Copyright Infringement and Online Multimedia Sharing Websites

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By

LI jiexin

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Abstract

The emergence of Internet has made file-exchanging available regardless of the constraint of time and place. The past few years have seen a dramatic rise of video sharing websites such as YouTube, MySpace video, Blip.tv and MetaCafe. Videos are spread quickly with the emergence of these websites which have been providing online video storage service for years. However, a common issue accompanied such video sharing websites is copyright infringement. The topic has been at the center of debate since users started to exchange and share unauthorized files over Internet. As a YouTube user, the author found many copyright content uploaded by copyright holders and common users who were not granted with permission. This dissertation mainly investigated the percentage of copyrighted files on selected websites.

The research employed structured observation to collected data which consisted of 4,710 videos from YouTube, MySpace video and Metacafe. The main finding was that the percentage of copyright infringement content on these websites was high. YouTube contributed more than the other two websites to the high volume. The most popular categories were entertainment, film and animation and music which often took the form of original clips and music videos. Video-sharing websites took action, such as to against the rampage of copyright infringement activities but had different result. The research analyzed the reason for a large amount of copyrighted files were shared. It probably due to the business model certain websites adopted. This model temporarily maintained the balance among different parties such as users, copyright holders and video-sharing websites which might explain why copyright holders could allow copyright protected videos shared online to certain extent.
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Chapter 1 Introduction

1.1 Background

The emergence of Internet has made file-exchanging available regardless of the constraint of time and place. The past few years have seen a dramatic rise of video sharing websites such as YouTube, MySpace video, Blip.tv and MetaCafe. Videos are spread quickly with the emergence of these websites which have been providing online video storage service for years. Most users upload their personal multimedia files to share and communicate with others. In the case of this research, three websites were selected: YouTube, MySpace TV and Metacafe.

YouTube

Many articles introduced YouTube as one of the leading video-sharing websites. Founded in 2005, this website immediately enjoyed popularity with internet users and became the cover of Wall Street Journal in 2006. It offers a platform for sharing videos among people from all walks of life. There are videos for educational purpose, for example, an English teaching program Studio Classroom, set up a channel and upload the clips of programs each day. Such website as well becomes the place where professional artists communicate with others and spread their influence. Record companies, such as Universal Group, have uploaded thousands of videos for user to watch. Whenever you want to watch a music video of your favorite artists, by putting the name in search engine you will have thousands of videos of various types, such as live, music video and radio show. If you miss highlight moment of a football match or TV shows, thousands of videos clips are available on YouTube waiting for you to click. Videos on this website are usually in high demand which could contribute to its popularity.
MySpace TV

Launched in 2007, MySpace TV website is a byproduct of famous social networking website MySpace. This websites does not enjoy much attention as YouTube did probably due to its relatively short history. This site is still in its infancy but serves the same function as YouTube.

“MySpace TV is an integrated component of the company’s worldwide community and content platform, continues the evolution of the company’s video offering by aggregating the best elements of video and empowers MySpace users to view, create and share videos in new ways through the community (Business Wire, 2007).”

Metacafe

The company was founded in 2003, unlike YouTube which includes all kinds of videos, Metacafe focused on short-form and originality-oriented videos clips. Even though, Metacafe’s specialization in video sharing did not cause sensation as YouTube did, it still attracted millions of viewers each month. Its management of videos is different from YouTube as well. The company is willing to pay part of its advertising revenue to people who upload original videos. The news (Fildes, 2007) commented that Metacafe was a “lucrative new rival” of YouTube because this website adopts strategies to encourage users to upload original videos, which is supposed to be welcomed by companies.

However, a common issue accompanied such video sharing websites is copyright infringement. The topic has been at the center of debate since users started to exchange and share unauthorized files over Internet.

Before the online sharing websites gained popularity, peer-to-peer (P2P) softwares were used to swap millions of audios, videos, TV shows, games and films, most of which were copyright protected content. The release of Napster in 1999 facilitated digital music sharing. Kazza and iMesh had made videos and full-length
films exchange possible. According to a study from last year (Hachman 2007) on movie file-sharing showed that 80 percent of American downloaders used only P2P softwares. In addition, the author conducted a small scale research last year concerning the use of peer-to-peer software to access multimedia material among students. The results showed that a significant portion of the students adopted P2P softwares to access multimedia files. Most of them would still prefer using those softwares even though they were aware of the copyright issues.

The increasing online file-exchanging activity had caught media giants’ attention. Major record and film companies had filed lawsuits against these softwares in an attempt to stop the file-swapping activity. In the end, Napster was shut down by court order. In 2003 a new pay service called Napster 2.0 was introduced which no longer permitted free audio download. Downloaded files were not allowed to play on other computers without authorization.

Napster’s involvement in copyright infringement may give video sharing industry a warning. As a YouTube user, I used to upload many music videos and clips from shows. In the end, my account was suspended. As a result I stopped uploading copyrighted files. But the amount of clips of TV shows and music videos do not seem to reduce because until today many music videos still uploaded by users. However, according to the copyright tips listed on the website, TV shows and music videos are considered as copyrighted content. As these sites gaining popularity with Internet users, their involvement in the copyright lawsuits has increased. Musgrove (2007) reported that Viacom had identified more than 100,000 unauthorized clips from properties such as MTV, Comedy Central and Paramount, which forced the company to issue lots of takedown notice.

In recent years, the rise of video sharing websites has caught the attention of policy makers’ and researchers. Their emergence has put the current regulations under doubt that they can no longer offer enough protection to copyright holders. In
UK, The Copyright and Related Rights in the Information Society Directive 2001 and the 2003 Regulations was the amendment of Copyright Designs and Patents Act 1988. The new amendment stipulated many rules concerning the transmission on Internet. A new draft of a global treaty regarding file sharing online was proposed on the G8 meeting, sharing copyrighted files over internet could become a criminal offence (Marks, 2008).

Many previous literatures focused on its function as a tool of social network. There was research done to investigate the characteristics of the videos on this site. However, many researchers estimated that video-sharing websites could have the same fate as P2P software due to huge amount of copyright protected content uploaded everyday. The once popular video-sharing website Bolt.com went bankruptcy and was forced to shut down in 2007 due to copyright infringement issue. It is said that copyright lawsuits have become commonplace for YouTube, people post videos without the right to do so, leaving YouTube to deal with the mess (Jones, 2007).

1.2 Research Objectives

It is undeniable that users upload thousands of copyright protected content to video-sharing websites everyday. As a YouTube user, the author found many copyright content uploaded by copyright holders and common users who were not granted with permission. This dissertation will mainly investigate the percentage of copyrighted files on selected websites and whether sites like YouTube would have the same fate as Bolt.com.

- To investigate the percent of copyright infringement content on these websites
- To identify what types of files are often uploaded
• To make a comparison between the data collected from these chosen video sharing websites
• To investigate what strategies taken to prevent uploading unauthorized videos

This dissertation is structured in five chapters which are organized as follows. In Chapter 2 the author reviewed literature and described opinions from previous research. This could help me receive a brief understanding of video-sharing websites and issues they involved. Chapter 3 described methods of gathering information about videos on three video websites for data analysis. Results were used in Chapter 4 to do analysis and the implications of the results were discussed as well. Chapter 5 concluded this dissertation.
Chapter 2 Literature Review

2.1 Introduction

In this section, a brief review on copyright protection was conducted including several important clauses in Copyright, Designs and Patents Act 1988 which played an important role in this research. The evolution of different copyright conventions was believed to be under the influence of the digital age and Internet. The second part of this section discussed the popular Internet sharing technologies: the rise and fall of P2P softwares and the emergence of video-sharing websites.

2.2 The Review of Copyright Protection

Copyright protection did not come into the attention of law makers internationally until the middle of the nineteenth century. The Berne Convention, as the oldest international treaty concerning copyright, was introduced in 1886. It recognized the importance of protection of literary and artistic works. For many decades the revision of Conventions continued because lots of countries which were developing ones joined the league of copyright protection. Their rights to gain access to work protected by copyright for educational needs was guaranteed in Paris Act of the Convention (WIPO, 2008).

The great leap in copyright protection took place when new technologies were available to store works.

“In the 1970s and 1980s, a number of important new technological developments took place-reprography, video technology, compact cassette systems facilitating home taping satellite broadcasting, cable television, the increase of the importance of computer programs, computer storage of works and electronic databases (WIPO, 2008).”
The emergence of Internet offered an alternative platform for people to exchange files. The world ushered in digital age as a result of those new technologies, which influenced the characteristics of digital media. Samuelson (1991) summarized those characteristics as ease of replication, ease of transmission, compactness, multiple use and the fixation of digital and multimedia works which presented challenges to the previous law.

The ease of making copies could no doubt facilitate the activities of replicating original works, which was supposed to be fair for the sake of personal or private use. In modern time, anyone who had access to computers and Internet could understand the ease of transmission and compactness. A record could be converted into different digital formats compatible to nearly all computers. The converted files could be transmitted to anyone through e-mail and various softwares. The two “ease” result in an issue, as Oddie (1999) put it, that copyright owners could not fully control use of their work on the internet or through cable TV.

Fixation of digital works, according to Rao (2001), was referred to the modification of works in digital forms. “Photographs and video recordings in delete and combine elements from different works.(Rao, 2001)” Stamatoudi as well concluded the characteristic of multimedia works today that “they are in most cases the combination and evolution of pre-existing (Stamatoudi, 2002). Nowadays, videos combining images from one original work and songs from other original works were seen on every video-sharing website. Even though users claimed they made them, the originality of such videos was still in dispute, which presented a difficulty for data collection in this research.

The computer programs and Internet changed the way people preserve works, people benefited from cutting and pasting and converting books, videos and songs into portable formats and sharing with others without paying royalties. However, on the flip side the technical development caused copyright holder’s fear, the appeal for
modifying traditional law was stronger. In 1996, the WIPO Copyright Treaty (WCT) was launched in response to the increasing use of new technology.

2.2.1 Copyright, Design and Patent Act 1988

The international treaties were used as basic guidelines in many countries to make their own copyright laws. In USA, Digital Millennium Copyright Act of 1998 (DMCA) provided penalties for activities that infringed copyright protection of digital media. In UK, Copyright, Design and Patent Act 1988 (CDPA) provided protection for various work. The review of certain conventions in CDPA was necessary because they were served as references in data collection.

The heated debate over nature of copyright facilitated the development of copyright protection in UK. In the eighteenth century it was recognized that literary work, such as published works, musical and dramatic compositions and works should be protected in interests of authors. Since then not many changes took place to old conventions until the release and later modification of Berne Convention.

In accordance to international treaties, copyright regulations covered a wider scope of works, such as films, radio, television broadcasts and sound recordings. However, the major reform took place when Copyright, Design and Patent Act 1988 (CDPA) came into force.

This Act provided protection for various works ranging from literary works to real life events that a film or documentary based on real life events (Flint et al. 2006). In the case of this research, some basic principles and acts that were defined breaching copyright were worth mentioning for they would be used as standards to judge videos on selected websites.

“‘There is no copyright in ideas, only in the manner of their expression; the material must have involved the use of skill and labor by the author; the most
important exceptions are (a) the making of temporary copies and ‘fair dealing’, (b) use of less than a substantial part of a work…… Restricted acts in relation to a work are copying the work; issuing copies of the work to the public; renting or lending copies of the work to the public; performing, showing or playing the work in public and communicating the work to the public (Flint et al., 2006).”

The act stipulated not only previous ones’ important principles, but, as Johnson (2002) commented, “restated the law on a more logical and consistent basis and in much clearer language and is more readily intelligible to the layman”. As a “layman” of copyright law, I totally agreed with Johnson’s comments. For example, the detailed explanation of “the use of less than substantial part of a work” helped me make judgment of certain controversial videos. In the case of this research, many videos were combination of images and sound from different original works which were unable to measure the content under previous regulations whether they constituted infringement of copyright. CDPA specified this situation according the categories, which was used as a reference in this research:

“in the context of a musical work, an extract of 60 seconds’ duration constituted a substantial part…… In the context of a film, television broadcast or cable programme, ‘video grab’ (the photographing of a still taken from a moving video image) will amount to copying, notwithstanding that the single image which is ‘grabbed’ may be a very insignificant part of the whole work (Flint et al., 2006).”

According to this convention, a proportion of videos sharing online which were the combination of captured images and music samples from different original works were qualified for breaching copyright.
2.2.2 The Debate over Copyright Protection

After reviewing the brief history of copyright protection, it could be seen that each extension of the old conventions was mostly due to the technical advance. The ever-changing technologies had complicated the transmission of information. This indicated that policy makers would have to play the catch-up game all the time. Oddie (1999) pointed out that “with the Internet comes the ability to copy and download huge amounts of information on personal computer…works can be pirated because they can be copied without any loss of quality. The ease of copying and the speed of dissemination make tracking infringement extremely difficult.”

As a result, the enterprise feared that their intellectual property might at risk (Rao, 2003). Copyright holders began to plead for protection in the fear of losing huge market and profit. According to Eisenschitz and Turner (1997) there were several reasons that were used by copyright holders to claim for protection: to protect impoverished artists, to protect national industries from cheap foreign imports and to facilitate the growth of information society. However, the most important one was the fear of losing control over the products they created, which eventually would affect their market share. The transmission of multimedia files on the Internet was easy and at a speed that no one could ever image. It would cost lots of time and money to identify the culprit behind the transmission. In the end, the only way to curb this increasing trend was to turn to legal institutions for help.

Those arguments from enterprises made governments and many researchers pondered that the current legal and regulatory framework was having trouble coping with this rapid change, which suggested that the modification of copyright laws was extremely urgent. As a result, policy makers responded quickly to those complaints by drafting new regulations. For example, a new treaty-Anti-Counterfeiting Trade Agreement (ACTA) was proposed at G8 meeting held in Japan this year. The
The proposed treaty was mainly due to the rampant transmission of copyrighted works online. The act was “aim to make it easier to penalize and prosecute people running websites or networks that aid and abet the sharing of copyrighted content, including music, movies, TV shows and books (Marks, 2008)”.

On the flip side, there were researchers who argued that keeping extensions of current laws was not the best strategy to resolve this issue. Foroughi et al. (2002) suggested that the development in policy making should not at the expense of users’ right to access and use informant. The key was to find the balance with exceptions when extensions were made (Eisenschitz et.al, 1997).

Such argument was made because in recent years the launch of many regulations seemed to ignore customers’ right by offering protection to copyright holders, such as Digital Right Management (DRM) systems which were considered to lean towards copyright holders. For instance, the new technology adopted by record companies to prevent users’ from playing, converting, copying songs in all computers and burning CDs. Digital Right Management (DRM) technology was widely employed in attempt to stop file exchanging activities. With this technology, the famous iTune and Napster softwares encrypted every song and videos which could only played on the computer of the purchaser. If anyone else wanted play the file, they could either buy it online or have authorization, usually a password, from the purchaser. There was also news reporting CDs equipped with no-copy technology were not playable in computers and even could do damages to computers. Therefore, lawsuits were filed that “such technology employed the record labels interferes with consumer’s legal rights to make personal use of their legally purchased music (Earle, 2003)” Pedley (2005) commented that “DRM system excluded the exceptions that users might be entitled to, such as ‘fair dealing’”.

Pedley’s comment was echoed by Eisenschitz et al. (1997) argued that extensions in copyright might be detrimental to information society rather than
enhancing the production and dissemination of information. They pointed out that:

“…… further extensions in copyright without the appropriate checks and
balances actively will disenfranchise those who already are wary of information
society, or exclude those who currently have few resources with which to join the
information society (Eisenschitz et.al, 1997).”

In other words, the endless extension of regulations without consideration of public
interest in terms of “fair dealing” could overrule the decision made in Paris Act of the
Convention that people who lived in less developed countries had the right to gain
access to copyright protected works for technological and educational needs from
developed countries (WIPO, 2008). It also opposed the human rights that “everyone
has the right freely to participate in the cultural life of community, to enjoy the arts
and to share in scientific advancement and its benefits (Pedley, 2005)”.

The debate over copyright protection was in the end, as Earle (2003) concluded,
the competing interests between copyright owners and the consumers in the digital
world. Both parties had to consider the consequence of abuse of rights they were
entitled. Consumers were afraid that companies would keep prices high under the
protection, which presented difficulty in accessing information. While companies
could not imagine their works being transmitted for free after they invested labor and
money to produce them.

2.3 Internet Sharing and Copyright

2.3.1 Peer to Peer

Prior to online sharing websites, another major topic concerning sharing online
was peer to peer (P2P) technology.

“The P2P network is a grouping of computers act as client and servant…The
immediate advantage of P2P sharing is that content spreads much more quickly
due to its availability from multiple sources (Flint et al., 2006)”
It was introduced to the market since the late 1980, though this technology was then limited to transmitting text messages in some chatting softwares. With the development of the technology, in 1999 the launch of Napster allowed users to share and download digital music files. The software became immensely popular on the Internet (Krishnan et al. 2003). Today the technology allowed users to share and download a wide range of resources ranging from movies to books. P2P technology as well became popular with both corporations and individuals. “Corporations use peer-to-peer as a way for employees to share files without the expense involved in maintaining a centralized server (Ardito 2002).” Individuals installed softwares such as Kazza, e-mule and iMesh to swap files such as movies, music, TV programs, games, softwares and books, creating a potential market for P2P services.

2.3.1.1 The Impact of Using P2P softwares

However, the peer-to-peer softwares had been the subject of much debate because they were considered as means of distributing any multimedia files that could be copied, which had a dramatic impact on many industries among which the entertainment suffered the most. As Rupp and Smith (2004) described in their research on exploring the impacts of P2P networks, the P2P has reshaped the entertainment industry, forcing it to create a new model to compensate the artists. According to the research conducted by Liebowitz (2003), who had worked on copyright topics since 1979, the MP3 downloads were the major contributor to the downturn in record sales. He expressed his concern that the MP3 downloads could damage the record industry. According to Whitney (2007), more than 80 million Americans had used peer-to-peer technology to download a pirated video or song; in 2006, consumers exchanged at least 12 billion files in the United States, most of which were songs.
In addition, the film downloads were the origin of the rampant piracy in many countries. A recent study (Hachman, 2007) on movie file-sharing showed that 80 percent of American downloaders used only P2P; 18 percent of U.S. online population had illegally downloaded a full-length movie. In China, P2P softwares caused dispute as well. Three Hong Kong-based companies filed the first lawsuit against an information company for unauthorized music file-sharing (Lu, 2006). Therefore, the opinion stated in one article claiming that “peer-to-peer file sharing avoided music stores completely, which makes copyright issues almost irrelevant (Emerald, 2006)” was questionable.

However, in recent years a series of studies were also undertaken only to discover a different finding. For instance, Strumpf et al. (2007) held that file-sharing was not the culprit of the reducing record sales, that dramatic changes did not take place in the share of sales during summer months no matter whether students had access to P2P networks (Strumpf et al. 2007). “Alternatively, file sharing allows users to learn about music they would not otherwise be exposed to, which would promote new sales (Strumpf et al. 2007).”

They explained that other factors contributed more than file sharing to the increasing or declining record sales. One of key factors was the change of people’s purchasing behavior because CD sales dropped by 43% since 1999 for less people spent their income on purchasing CDs (Strumpf et al. 2007). However, in the research conducted by Walsh et al. (2003) on consumers’ purchasing behavior, a result indicated that “younger consumers would show a diverse purchasing behavior since the Internet presented many more choices for free”. This conclusion showed that the decline of the CD selling did not, as Strumpf et al. (2007) claimed, had nothing to do with free files offer available on P2P softwares.

Those softwares also presented challenges to many Internet service providers. More Internet users spent much time sharing and downloading files, which has
brought about Internet traffic. According to a report (Adgoke, 2005), peer-to-peer services took up over 70% of global bandwidth. “Extensive use of Peer-to-Peer file exchange causes network congestion and performance deterioration and leads to consumer dissatisfaction (P-Cube 2007).” Chinese Internet service providers had been aware of this situation and tried to limit the use of P2P softwares, which had sparked a protest among Internet users.

2.3.1.2 Reasons for Using P2P Softwares

Even though P2P softwares stirred lots of debates, there was no sign showing the drop of using them. Research was undertaken in a bid to explain this phenomenon. Becker (2006) boiled down to one major reason for people to download free files: they were available earlier than the official ones with better quality and no copy protection restrictions.

However, by applying the diffusion theory (Surry, 1997), Rupp and Smith (2004) gave an in-depth explanation to the relatively quick adoption of P2P technologies as a means of accessing copyright material. One of them was the Internet. Worldwide acceptance of the Internet was considered as first reason for the widespread P2P technologies. This finding seemed to apply to the situation in China today. In recent years, more people gained access to broadband Internet because the cost for installation dropped along with it is the dramatic increase in the number of using P2P to swap music or films (Lu, 2006). Another key factor in Rupp and Smith’s (2004) description was that it was by nature human tended to get items for free rather than paying for them. Their point was consistent with the finding in a study on exploring changes in consumers’ music purchasing behavior (Walsh et al. 2003) which demonstrated that most people were less willing to pay for Internet music downloads since enough free music was available for free. In China, Bitcomet, Thunder and eMule were enjoying popularity mostly due to their free of charge and accessing to diversified free files. Pavlov (2005), therefore, drew a conclusion in his
research that “users preferred the least costly and most convenient distribution channels if they were available.” Another reason lied in the product price. In Miller’s (2006) research he indicated that consumers turned to P2P probably due to they were not willing to pay premium prices. a further explanation was that:

“perhaps the decline in global sales is indicative of a far greater problem for the music industry – that consumers simply think many of its products are not worth paying for (Economist, 2005).“

Eisenschitz et al. (1997) justified the behavior of consumers by arguing that it was not customers’ fault to want lower prices but the industry kept prices of products artificially high in order to make more money.

2.3.2 Online Video Sharing

2.3.2.1 Web 2.0

The evolvement of online video sharing was quite similar to that of peer-to-peer softwares. The adoption of P2P technology facilitated the widespread of P2P softwares, while the establishment of online sharing websites initiated with the emergence Web 2.0.

According to O’Reilly (2005), “Web 2.0 is a set of technologies and a set of principles about how visitors should be able to utilize the web. Those principles include the ability to integrate information in new ways, the design to harness distributed knowledge, and the need to engage users as co-developers”. The widespread of blog, podcast, sharing media and social-networking were the result of adopting technologies, such as RSS, BitTorrent and Wiki. They brought people closer and created a more interactive web world. Thompson (2008) summarized that the involvement of individual users increased, anyone could create and upload text, as well as audio and video to the internet.
In recent years, sharing videos online had enjoyed popularity, which created a new type of social network. This social network allowed users to share, edit, link, embed, rate, comment and create groups according to their preference of videos. It had certain common with traditional blog in preserving texts and images, but by uploading homemade or editing videos the blog became lively, which enriched user’s experience. The popular examples were YouTube and MySpace TV whose videos were watched by millions of internet users worldwide. Stephens (2007) commented that “the popularity grew at the interaction the falling price and ease of video making, the rise of Web 2.0 as communities and the cultural shift away from the mainstream media”. Even thought those websites were launched a few years ago, their instant success aroused researchers’ interests, which brought about discussions about websites ranging from the benefits they brought to the issues they caused.

2.3.2.2 Impact of Online Sharing

The popularity of video-sharing website provided an alternate forum compared to traditional methods of educating and influencing the public (Driscoll, 2007). They had made people began to explore how to make full use of such websites to impart knowledge. Users either set up their own online communities bearing certain features of YouTube or started channels on those websites. For example, by explaining certain useful features YouTube, Trier (2007) suggested that the engagement of such websites in middle and high school could expend students’ horizon. For instance, SchoolTube and TeacherTube (Lamb and Johnson 2007) were established in order to facilitate the interaction of teachers and students. They could upload, rate and discuss videos made by staff from schools or students. Libraries as well followed the bandwagon because they wanted to show the public their breadth of their services (Stephens, 2007). The Saint Joseph County Public Library in USA was an example of this kind. The library staff created and uploaded a video to YouTube. All librarians were involved in this seven minutes’ long video. By using different editing techniques, directors displayed a day in the life of this library system.
This video-sharing websites had saved companies money in terms of advertising budget. With over 1 million viewers everyday, companies were attracted to put advertisement on the first page of famous video-sharing websites. Therefore, with the increase of viewer, so did the view of their advertisements. The TV industry was believed to be benefited as well. When a new season of a drama was going to be on air, the production company would make the promotion clips available on sharing websites in order to draw attention in a short time. It was reported that the viewership of CBS’s television programming had increased due to its YouTube exposure (Driscoll, 2007).

The popularity and benefit the video-sharing industry had brought should make researchers wonder the reasons behind their success. However, with relatively short history, few literatures were available to give explanation. Driscoll (2007) summarized three reasons: free of charge; easy to use and holding videos in high demand. Those reasons were almost the same as the reasons to use P2P softwares.

2.3.2.3 Copyright Infringement Issue with Video-Sharing Websites

The same issue that once haunted P2P softwares was again made video-sharing industry frowned. Many discussions about the problems they brought overwhelmed the benefit they gave. A wealth of literatures focused on the copyright infringement issue associated with the rise of video sharing websites. YouTube, as a leading website providing such service, had been the topic of a number of literatures most of which concerning video content.

Holson (2007) reported that according to the academic and media giants the percentage of unauthorized content on YouTube could between 30 percent and 70 percent. With such a high rate, YouTube could be the second Napster that became the target of many copyright infringement lawsuits. While some claimed that a large number of videos uploaded on YouTube were made by users themselves. Both
comments were made concerning the number of unauthorized videos on YouTube, yet conclusions were different. My empirical study would cover this aspect and investigate the percentage of copyright-protected content on these websites.

As internet service providers, YouTube and its imitators were also involved in debate over the control of content on their sites. The debate started with certain videos contained extreme activities which could spread negative influence on teenagers. Jones (2007) stated that as a service provider, YouTube did not take control over the videos' content uploaded to the site, and that the partnership and licensing and the tool to detect unauthorized videos seemed to have little effect. From Jones (2007) perspective, YouTube needed to build content regulation mechanisms to protect itself. The appeal for more responsible service provider was becoming stronger since their activities might include: “a communication to the public of data; copying onto server; authorizing the copying of copyright works by third parties (Flint, 2006).”

Those activities could breach copyright law under normal circumstances. However, in UK, certain exceptions were granted to service providers

“if they did not initiate the transmission, select the receiver of the transmission or select or modify the transmission. If they place information in temporary storage…If they remove or disable any information as soon as it obtains knowledge that it is hosting infringing material (Flint et al., 2006).”

The same clause could be found in the Digital Millennium Copyright Act 1998 (DCMA).

“the material is made available online by a person other than the service provider, and the service provider responds expeditiously to remove, or disable access to, the material that is claimed to be infringing upon notification of claimed infringement. Then the service provider shall not be liable for monetary relief (Ardito, 2007).”

Those clauses made people wonder whether they offered protection to online-video
sharing websites, which allowed YouTube to sail into the safe harbor (Drisoll, 2007). In Drisoll’s research, YouTube was compared with Napster and Grokster in order to find out what made YouTube different from the previous copyright infringing sites.

First, YouTube was willing to work with copyright owners in the form of partnership and licensing to combat copyright infringement. Warnings were posted in an attempt to let users be aware of their action. In addition, software was developed to assist copyright holders to detect unauthorized videos. Copyright holders could benefit from being a partner with YouTube as well, “media giants receive a percentage of advertising revenue generated by their copyrighted material (Drisoll, 2007).” However, the amount of unauthorized videos had exceeded some companies’ expectation. Talks had been going on and off between YouTube and media giants. In 2007, Viacom issued lots of takedown notices after the negotiation failed. As a result, questions were raised concerning whether its current policies were effective, which echoed Jones’ argument.

Second, YouTube adopted different technology. The copyright holders could not have control over the files transferred using P2P softwares. However, YouTube’s videos were available only on its website. They were not downloadable or transferable, as Drisoll (2007) claimed. But technology advanced fast, Drisoll’s claim of not downloadable was being doubted. If you search on Google by “Download YouTube Videos”, the downloadyoutubevideos.com would top search list. Only by putting the YouTube URL of the video you wanted to download, it would take less than 1 minute to download a video in the format of .flv. Then you needed to install a player that could play flv files or convert them into other formats.

Willing to remove copyright protected videos and filtering uploaded files was one model to cope with copyright infringement issue. Other sharing websites, such as Metacafe, would like to encourage users uploading original works. Original works would be rewarded with money if they reached certain expectation.
The involvement in copyright infringement issues had connected P2P softwares and video-sharing websites. Yet their methods to cope with this issue were different. It seemed video-sharing websites had leaned lessons from the collapse of famous P2P softwares. Unlike P2P companies arguing with media giants over whether they should transmit copyright protected files, video-sharing industry had figured out ways to deal with sensitive files. But whether those methods were effective time still needed to test on them.

2.4 Summary

This section discussed the copyright protection in the digital and information age. New types of media emerged with the widespread of Internet, which forced the on-going amendment of copyright laws. However, the continuing updated regulations drew complaints about their interference of users’ right of accessing information. The best suggestion from the researchers was to find the balance between the copyright protection and users’ interests of using information.

Many debates also focused on transferring copyright protected files on Internet by adopting P2P softwares and uploading to video-sharing websites. Even though they both involved in the copyright infringement issue, their different way to cope with it might lead to different fate.
Chapter 3 Methodology

3.1 Introduction

This research was done on the basis of many quantitative data which were collected from three video-sharing websites picked from a list. The selection of quantitative research over qualitative research was discussed. Other data collection methods such as interview and questionnaires were as well taken into account regarding their strengths and limitations.

3.2 Research Approaches

Research can be conducted by using different approaches which are classified as deductive approach and inductive approach. According to Saunders et al. (2003), deductive approach is to test the hypothesis developed by the researcher, whereas inductive approach is to generate theory from the result of the data analysis. In this research no hypothesis needs to be tested. Therefore, deductive research is not appropriate. The purpose of this research is to investigate the percentage of copyright infringement content on several video sharing websites and make comparison of the data collected from those websites. “It is to get a feel of what was going on, so as to understand better the nature of the problem (Saunders et al., 2003).” Data are collected by observing information on video sharing websites. Punch (2000) named this kind of research “empirical research” which was based on direct experience or observation of the world. “Questions will be answered by obtaining direct, observable information from the world, which was different from conducting research by theorizing, by reasoning or by arguing from first principles (Punch, 2000).”

This research was done by browsing over 4,700 videos uploaded to video-sharing websites: YouTube, MySpace video and Metacafe. Each video needed
to be watched and records were kept concerning its length, category, number of viewers, and year added, which were observable from profile of the video. The originality of video was as well taken into consideration since one of the aims of this research was to investigate the percentage of copyright infringement content on these websites. The methods about how to decide the originality of a video would be discussed in this section.

3.3 Data Collection Methods

As few research was conducted regarding the copyright infringement content on video-sharing websites, several methods such as, online questionnaires, interviews, and observation, were taken into account prior to data collection.

3.2.1 Online Questionnaire

Online-questionnaires were constantly used by companies to do survey in order to improve service or product. This method was the most widely used to collect quantitative data which were important to this research. Saunders et al. (2003) classified questionnaires into self-administered ones completed by the respondents and interviewer administered ones conducted on the basis of each respondent’s answers. However, the interviewer administered questionnaire was not appropriate for this research since the subject of this research was videos uploaded by millions of internet users who were difficult to make contact with and accept being interviewees.

The online questionnaire was another option taken into consideration since this method was an effective way to collect quantitative data in a short time. YouTube, MySpace TV and Metecafe were based online, which made online-questionnaire an appropriate method to employ. However, Saunders et al. (2003) pointed out that extra steps, such as explanation of research purpose and how to complete could result in low or non response. “Consequently, it is very difficult to obtain a representation sample from which you might generalize (Saunders et al., 2003).”
In addition, both Saunders et al. (2003) and Robson (2002) pointed out that this type of data could be affected by the characteristics of the respondents such as their memory; knowledge; experience and motivation). Moreover, copyright infringement issue was a debatable subject among internet users and copyright holders, which might affect respondents’ answers since they could find a number of reasons not to complete questionnaires. Therefore, more time would be consumed on collecting data.

3.2.2 Using Interview

The interview method was employed constantly to collect qualitative data which aimed to answer “what” and “why” particular phenomena happened. Former objective of this research was to find out why users uploaded unauthorized videos. From users’ perspective the research could yield a detailed understanding of what contribute to the widespread of copyright protected videos online.

However, conducting an interview had its limitation. In the case of this research, making contact with users presented a difficulty to researcher. In order to conduct interviews that would provide valid data, getting acquaintance with registered users was important, which could take a long time. Methods of collecting qualitative data such as face to face interview, email or telephone took time to collect data and there was no guarantee of quality of data. Due to time constraint, it was difficult to collect ample qualitative data for further analysis. In addition, copyright infringement issue was in heated debate. Users who uploaded many copyright protected videos without permission might not be willing to confront with questions about why they unloaded unauthorized videos.

3.2.3 Observation

Another data collection method I planed to employ in this research was observation. Robson (2002) defined this method as studying the actions and behavior
of people, “a technique to watch what they do, to record this in some way and then to
describe, analyze and interpret what we have observed.” However, unlike most
research conducted by observing people’s behavior, this research had different
subject-online videos which were relatively static. The profiles of videos contained
observable and useful information which were of great importance to this research.

Saunders et al. (2003) stated that observational method have two types:
participant observation which was qualitative and structured observation which was
quantitative. The first type was where ‘the researcher attempts to participate fully in
the lives and activities of subjects and thus becomes a member of their group,
organization or community’ (Saunders et al. 2003). The researcher would spend
much time connecting with subjects, as a result more qualitative information could
generate from direct contact. This type of research was characterized as highly
unsystematic and unstructured, which consumes much more time to collect data.

By contrast, when using structured observation the researcher’s concern would
be in quantifying behavior (Saunders et al. 2003). In such data collection method
coding schemes were of great importance because “they contained predetermined
categories for recording what is observed (Robson 2002)”. Saunders et al. (2003)
held the same view as Robson that coding schedules were crucial to structured
observation. In addition, the schedules should be related to research objectives. In
order to investigate the percentage of copyright infringement content on
video-sharing websites, I needed to define concepts and devise ways to measure
them. Therefore, prior to the large scale data collection, a study of videos on websites
was done in order to decide what variables should be measured and if there would be
a relationship between those variables.

The common information used to describe videos on selected websites was
submitter, category, tags, length of video, number of visits, year added, comments
and rate which were observable. Apart from these information, to identify whether a
video was unauthorized or had copyright infringement content, I included the originality of video because it played an important role in investigating the percentage of copyright infringement content. Several variables were used concerning this aspect: who uploaded the video, content of the video, types of video and copyright holder. Each variables contained several values. “Who uploaded the video” had two values: copyright holders and common users. “Content of the video” contained four aspects: relevant (to film) but not user's original work, relevant but user's original work, not relevant not users' original work, not relevant but users' original work, not sure about the content. “Types of video” was a different classification of category of videos, such as trailer, audio visual/music video, clips from original work, performance, adaptation with originality, interview, shows, editing and video shooting. “Copyright holders” was divided into company, the user and not sure. All these values were coded as numbers for further analysis.

3.2.4 The Measure of Video Content

The measure of the video content contributed an important part to the reliability and validity of data. Another reason was that lots of videos on those websites were products of combining different parts, which presented certain difficulties in collecting data. Therefore, how to measure the originality of a video needed to be specified first.

The definition of “originality” of a work could help me with judging video content. Stamatoudi (2002) and Flint et al. (2006) both pointed out that “original” in a UK context implies a work which is not copied and which originates from the author; the work is copyrightable as long as ‘skill and labor’ have been invested into”. An example was the re-enact of classic scenes from movies. This type of video was usually starred by fans of a movie. The fan together with his or her friends performed in front of a camera to imitate what happened in the movie for fun.
However, this definition was not specific enough to deal with all works in the information society. Therefore, under the guide of this definition, other standards were introduced to help with measuring.

Profile of users and description of videos were of great importance since they contained observable information of videos and users’ identity. Almost all social-networking websites allowed users to edit their profiles. Video-sharing websites were no exception. Images, names and occupation description held important information which could distinguish copyright holders from common users. For example, the Academy of Motion Picture Arts and Sciences had a channel on YouTube with the original image and name which indicated the users held the copyright of videos uploaded to this channel. There were also cases that users who were the leading actor of videos used their own pictures as profile images, which would be in favor of making judgment.

Artists would like to put tags under their profile images to tell others about their occupation, such as musician, director or comedian, which indicated video uploaded by them could be their original work. Or they tended to use a paragraph or an official website link to introduce themselves. For instance, the user who uploaded Lego Star Wars videos to Metacafe introduced himself as an employee of the studio which created all videos.

As for common users who registered with these websites, “video description” had become an important source to tell viewers information. Certain users would like to user a paragraph describing how the video was done, while some used short sentences including words like “Me or I”, which as well gave tips of who owns the right of the video.

The use of regulations was another method to measure the activities of breaching copyright. The Copyright, Designs and Patent Act 1988 (CDPA) specified restricted
acts, which defined activities of breaching copyright. This was used as a reference in this research and as well a standard of judging the content of videos. Flint et al., (2006) stated that

“the functioning of the internet involves a variety of process, several of which will involve restricted acts. Posting an audio-visual work on to an internet web-site will involve the ‘uploading’ of a work to a computer file server that is connected to the internet. Accessing this work will involve ‘downloading’ the work from the server. The transmission of images to the public via the internet or the immediate re-transmission of a broadcast signal containing work, made by means of the internet, will also amount to a ‘communication to the public’ of the work.”

According to the 2003 Regulations which amended the CDPA stipulated that communication of literary, dramatic, musical or artistic work, a sound recording or film or a broadcast to the public was a restricted act (Flint et al., 2006). This regulation indicated that the transmission of copyright protected musical or film work on the internet was an activity that should be restricted.

In recent years there has been an increase in making videos by capturing pictures of the original work and adding music from another original work. This way of editing videos was considered to avoid copyright debate. Fortunately, the law makers amended certain articles on time to deal with this tricky situation. The regulation stated that

“Copying a film or broadcast includes making a photograph of the whole or any substantial part of any image forming part of it. Although this is not an exhaustive definition, it is nevertheless vital, because it confirms that a ‘video grab’ (i.e. the reproduction of a still taken from a moving video image) will amount to copying, notwithstanding that the single image which is ‘grabbed’ may be a very insignificant part of the whole work.” (Flint et al., 2006)

This regulation implied that combining still pictures and songs together could qualify for copyright infringement to certain extent.
3.3 Data Collection

YouTube, MySpace TV and Metacafe were the websites I planned to conduct research on. They were chosen from the “Guides of Video Sharing Sites” published on contentinople.com recently. These three sites were among “Editor’s Pick” for various reasons. As famous social networking websites, YouTube and MySpace were too successful to ignore in this research. Metacafe was considered to be YouTube’s competitor.

Due to a huge amount of videos uploaded to these websites each day, it is hard to collect useful data by randomly browsing each video. According to the suggestion from my supervisor, it was helpful to have the IMDB’s movie list as a guide to conduct search on sharing websites because it was known that the movie and music industries suffered most from copyright infringement. I decided to choose lists of 4 decades—70s, 80s, 90s and 00s. Each list counted votes from regular voters who rated movies released in these periods. I picked top 20 movie titles of each list.

A pilot test was done to make sure how to collect data. I chose the movie title “E.T. The Extra Terrestrial” and searched on YouTube, MySpace TV and Metacafe. The search results contained videos both relevant and non-relevant to the movie. However, the non-relevant ones were not considered useless since this research was to investigate the percentage of copyright infringement content. I browsed videos listed on the first two or three pages of each websites. In the end the total number videos amounted to 4710.

The data were kept in five sheets. Four for each decade and one combined all data together. SPSS software was used to keep all data for further analysis. Data were presented in several formats: bar chart, pie chart and table. The relationship between several variables were tested which was known as the statistical significance. It was known as to help to rule out the possibility that your result
could be due to random variation in your sample (Saunders, 2003). The relationship between websites and category of videos, websites and who upload videos and year of movies and type of videos were examined in this research because according to the significance test their p-value were all below 0.05 which indicated that variables had statistically significant relationship.

3.4 Limitations

The methods employed in each research should ensure the reliability and validity of data. However, due to disadvantages of each method, errors were inevitable to some extent. Saunders et al. (2003) pointed out summarized three threats to validity and reliability that would affect the data when using structured observation.

First, subject error was the result of choosing inappropriate subjects (Saunders et al. 2003). In the case of this research, search engine sorted results by relevance. Therefore, the first few pages would have many videos regarding trailers, soundtracks and clips from original work. Unless those videos were uploaded by copyright holders they would qualify for breaching copyright according to the standards. Since I browsed videos from first page, the number of copyright protected videos uploaded by common users could increase, which could result in having a high percentage of copyright infringement content on these websites.

Second, time error occurred if observation was conducted at certain time (Saunders et al. 2003). The video-sharing websites had nearly a million videos uploaded everyday. Search engine could present different results due to on-going update. It was suggested that conducting observations at different times could make data more valid (Saunders et al. 2003). However, due to time constraint most data were collected at a fixed time, which might have some effect on data analysis.
Third, the observer was considered to be the most powerful threats to the validity and reliability of data collection (Saunders et al. 2003). Robson (2002) and Saunders et al. (2003) stated the importance of a well-trained observer. However, the limited knowledge of western popular culture might affect the judgment of observers. It was through the brief introduction and 30 seconds trailers that I began to know most movies released in 70s and 80s. The knowledge acquired in such a short time might lead to data error. For example, if users quoted lines from a movie, I would not be aware of it and might consider them as users’ original work. There were several films which were not produced in English, which presented difficulty when collecting data.

Finally, the selected websites were all founded in USA, but the research was done in UK. Therefore, I had to examine videos according to UK’s copyright protection law. In addition, certain regulations did not specified specific situations which sometimes would confuse readers. As a result, the explanation of such regulations could be different which would affect the judgment of researchers when collecting data.

Last but not least, this research depended much on the observable information of videos and registers. Observer presumed that all information written was true. However, there were possibilities that users might be unwilling to provide details of videos or fake such information, which could affect observer’s judgment and become a threat of validity of data.

3.5 Summary

Although adopting multiple methods would produce a comprehensive research, after considering advantages and disadvantages of available means it was decided to employ structured observation. Code scheme was prepared before collecting data. Different standards ranging from regulations and profiles of registers were adopted to ensure the validity and reliability of data. However, limitations which could threat
data collection still existed. The information written on internet could be doubted since users could write any information regardless of responsibility. No better solution available could tackle this limitation in a short time except using as many sources as possible to help with measuring data.
Chapter 4 Presentation of Results

4.1 Introduction

The findings were generated from the data analysis of structured observation. 78 movie titles were searched in YouTube, MySpace TV and Metacafe. The data were kept in five different spreadsheets. Four were data according to years of release and one combined all data together. This section discussed general information analyzed from data followed by the comparison of data collected from three websites and the comparison of movies by year. Finally, the strategies to prevent uploading copyright protected files were discussed as well.

4.2 General Information

4.2.1 Number of Videos from Each Website

According to year of movie, 1170 videos were from 1970s with 1140 from year of 1980s, 1200 from 1990s and 1200 from 2000s. Titles were searched in YouTube, MySpace TV and Metacafe, the data were summarized in Table 1.

<table>
<thead>
<tr>
<th>Year of Movie</th>
<th>Websites</th>
<th>1970s</th>
<th>1980s</th>
<th>1990s</th>
<th>2000s</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970s</td>
<td>YouTube</td>
<td>450</td>
<td>456</td>
<td>464</td>
<td>449</td>
<td>1819</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24.7%</td>
<td>25.1%</td>
<td>25.5%</td>
<td>24.7%</td>
<td></td>
</tr>
<tr>
<td>1980s</td>
<td>MySpace TV</td>
<td>431</td>
<td>402</td>
<td>456</td>
<td>414</td>
<td>1703</td>
</tr>
<tr>
<td></td>
<td></td>
<td>25.3%</td>
<td>23.6%</td>
<td>26.8%</td>
<td>24.3%</td>
<td></td>
</tr>
<tr>
<td>1990s</td>
<td>Metacafe</td>
<td>289</td>
<td>282</td>
<td>280</td>
<td>337</td>
<td>1188</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24.3%</td>
<td>23.7%</td>
<td>23.6%</td>
<td>28.4%</td>
<td></td>
</tr>
<tr>
<td>2000s</td>
<td>Total</td>
<td>1170</td>
<td>1140</td>
<td>1200</td>
<td>1200</td>
<td>4710</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24.8%</td>
<td>24.2%</td>
<td>25.5%</td>
<td>25.5%</td>
<td></td>
</tr>
</tbody>
</table>

The data collected were supposed to be even on each website as planned. But certain titles on IMDB were preserved as French or German, such as Boot, Das and Vita e
Bella, La which resulted in limited videos to investigate on Metacafe and MySpace TV. As a result the number of YouTube and MySpace TV videos increased to 1,819 and 1,703 respectively. The table showed that of the three websites, YouTube presented more results than the other two sites. This indicated that YouTube probably stored more videos regarding movies than others. However, the search results included videos both relevant and non-relevant to movies. For example, when putting the phrase “The Godfather”, results showed on the first page included a band playing a soundtrack from this movie at a concert. This kind of video was not considered relevant to movie theme in this research. Therefore, numbers showed under each decade did not mean all videos on websites were about movies.

4.2.2 Categories of Videos

The three websites had classified videos according to content, such as entertainment, music, comedy, automobiles, film and animation and sports. The same way of classification was adopted as well in this research to investigate which category of videos was often shared (See Table 2).

<table>
<thead>
<tr>
<th>Category of Videos</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entertainment</td>
<td>1416</td>
<td>30.1</td>
<td>30.1</td>
</tr>
<tr>
<td>Music</td>
<td>977</td>
<td>20.7</td>
<td>20.7</td>
</tr>
<tr>
<td>People and Foods/Animals/Automobiles</td>
<td>210</td>
<td>4.5</td>
<td>4.5</td>
</tr>
<tr>
<td>Film and Animation</td>
<td>1270</td>
<td>27.0</td>
<td>27.0</td>
</tr>
<tr>
<td>Comedy</td>
<td>344</td>
<td>7.3</td>
<td>7.3</td>
</tr>
<tr>
<td>Sports/Travel</td>
<td>179</td>
<td>3.8</td>
<td>3.8</td>
</tr>
<tr>
<td>Advertisement</td>
<td>108</td>
<td>2.3</td>
<td>2.3</td>
</tr>
<tr>
<td>TV shows</td>
<td>40</td>
<td>.8</td>
<td>.8</td>
</tr>
<tr>
<td>News and Events</td>
<td>113</td>
<td>2.4</td>
<td>2.4</td>
</tr>
<tr>
<td>How to/Technology</td>
<td>53</td>
<td>1.1</td>
<td>1.1</td>
</tr>
<tr>
<td>Total</td>
<td>4710</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

According to the statistics of each category, entertainment, music and film and animation exceeded other categories by over 20% with Entertainment ranking first. The high percentage of these three categories (30%, 27.0% and 20.7%) was probably
due to the search of movie titles which could lead to an increase in Film and Animation. Moreover, movies, in general, were considered to entertain people. Except soundtracks and clips from original movies, other content, such as trailers, news about movies and interviewing casts were all classified as entertainment in this research. In addition, categories that user used to describe videos were another important reference for the classification. Therefore, if users put their videos in Entertainment category, this could result in high percentage in this category.

4.2.3 Year of Added

![Chart 1 Videos Added Year](image)

Each video-sharing website recorded the year when videos were added. In this research this variable was taken into consideration as well. Data were compared between YouTube, MySpace TV and Metacafe (See Chart 1). Chart 1 showed the percentage of video uploaded to three websites by year. It could be seen that all the three websites did not have many videos added prior to 2005. Yet from 2005 to 2006 these websites experienced dramatic increase of video uploading especially YouTube with 28.8% and MySpace TV with 47.3%. However, this continuing increase only
exited in YouTube and Metacafe from 2006 to 2007, while videos concerning movies titles uploaded to MySpace TV dropped by nearly eight percent. From 2007 to 2008, both YouTube and MySpace TV decreased dramatically while Metacafe still maintained the same number.

The trend of video uploading on these websites illustrated the growth of video-sharing websites to certain extent. Take YouTube for example, launched in 2005, this site experienced an instant success. The videos being uploaded and viewed kept soaring, which had drawn the attention of both giant media and policy makers. The complaint from film makers and record companies about sharing unauthorized videos topped the list from 2006. Talks between giant media companies and sharing websites increased with most websites agreed to take action on videos breaching copyright, which might explained the slow of increase and even dramatic drop of videos after 2006.

4.2.4 Relevancy of Videos

The search results was often sorted by relevance, therefore, one variable in data collection involved the relevancy of video. In addition, one of the aims of this research was to investigate the percentage of copyright infringement content on these websites, which indicated the importance of including this variable. The relevancy category was divided generally into two categories: relevant and non-relevant videos.

<table>
<thead>
<tr>
<th>Relavance</th>
<th>Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
</tr>
<tr>
<td>Relevant but NOT user's ORIGINAL work</td>
<td>1956</td>
</tr>
<tr>
<td>Relevant but user's ORIGINAL Work</td>
<td>331</td>
</tr>
<tr>
<td>Not Relevant but NOT users' ORIGINAL work</td>
<td>1096</td>
</tr>
<tr>
<td>Not Relevant but users' ORIGINAL work</td>
<td>1100</td>
</tr>
<tr>
<td>Not Sure</td>
<td>227</td>
</tr>
<tr>
<td>Total</td>
<td>4710</td>
</tr>
</tbody>
</table>
Form the frequency column of Table 3, we could see that of the selected 4710 videos, content relevant to movies were 2,287 which took up 48.6%, while non-relevant videos were about 2,196 (46.6%). Figures indicated that of all the browsed videos there was no significant difference between the number of relevant and non-relevant videos. From the percentage column, the figure was seen a significant gap between user’s original work 7% and non-original work 41.5%. It indicated that a huge percent of videos relevant to the movies were not users’ creative work. While non-relevant videos’ figure was different with users’ creative videos slightly higher than that of non-original work. If the relevancy of movies was not considered, we could see from Table 3 that the percentage of non-original work (64.8%) was two times higher than that of original work (30.4%). The initial analysis indicated that a large proportion of non-original videos uploaded by users were sharing online, which could be identified as copyright infringement activity. In addition, a small proportion of videos were classified as “Not Sure” because I could not decide the content according to the provided information.

4.2.5 Forms of Videos

This variable was as well concerned with the content of videos. But it examined data from a different perspective in an attempt to further the investigation of copyright infringement content on three websites. Prior to data analysis, a few terms needed to by clarified. In the case of this research, trailers meant scenes extracted from movies; audiovisual works referred to combined visual and sound elements (Stamatoudi, 2002). Videos combining images and sounds from original works would fall into this category. Performance referred to musicians playing live shows, users’ performing instruments or stunts in front of cameras. Re-enact was defined as the repeat of actions of a scene. Videos uploaded by users who imitated scenes from movies were in this group. Adaptation with originality was a term used in CDPA (1988). This act defined adaptations as the permitted act.

“Where one of the permitted acts is performed in relation to an adaptation of
a literary, dramatic or musical work from which the adaptation was made is not infringed any more than the copyright in adaptation itself.” (Flint et al. 2006)

For example, a musical work was made by MTV network according to the plot of a movie “Godfather”. The new work was presented in the form rap music with singers performing classic scenes from the movie. Videos following this pattern were considered adaptation in this research. Game and game playing referred to videos recording users playing games. The consideration of this value was because during data collection, a propitiation of videos recorded users playing games relevant to themes of certain movies. For instance, games concerning the theme of The Godfather and Indiana Jones and Last Crusade were released a few years ago. Users who played the games recorded the process and uploaded the clips to share experiences with others. Recording real life or live events meant that videos focused on people’s real life or events that users attended. This value could not be ignored since lots of people would like to record their daily life using cameras, which might contribute to the original work on video-sharing websites.

**Chart 2 Forms of Videos**

The statistics of Chart 2 were analyzed on the basis of 4710 viewed videos. As
can be seen, the biggest slice of this chart was videos concerning clips from original work, followed by 22.55% of audiovisual work or music videos and 14.48% of performance and re-enact. The high percentage of music videos and videos regarding scenes from original work might give media giants an alert about files sharing on these websites because their work might be uploaded without their permission. However, the pie chart only illustrated the distribution of video content. Further analysis still needed in terms of the relationship between category and forms of videos

4.2.6 Copyright Owner and Video Uploader

The research investigated the number of copyright holders’ videos and who uploaded these videos. It was believed that only copyright holders had right to transmit and share works created by them, anyone who transmitted the work to public including internet without permission would risk breaching copyright law.

Chart 3 Copyright Owners and Video Uploaders
Chart 3 compared numbers of ownership of videos and that of video uploaders. The X axis represented the ownership of videos and Y axis counted numbers of videos. Legend contained people who uploaded videos to these websites. The figure showed that of the selected 4710 cases, the copyright of over three thousand videos were owned by various media giants in the field of film-making, record or television network. Yet the majority of such videos were uploaded by users registered with these websites. The figure implied that most users’ activities were at the risk of breaching copyright law. On the opposite side, the second column of this chart indicated that user-made videos were often uploaded by themselves.

The general information presented the initial analysis of collected data. Statistics about number of videos on each website, category and forms of videos and videos related to movies were discussed. Several figures, such as the high percentage of clips from original movies and user uploaded videos drew attention since their possibility of involvement in copyright infringement issues.

4.3 Data Comparison of YouTube, MySpace TV and Metacafe

One of the research objectives was the comparison of data collected from three websites. The following analysis compared different variables including category and form of videos, relevancy of videos.
4.3.1 Category and Websites

Table 4 Percentage of Category of Each Site

<table>
<thead>
<tr>
<th>Category of Videos</th>
<th>Websites</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YouTube</td>
<td>MySpace TV</td>
</tr>
<tr>
<td>Entertainment</td>
<td>504</td>
<td>500</td>
</tr>
<tr>
<td></td>
<td>27.7%</td>
<td>29.4%</td>
</tr>
<tr>
<td>Music</td>
<td>413</td>
<td>450</td>
</tr>
<tr>
<td></td>
<td>22.7%</td>
<td>26.4%</td>
</tr>
<tr>
<td>People and Stories/Animals/Automobiles</td>
<td>43</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>2.4%</td>
<td>3.5%</td>
</tr>
<tr>
<td>Film and Animation</td>
<td>706</td>
<td>383</td>
</tr>
<tr>
<td></td>
<td>38.8%</td>
<td>22.5%</td>
</tr>
<tr>
<td>Comedy</td>
<td>62</td>
<td>166</td>
</tr>
<tr>
<td></td>
<td>3.4%</td>
<td>9.7%</td>
</tr>
<tr>
<td>Sports/Travel</td>
<td>23</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>1.3%</td>
<td>5.0%</td>
</tr>
<tr>
<td>Advertisement</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>.8%</td>
<td>1.5%</td>
</tr>
<tr>
<td>TV shows</td>
<td>21</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>1.2%</td>
<td>.3%</td>
</tr>
<tr>
<td>News and Events</td>
<td>29</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>1.6%</td>
<td>1.8%</td>
</tr>
<tr>
<td>How to/Technology</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>.2%</td>
<td>.0%</td>
</tr>
<tr>
<td>Total</td>
<td>1819</td>
<td>1703</td>
</tr>
</tbody>
</table>

Table 4 provided statistics concerning categories of each website. It could be seen that on YouTube Film and Animation (fourth row) category had the highest percentage 38.8% of all YouTube videos, followed by Entertainment (27.7%) and Music (22.7%, second row) and a small proportion of other categories. On MySpace TV Entertainment (29.4%) and Music (26.4%) categories enjoyed nearly the same amount of videos while Film and Animation (22.5%) ranked the third place. On Metacafe Entertainment still ranked first followed by Film and Animation, but the percentage of other categories was seen a bit higher than the other two sites. From the comparison of these three websites, videos for the purpose of entertaining were believed to be popular among all three websites. But differences existed in other categories such as Music, Film and Animation and Advertisement. The large amount of videos about music and film and animation on YouTube and MySpace could trigger a new debate because these two industries were more sensitive regarding
sharing files online.

**Table 5 Forms of Videos on Websites**

<table>
<thead>
<tr>
<th>Type of Videos</th>
<th>YouTube</th>
<th>MySpace TV</th>
<th>Metacafe</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trailer</td>
<td>180</td>
<td>135</td>
<td>105</td>
<td>420</td>
</tr>
<tr>
<td></td>
<td>9.9%</td>
<td>7.9%</td>
<td>8.8%</td>
<td>8.9%</td>
</tr>
<tr>
<td>Audiovisual/Music Video</td>
<td>457</td>
<td>425</td>
<td>180</td>
<td>1062</td>
</tr>
<tr>
<td></td>
<td>25.1%</td>
<td>25.0%</td>
<td>15.2%</td>
<td>22.5%</td>
</tr>
<tr>
<td>Clip from Original Work</td>
<td>620</td>
<td>347</td>
<td>275</td>
<td>1242</td>
</tr>
<tr>
<td></td>
<td>34.1%</td>
<td>20.4%</td>
<td>23.1%</td>
<td>26.4%</td>
</tr>
<tr>
<td>Performance/Re-enact</td>
<td>196</td>
<td>312</td>
<td>174</td>
<td>682</td>
</tr>
<tr>
<td></td>
<td>10.8%</td>
<td>18.3%</td>
<td>14.6%</td>
<td>14.5%</td>
</tr>
<tr>
<td>Adaptation with Originality</td>
<td>52</td>
<td>56</td>
<td>45</td>
<td>153</td>
</tr>
<tr>
<td></td>
<td>2.9%</td>
<td>3.3%</td>
<td>3.8%</td>
<td>3.2%</td>
</tr>
<tr>
<td>Game/Game Playing</td>
<td>50</td>
<td>22</td>
<td>20</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>2.7%</td>
<td>1.3%</td>
<td>1.7%</td>
<td>2.0%</td>
</tr>
<tr>
<td>Interview/Review</td>
<td>104</td>
<td>45</td>
<td>65</td>
<td>214</td>
</tr>
<tr>
<td></td>
<td>5.7%</td>
<td>2.6%</td>
<td>5.5%</td>
<td>4.5%</td>
</tr>
<tr>
<td>Shows</td>
<td>61</td>
<td>64</td>
<td>113</td>
<td>238</td>
</tr>
<tr>
<td></td>
<td>3.4%</td>
<td>3.8%</td>
<td>9.5%</td>
<td>5.1%</td>
</tr>
<tr>
<td>Editing Original Work</td>
<td>66</td>
<td>96</td>
<td>55</td>
<td>217</td>
</tr>
<tr>
<td></td>
<td>3.6%</td>
<td>5.6%</td>
<td>4.6%</td>
<td>4.6%</td>
</tr>
<tr>
<td>Recording Real Live (Events)</td>
<td>33</td>
<td>201</td>
<td>156</td>
<td>390</td>
</tr>
<tr>
<td></td>
<td>1.8%</td>
<td>11.8%</td>
<td>13.1%</td>
<td>8.3%</td>
</tr>
<tr>
<td>Total</td>
<td>1819</td>
<td>1703</td>
<td>1188</td>
<td>4710</td>
</tr>
</tbody>
</table>

Except the comparison of categories, forms of videos were as well examined in order to gain an insight of the forms of videos sharing on three websites (See Table 5). The different classification ranged from videos of trailer to recording real life. The Table 5 provided the percentage of each form on these websites. Of the 1819 videos on YouTube 620 (34.1%) were clips from original work. Audiovisual/Music Video took up 25.1% with 457 videos were found. Performance and Trailer shared nearly the same percent with 10.8% and 9.9% respectively. On MySpace, of the 1703 case, Audiovisual/Music Videos (25%) ranked first with 5% higher than Clip from original work (20.4%) followed by videos of Performance/Re-enact (18.3%). Of the 1188 videos from Metacafe, the first three places as well took up by Clip from original work, Audiovisual/Music Videos and Performance/Re-enact. However, on MySpace and Metacafe, videos about people’s real life enjoyed over 10% of the selected cases which indicated that the two websites might have more users’ uploading videos made
by themselves.

Chart 4 Categories and Type of Videos on YouTube

According to the statistics from Table 4 and 5, there could be a possibility that on these websites videos concerning film and animation tended to take form of original clips of films and music category would contain a large number of music videos. Chart 4-6 showed the relationship between category and form of videos on each website. Due to constraint of space, the following charts only displayed categories that ranked top four places.

The Chart 4 provided relationship between 4 categories (Entertainment, Music, Film and Animation and Comedy) and forms of videos. In Entertainment the numbers of movie trailers and music videos were higher than other types. Music videos in Entertainment category were concerned more about combing of music and images. For example, users made videos about still or moving images from original work and added a song from an artist. This form was different from music videos
made by record companies for the purpose of promoting singles. The second cube stood for Music category in which the majority was in the form of music videos. This number indicated that on YouTube users’ would like to upload music videos made by record companies. A number of videos concerning performance or re-enact were also found in the second category. Performance in this category often referred to live shows or people playing music instruments. Film and animation (the third cube) contained a large proportion of clips from original work, which suggested that there was possibility of breaching copyright law.

Chart 5 Categories and Forms of Videos on MySpace TV

Chart 5 showed the relationship between video formats and categories (Entertainment, Music, Film and Animation and Comedy) on MySpace TV. As could be seen from, Music category, the number of music video reached over 200 with performance and re-enact videos took a relatively large percent as well. Figures demonstrated that on MySpace, music videos produced by record company were often uploaded. In third cube, clips from original work once again exceeded other forms of videos.
Chapter 6 showed that on Metacafe Entertainment category had more diverse videos than other categories. Even though Music and Comedy had nearly the same amount of videos, the distribution of video form was different. The Music category consisted of many performance/re-enact and music videos. But the number of clips from original videos still took up certain percent in Film and Animation category but less than that of MySpace and YouTube.

After the comparison of data of three websites, a similarity could be found in that a proportion of clips from original movies did exist on each website. YouTube had the highest amount while Metacafe had the lowest, which suggested that YouTube contained more original clips regarding movies than the other two. If those clips were uploaded by users, their activities could breach copyright law (See Chart 7).
From Chart 7 we could see that the majority of videos were uploaded by users. The second column had demonstrated that all these three sites had a large proportion of original clips uploaded by unauthorized users. This chart demonstrated that a number of videos uploaded on MySpace TV and YouTube qualified for copyright infringement. In addition, the videos uploaded by copyright holders on Metacafe and MySpace were higher than that of YouTube.
4.3.2 Videos Relevant to Movies

In this research the search result of each movie title was divided into relevant and non-relevant videos. As a variable to measure relevancy of each case, it was important because it could tell whether a video was relevant to movies and if it was a user made. Previous data analysis in Table 3 showed videos relevant to movies’ themes were 2,287. Chart 8 compared videos of this kind on each website. The X axis represented the relevancy of videos divided by original and non-original work. As could be seen, all three websites contained high amount of non-original videos concerning movies. The result indicated that users of all three websites tended to uploaded more non-original videos than original ones, especially YouTube users. As could be seen, YouTube’s non-original videos were two times higher than those of MySpace TV and Metacafe with 1,146, 540 and 270 respectively. As for user’s original work, YouTube site still contained relatively higher amount of videos than the other two. In Chart 8 the three left-side columns were higher than right-side ones which demonstrated the huge gap between non-original and original work. This indicated that the non-original videos regarding movies were dominant on each
Chart 9 Non-Relevant Videos on Three Websites

Chart 9 showed videos non-relevant to movie themes. According to the figure from Table 3, the total number of non-relevant videos was 2,196. The distribution of videos was analyzed as Chart 9 showed. The Chart demonstrated that original and non-original videos of this kind enjoyed almost the same amount with 1,096 and 1,100 respectively. The distribution of this kind of videos on each website was almost the same as well. MySpace TV had the highest volume of each kind followed by Metacafe and YouTube. Comparing the data of the two groups, Chart 9 also showed that YouTube’s non-original videos were still higher than that of original regardless of movie themes, while MySpace TV and Metacafe had quite the opposite situation with original videos enjoyed higher volume than that of non-original ones, especially Metacafe had more than 440 original videos.
From the above two charts, we could conclude that a large amount of non-original videos uploaded by users did exist on these websites, which could make these website vulnerable to copyright lawsuits.

4.4 Data Comparison by Year of Movies

The research subjects were films which were sorted by their release year. Table 3 had classified the result into relevant and non-relevant. The following part compared the data that relevant to movie themes.

**4.4.1 Relevancy and Year of Movie**

<table>
<thead>
<tr>
<th>Year of Movie</th>
<th>1970s</th>
<th>1980s</th>
<th>1990s</th>
<th>2000s</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant but NOT user’s ORIGINAL work</td>
<td>347</td>
<td>406</td>
<td>605</td>
<td>598</td>
<td>1956</td>
</tr>
<tr>
<td>Relevant but user’s ORIGINAL Work</td>
<td>17.7%</td>
<td>20.8%</td>
<td>30.9%</td>
<td>30.6%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Relevant but NOT user’s ORIGINAL work</td>
<td>55</td>
<td>87</td>
<td>82</td>
<td>107</td>
<td>331</td>
</tr>
<tr>
<td>Relevant but user’s ORIGINAL Work</td>
<td>16.6%</td>
<td>26.3%</td>
<td>24.8%</td>
<td>32.3%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Table 6 showed the percentage of videos relevant to movie themes by year. As it showed that the uploaded non-original videos concerning 1970s-1990s movies increased by year while 2000s’ movies maintained nearly the same percentage as 1990s. In addition, videos about 1990s’ and 2000s’ movies increased by 10% comparing with those of 1980s’ by 3%. The possible reason for the dramatic increase could be that in from 1990s the digital form of movies was available due to the development of technology. Apart form releasing in cinema, movies were stored in DVDs which made copy and transmission much easier. In the second row, we could see that users’ original work concerning movies nearly increased by year as well with the highest percentage (32.3%) in 2000s.
4.4.2 Forms of Videos by Years

Chart 10 Forms of Videos by Years

Chart 10 provided data about forms of videos by years of movie. Each column was divided into non-original video bar and original video bar. As could be seen, the non-original videos often took forms as audiovisuals, clips from original work and trailers. First bar column represented original work uploaded by users. Statistics showed that original clips of movies were dominant in 1970, 1980 and 1990. In 2000, videos were more about combination of soundtracks or other songs and images from films, while original movie clips decreased. This might be due to from the late 1990s, media giants had been aware of increasing number f original clips transmitted online without permission. They began to take actions either by firing lawsuits or appealing for amendment of copyright regulations. In contrast, user’s original videos had various forms. In 1980 and 1990, there were many re-enact videos which indicated that users’ would like to imitate classic scenes from movies. For instance, the 1980s movie list had two series of Star Wars, users’ videos were more about reenacting the
fighting scene between Luke and Vader. In addition, users tended to put more videos of reviewing the movie. It was easy to make such a video. One or two people stand in front of cameras and started to make comment on the movie.

4.5 Strategies to Prevent Unauthorized Files

Finding out how three websites prevented uploading unauthorized files was one of objectives of this research. From the previous analysis, we saw that each site contained certain size of unauthorized files uploaded by users. Websites claimed they would take action to prevent such activities. The following analysis concerning this aspect was done with uploading an unedited music video downloaded from peer to peer software. The format of this file was .MPG which was allowed to upload on these websites. Test results showed that to prevent uploading unauthorized files, websites tended to limit file size or time, warn users about content of videos, use “Terms and Conditions” to inform users about the consequences of their activities and content filter tool.

First, limitation on file size. Three websites had specified either time or file size to remind users. This method could prevent users from uploading large size of unoriginal videos, such as film or live concert which was qualified for copyright infringement. YouTube allowed a video less than 10 minutes and the size of no more than 1024 MB. MySpace TV and Metacafe only specified file size with 512 MB and 100MB respectively.

Second, the waning of the content of files. Before uploading videos, three websites suggested users to read the warning they posted on the page concerning the files that were forbidden to upload. YouTube specified the types of files including TV shows, music videos and commercials. While MySpace and Metacafe used a sentence to warn that no copyrighted material was allowed to upload unless permission was granted. For example, MySpace TV posted a note on the left corner
of the page saying that “If you upload porn or unauthorized copyrighted material, your MySpace account will be deleted (MySpace, 2008).” On Metacafe they wrote “Do not submit any material for which you don’t hold the rights (including rights to the background music) or have permissions from the owner (Metacafe, 2008).”

Third, the Terms and Conditions. Before uploading files three websites would highlighted a link or links to guide user to read the regulations. YouTube suggested users to read Copyright Tips and Community Guidelines to make sure the basic policy on this website. The Copyright Tips informed people about what material infringe copyright. For example, “How to Make Sure Your Video Does Not Infringe Someone Else’s Copyrights” and “Commercial Content is Copyrighted” (YouTube, 2008). MySpace TV and Metacafe would lead you to read their terms of use. All three websites expressed their attitude towards copyright infringement. They promised to remove copyrighted content on the notification from copyright holders.

Finally, the content filtering system. The launch of this system demonstrated the websites’ willingness to crack down copyright infringement activity. So far only YouTube officially announced its “Content Verification Program” on the website to help copyright holders find and remove infringing content from this site (YouTube, 2008). It also offered copyright holder a tool called “Video Identification Tool” which could easily identify and manage right holders content on YouTube (YouTube, 2008). MySpace’s video filtering system was only mentioned on news. The test result showed that the system blocked this video successfully. A notice reminded the user that

“Your uploaded privileges are currently suspended for following reasons: content uploaded was recognized by MySpace’s copyright filter…To reinstate your uploaded privileges you must click here to complete the Copyright Education Program.” (MySpace, 2008)

Only when you finished the education program did the system allowed you upload other videos with a warning that
“MySpace terminates the accounts of repeat copyright infringers. Please be careful not to include content on your profile that you do not have permission to use so you can continue to be a part of the MySpace community.” (MySpace, 2008) Metacafe did not announce any plan about filtering content. However, when uploading music videos, the website reminded the user about “Processing Uploaded Files” for more than 30 minutes. In the end, I had to give up uploading the video. Due to limited reports, whether a filtering system processing behind still needed to be verified.

4.6 Summary

The section analyzed the general information collected from these websites. All together statistics showed that users uploaded more videos belonged to Entertainment, Films and Music categories ranked top three. Most videos took the form of original clips and music videos. 2007 was seen the most videos upload on video-sharing websites. Non-original videos took up very high percent of the collected cases which partly proved why online video-sharing industry was target of copyright lawsuit.

The data were compared among websites as well. Figures had put YouTube under the spotlight. This website was seen number one in many controversial fields, such as music, film and animation, clips from original work, and non-original videos uploaded by users. MySpace ranked number two in most data comparison but was found with most original works on its website which might due to its effective content filtering system. Metacafe was found number three in most fields, but its original works were second to MySpace TV’s.

A couple of strategies to prevent unauthorized works were adopted by each websites. The most common on was posting warning prior to uploading files. The content filtering system was launched by YouTube and MySpace TV to combat the illegal activity as well. However, more information about filtering system would be
acquired if the researcher could make contact with companies and interview experts. Due to the constraint of time, the researcher could only evaluate the systems from by uploading videos.
Chapter 5 Conclusion

5.1 Introduction

In this final chapter, conclusions were brought forward based on the research findings presented above in order to fulfill the objectives of this research. According to this research, the percentage of copyrighted files on these websites was high partly due to the business models these websites adopted. Films, music and other entertainment categories had many copyright protected videos uploaded by users, which could gave media giants an alert since their products were subject to copyright infringement activities.

5.2 The Copyright Infringement Content on Three Websites

From the analysis of the data, the percentage of copyright infringement content on these websites was high. The statistics in Table 3 demonstrated that non-original videos (64.8%) upload by users were two times higher than that of original ones (30.4%). From a further analysis of the distribution of such high volume (Chart 8 and Chart 9), we could see that all websites contained videos that breaching copyright among which YouTube contributed more than the other two websites.

Such high percentage would stir a new round of discussions about copyright infringement in the information age. In addition, the figure could partly explain why complains increased from many copyright holders about video-sharing websites’ lack of control over the uploaded files (Jones, 2007).

However, one reason for the rampant unauthorized videos on video-sharing websites might lie in the new business model applied to many websites. Driscoll (2007) labeled it as “YouTube Model” which was to seek cooperation between the company and copyright holders. Unlike P2P software companies arguing with right
holders over the issue, since the day when YouTube was acquired by Google, the company foresaw the possible dispute over video content which could not only cause troubles to company but would have to face the same penalty as P2P software companies did. As a result talks concerning licensing and partnership continued since 2006 between the company and media giants such as BBC, CBS, Universal Groups and Sony BMI. The agreement stipulated that YouTube would give part of its advertisement revenue to compensate the media giants’ loss (Driscoll, 2007). MySpace followed YouTube’s suit. It was reported that this website reached a deal with BBC that it would present selected BBC programs through this video platform (Jesdanun, 2008). Therefore, we could see the (Chart 8 and 9) YouTube and MySpace TV had high volume in terms of non-original works.

On the other hand, a different model to deal with copyright infringement issue on video-sharing website was to reward the original works like Metacafe did. This site launched “Producer Rewards Program” to encourage user made videos by paying cash. One of the rules regarding the eligibility was the “the exclusive owner of the video and all rights therein-including all content, music and images (Metacafe, 2008).” This rule emphasized the originality of candidate videos. According to the Top Earners’ list the number one user had earned over 100,000 dollars by making original videos. It seemed such program had certain influence on uploading videos. In the case of this research (Chart 8 and 9), we could see relatively high amount original videos on this site.

Copyright holders, as well, should be partly responsible for the rampage of unauthorized videos online. For example, all websites specified that they would remove unauthorized clips if copyright notify them. However, until now only Viacom officially issued a takedown notice requesting YouTube to remove unauthorized content produced by this company. The tolerance from many companies was probably due to the agreement they reached with YouTube. Moreover, Driscoll (2007) commented that saving cost for advertising was the key reason for media giants’
silence. However, how long could those companies keep silent and to what extent?

5.3 Types of Videos

The analysis of distribution of types of videos showed that music and film making industries were once again subject to copyright infringement activities just like what P2P softwares did to them. Statistics showed on Table 2 that most popular categories were entertainment, film and animation and music of the 4710 case. Combining the analysis of forms of videos (Chart 2), it could be seen that original clips and music videos took up relatively high percent. Chart 10 showed that movies often took the form of original clips, audiovisual and trailer which were considered as infringement activities without permission from copyright holders. In addition, the analysis of Chart 4 to Chart 6 demonstrated the dominant forms of videos in popular categories on YouTube and MySpace were music and original clips. Sometimes the full length of a movie which was divided into nine to ten clips could be found uploaded by unauthorized users. Judging from this phenomenon the music and film industries had every reason to be panic with these websites gaining popularity.

However, there were less file suits against video-sharing websites than P2P softwares. The “YouTube model” was believed to contribute a lot to such phenomenon. On the negotiation list, CBS, NBC, Warner Music Group, Universal Music Group, EMI and BBC were either partners with YouTube or licensing to it. Therefore, even though media giants knew their rights were being infringed, as long as the websites paid them compensation and helped with promotion they tended to keep silent for a moment.

5.4 Strategies to Prevent Uploading Unauthorized Videos

From the test of how websites prevented unauthorized videos, four strategies were constantly used: limitation on file size, the waning of the content of files, the Terms and Conditions and the content filtering system. We could see that except the
last strategy, these websites expected users’ to be aware of their activities by posting written text on the websites.

However, according to the result from this research, relying on users was not effective. In this research, Chart 3 had showed that of the 4710 videos users had uploaded over 2800 videos that were not owned by themselves. Chart 7 demonstrated that YouTube users uploaded the most clips without permission. It seemed that users tended to ignore the written notice and carried on uploading, even though YouTube offered the most specific guidance of the three websites: “How to Make Sure Your Video Does Not Infringe Someone Else’s Copyrights”, “Commercial Content is Copyrighted and Copyright Tips” (YouTube, 2008).

The analysis also indicated that users tended to ignore the policies since the consequence of their activities would not do much damage to their interests. If a user was caught uploading too many copyright protected videos, their account would be deleted, which meant you could not log in with the same username anymore. However, users could apply for a new account whenever they wanted.

On the other hand, content filtering system was another strategy adopted by video-sharing websites in an attempt to combat copyright infringement activities. From the test results of each site, MySpace’s filtering system worked better than the other two because the website not only identified the unauthorized video but educated users about copyright knowledge. Though this website is still in its infancy but it seemed to learned lessons from other video-sharing websites. This effective block content system probably explained why in Chart 1 the number of MySpace TV’s videos dropped dramatically in 2007. On contrast, YouTube’s filtering system failed to block the same video. It was stored in my account without sending warning or notice to the user.
Even though MySpace TV introduced the content filtering systems, as Chart 8 and 9 showed there was a proportion of non-original works exist on it. This indicated that the block systems still need to be improved to filter different kinds of works. It is because that nowadays instead of uploading the original works, users begin to skirt the law by combing different pieces of work together. For instance, a user cut several scenes from a cartoon and a movie edited them together and uploaded to the website. Such clip would present difficulty for content filtering systems to detect, but this file still qualified for copyright infringement.

In conclusion, copyright infringement issue is still at the center of online sharing websites. However, unlike P2P softwares spending much time on the court trying to make a defense, video sharing industry adopted a new model to balance the interests of different parties. The partnership and licensing together with content filtering system, the video sharing websites find out a way to cope with this issue temporarily. Users as usual could upload copyrighted files, copyright holders acquire compensation from websites and video-sharing websites avoid being forced to shut down and going bankruptcy.

However, the video-sharing websites are far from celebrating this win-win strategy. If Anti Counterfeiting Trade Agreement (ACTA) came into force, sharing files would become a criminal offence (Marks, 2008), how video sharing industry dealing with the unauthorized videos on their websites is worth thinking.

5.5 Recommendation

This small scale research investigated copyright infringement and online video sharing websites, which left several questions unanswered. New business model seems to find a balance temporarily between video-sharing websites and companies. However, will companies still calm with increasing number of their works being shared? YouTube and Metacafe adopted different business model, it appears that the
latter contains more original works and allows users to edit videos. Do copyright holders prefer the one gives them compensation or the one provide more videos in accordance with law and save them from lawsites? Will users prefer websites that stored large amount of videos or that give them the platform to show their talent? So far no literature is done concerning the impact of video-sharing websites on music and film making industry. In addition, several companies began to establish their own video-sharing websites offering high-quality videos made by them and a platform for people to upload videos. While the quality of most YouTube videos is poor, how can it survive the fierce competition in this industry? If the new treaty comes into force which is dedicated to crack down sharing copyrighted files online, it will become difficult for users to access information through file-exchanging which is supposed to be a prevailing way to acquire copyright protected content. The treaty will have an impact on video websites which have many copyrighted videos.
References

Adgoke, Y. (2005). “Peer-to-Peer Services Take up Over 70% of Global Bandwidth”. Nma.co.uk [online], 13 October. http://www.mad.co.uk/Main/Home/Articles/093991954a7b4815808c4b98d2358c4d/Peer-to-peer-services-take-up-over-70-of-global-bandwidth.html [Accessed 10 July 2008]


Ardito, S. (2007). “MySpace and YouTube Meet the Copyright Cops”. Searcher, 15/5, 24-34


15 April 2008]


