

Washington College of Law Program on Information Justice and Intellectual Property

Best Practices in Copyright and Fair Use for User-Generated Content Released

PIJIP and the AU Center for Social Media coordinate guide to staying legal in remix culture

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WASHINGTON, D.C. (July 7, 2008)- The American University's Program on Information Justice and Intellectual Property (PIJIP) announces the release of a new code of best practices in fair use for creators in the burgeoning online video environment. The code was coordinated by PIJIP and the American University Center for Social Media, with support from the Ford Foundation through CSM s Future of Public Media Project. Back in January, we released a report on copyright and remix culture, Recut, Reframe, Recycle: Quoting Copyrighted Material in User-Generated Video (wcl.american.edu/pijip/), back in January. The code, which was made public on July 7, represents the next step. Collaboratively created by a team of media scholars and lawyers, these best practices will allow users to make remixes, mashups, and other common online genres with the knowledge that they are staying within copyright law. The full text of the code for user generated video is available at wcl.american.edu/pijip.

Until now, anyone uploading a video has run the risk of becoming inadvertently entangled in an industry skirmish, as media companies struggle to keep their programs from circulating on the Internet. As online providers have begun to negotiate with media companies, everyone has agreed that fair use should be protected. Before the code s release, there was no clear statement about what constitutes fair use in online video.

The code identifies, among other things, six kinds of unlicensed uses of copyrighted material that may be considered fair, under certain limitations. They are:

- Commenting or critiquing of copyrighted material
- Use for illustration or example
- Incidental or accidental capture of copyrighted material
- Memorializing or rescuing of an experience or event
- Use to launch a discussion
- Recombining to make a new work, such as a mashup or a remix, whose elements depend on relationships between existing works



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For instance, a blogger's critique of mainstream news is commentary. The toddler dancing to the song "Let's Go Crazy" is an example of incidental capture of copyrighted material. Many variations on the popular online video "Dramatic Chipmunk" may be considered fair use, because they recombine existing work to create new meaning.

If you would like to receive more information about the code, please contact us at 202-274-4442.

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