upload: <https://youtube.com/shorts/Jcdt-sbrfwl?feature=share>

Youtube allowed this to stay uploaded.

### **1. What does the AI tool’s (Suno) terms of service say about copyright?**

Suno’s ToS says you must **not** use the model to recreate or infringe copyrighted music, and you are responsible for ensuring your prompts and outputs don’t violate others’ rights. They also state that Suno cannot guarantee that generated music won’t resemble existing copyrighted works.

### **2. Who owns the copyright to AI-generated content?**

Suno grants you broad rights to use, share, and monetize the audio you generate, but the company also warns that AI-generated music may not qualify for human-authored copyright protection. Practically, you can use the content freely, but its legal ownership status is uncertain or may fall into the public-domain-like category.

### **3. What is your platform’s stated policy on AI-generated content (YouTube)?**

YouTube allows AI-generated content but requires creators to disclose when realistic content was made with AI, especially in political or sensitive contexts. Copyright enforcement still applies normally to AI outputs—if the content matches copyrighted material, YouTube’s Content ID can flag, block, or monetize it regardless of how it was created.

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## **4. Legal Analysis**

### **Fair Use Analysis**

30-second Taylor Swift music video segment (uploaded with no commentary)

1. **Purpose and Character of the Use** - The video was uploaded without commentary or transformation, so it is non-transformative and purely consumptive. This weighs strongly against fair use.
2. **Nature of the Copyrighted Work** - The original is a highly creative, expressive music video, which receives strong copyright protection. This also weighs against fair use.
3. **Amount and Substantiality** - Using 30 seconds of a professional music video is a substantial portion, especially because music videos are short and visually recognizable. This factor weighs against fair use.
4. **Effect on the Market** - Reposting an unaltered segment could potentially substitute for part of the original or diminish the market for official clips. This weighs against fair use.
- 5.

Under the four factors, this use is very unlikely to be fair use, which aligns with YouTube’s immediate Content ID detection and territorial blocking.

Cigarettes After Sex-style audio + Olivia Rodrigo music video visuals (combined sources)

1. **Purpose and Character of the Use** - Even though the audio and visuals were combined, the upload did not add commentary, criticism, or educational value. The combination is creative but still non-transformative under fair use. Weighs against fair use.
2. **Nature of the Copyrighted Work** - Both Cigarettes After Sex’s sound and Olivia Rodrigo’s visuals are highly creative works. This weighs against fair use.
3. **Amount and Substantiality** - Using the video background directly captures the “heart” of the work, even if only a portion. Because music videos rely on iconic visuals, this weighs against fair use.
4. **Effect on the Market** - Reusing copyrighted music video footage without commentary risks substituting for official content or undermining monetization. This weighs against fair use.

Despite being a ‘remix’, the lack of commentary or analytical purpose makes it unlikely to qualify as fair use, consistent with YouTube’s immediate blocking in specific regions.

### **Relevant Case Law**

1. Google v. Oracle (2021)

The Supreme Court emphasized transformation and purpose—Google’s reuse of API code was considered fair because it enabled something new, not a substitute for the original.

Application: My uploads did not add a new purpose (criticism, commentary, education), so unlike Google’s transformation, my content remained primarily consumptive.

2. Sega v. Accolade (1992)

Reverse engineering was allowed under fair use because it was necessary for interoperability and produced new value for the public.

Application: My uploads do not serve a public-benefit function or create new utility, so they resemble “copying for consumption,” the opposite of Sega’s transformative purpose.

## Gap Analysis

### 1. Legal Theory vs. Platform Policy

- Legal theory says fair use requires transformation, commentary, criticism, or education.
- YouTube's policy treats any recognizable match via Content ID as potentially infringing, even if it might legally qualify as fair use.
- YouTube does not try to evaluate fair use automatically; it leaves that to disputes, thus leaning toward strict enforcement.

### 2. Platform Policy vs. Actual Enforcement

- YouTube promises "content may remain available" depending on rightsholder policies, but in practice:
  - Both of my videos were detected instantly, confirming extremely aggressive Content ID scanning.
  - Both were blocked in certain countries based solely on rightsholder preset rules.
- YouTube allowed the videos to remain online but restricted them geographically, prioritizing rightsholder control rather than assessing potential fair use.

### 3. Legal Theory vs. Actual Enforcement

- Legally, only a court can determine fair use, but platforms effectively act as gatekeepers.
- Even if a user had a stronger fair-use argument (e.g., commentary or parody), YouTube would still auto-flag it and potentially block it before any legal analysis occurs.
- My results show that fully legal fair-use possibilities are often irrelevant to automated enforcement.