

YouTube's New Content ID Appeals Process: Not as Useful as You Might Think

Written by Patrick McKay

Thursday, 08 November 2012 14:23 - Last Updated Wednesday, 28 November 2012 18:56

Last month YouTube announced a new process for appealing reinstated Content ID claims that was supposed to solve the problem of copyright owners being made the ultimate judge of disputes against their own copyright claims. Sadly, the new appeals process has turned out to be far less useful than one would have hoped, thanks to the seemingly arbitrary way in which the appeal option is available on some videos and not others, and the requirement to "verify" your YouTube account with a text message sent to a cell phone before you can file an appeal.

As I noted in my [initial post](#) about the new appeals process, the [YouTube help page](#) on the appeals process includes the following caveat:

Additional eligibility restrictions may apply, including the date of dispute and other factors. Uploaders will also be asked to verify their account if they have not already done so. The eligibility for the appeals process may change over time.

While I was cautiously optimistic about the new process at the time, I expressed concern that this could dramatically reduce the usefulness of the appeal's process by restricting users' ability to appeal old claims that were disputed and reinstated. It now appears that is exactly what has happened. [Techdirt](#) now has the story of YouTube user (and fellow copyright reform activist) Julian Sanchez, who two years ago uploaded a video about fair use and remix culture, highlighting various examples of remix in user-generated videos on YouTube. One of the examples he used was a series of viral remixes to the song "Lisztomania" by the band Phoenix, using footage of people dancing to clips from the movie "The Breakfast Club." This was a meme going around a few years ago where people took this song and created videos themselves dancing to it in a variety of locations around the country--all of which are now apparently blocked by Content ID. I remember Lawrence Lessig used this as an example of remix in his talks for a while (I wonder if any of his videos have been taken down too?).

So it turns out that Sanchez recently discovered that his video--a prime example of fair use if I ever saw one--was blocked by a Content ID claim from the music publisher, **Kobalt Music Publishing**

(though the Content ID screen attributes this to Glassnote and Sony Music). Since Sanchez was obviously well-versed in fair use (that's what the video was about after all), he disputed the Content ID claim. As usual, the music publisher completely ignored his claim of fair use and reinstated their copyright claim, re-blocking his video in both the United States and Germany.

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What's interesting is that even though this all occurred on November 7, about a month after the new appeals process was implemented, there is no option to appeal the reinstated Content ID claim as YouTube says there should be. Instead, Sanchez's Content ID screen looks like this:

The screenshot shows the YouTube interface for a video titled "The Evolution of Remix Culture". At the top, the YouTube logo is on the left, followed by a search bar and navigation links for "Browse", "Movies", and "Upload". Below the search bar, a "Copyright Notice" button is highlighted. The main content area displays a thumbnail of the video showing a person in a dark suit. To the left of the thumbnail, the video title is shown. Below the title, two copyright claims are listed:

- "DO NOT USE - The Breakfast Club (1985) ACTIVE Full Movie Master", visual content administered by: Universal Pictures. Status: Claim released.
- "Phoenix-Lisztomania", sound recording administered by: Glassnote SME. Status: Dispute rejected, claim has been reinstated.

Below the claims, a section titled "What does this mean?" is visible, along with information about video blocking and options to replace audio.

At the bottom of the page, a navigation bar includes links for Help, About, Press & Blogs, Copyright, Creators & Partners, Advertising, and Developers.

I know the appeals process has in fact been implemented because some users have started seeing the option to appeal available on some, but not all, of their videos. When a claim is reinstated and the option to appeal exists, the Content ID match screen should look like this (courtesy of the user "markimatang" in this [YouTube help thread](#)):

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The Lost Coast near Westport, California

Your video may include the following copyrighted content:

New claims

"Saint Petersburg Radio and TV Symphony Orchestra, Stanislav Gork-Ma vlast, Cycle of 6 Symphonic Poems : Poem II. Vltava (The Mold)", sound recording administered by:
Believe

I acknowledge ?

Disputed claims

"Saint Petersburg Radio and TV Symphony Orchestra-Smetanas Má vlast (Mein Vaterland), Zyklus von sechs sinfonische", sound recording administered by:
Believe Claim released.

"Armonie Symphony Orchestra-La Mer. Trois Esquisses Symphoniques - Prelude a lapres-midi dun", sound recording administered by:
INgrooves Claim released.

"UPMkillla-CLS002_34", sound recording administered by:
GoDigital MG For a Third Party Dispute rejected, claim has been reinstated.

What does this mean?

Your video is still available worldwide. In some cases ads may appear next to your video. Please note that the video's status can change, if the policies chosen by the content owners change. Learn more about copyright on YouTube.

This claim does not affect your account status.

I believe this copyright claim is not valid.

I want to appeal a reinstated claim. ?

Help About Press & Blogs Copyright Creators & Partners Advertising Developers Terms Privacy Safety Report a bug Try something new!

Date & Time

Show All

Date & Time Time Zone Clock

Set date & time automatically: Apple Americas/U.S. (time.apple.com)

10/ 8/2012

S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

12:58:56 PM

To set date and time formats, use International preferences. Open International preferences

Click the lock to prevent further changes.

So it appears that even though the Content ID block and the resulting dispute and reinstated claim happened after the appeals process was established, because the video was originally posted two years ago, Sanchez is out of luck. The option to appeal the baseless reinstated Content ID claim on his video is simply not there.

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By restricting the appeals process to recent videos ([this YouTube help thread](#) indicates users are seeing the appeal option on videos posted no earlier than this past summer), YouTube has essentially granted copyright fraudsters a carte blanch to make and reinstate blatantly false Content ID claims on older videos, where the user still has absolutely no recourse to fight false claims. While the new appeals process seemed at first to be a good solution to the problem of false copyright claimants rejecting disputes against their own claims, the arbitrary manner in which YouTube has decided to make it available for new videos but not old ones has severely reduced its usefulness in combating copyright fraud on YouTube.

Additionally, I have been seeing numerous complaints about the fact that even when the appeal option is available, users are first required to "verify" their YouTube accounts using a verification code sent via text message to a cell phone, before they can proceed with their appeal. This makes the appeal option essentially unavailable to users who do not have text-message capable cell phones or who live in countries that do not have a supported cell phone provider on YouTube's approved list. Some users have been able to work around this problem by going out and actually buying prepaid cell phones just to verify their YouTube accounts, being forced to incur a pointless expense just so they appeal false copyright claims against their videos.

When I called on YouTube to reform its woefully flawed Content ID dispute process, this was not what I had in mind. It would have been easy for YouTube to simply allow all users with reinstated disputed Content ID claims on their videos to use the appeals process, without jumping through pointless hoops like cell phone verification. Instead, YouTube chose to make it as hard as they possibly could to appeal falsely reinstated Content ID claims. The only conclusion I can come to is that far from having a true change of heart about the abuses enabled by its Content ID system, in enacting the new appeals process YouTube was merely trying to save face and appear to be doing something about the problem, while not really doing much of anything. In reality YouTube continues to subject its users to the capricious whims of unscrupulous copyright claimants who continue to ignore fair use and claim content they have no rights to--at least where older videos are concerned. The only way I can see currently for users to free their older videos from false copyright claims is to delete the original videos from their accounts, forfeiting all the views they have accrued over the years, and to post them anew so they will now be allowed to take advantage of the appeals process when new Content ID claims are made and inevitably reinstated.

This is not a solution. It is barely even a bandaid. If YouTube is truly sincere about protecting its users against fraudulent copyright claims on their videos, it should act immediately to make the appeals process available on **ALL videos** with reinstated Content ID claims, without requiring users to go through the cumbersome process of verifying their account with a cell phone. It is only fair that it should be as easy to appeal a false copyright claim as it is to make one, and that is most certainly not the case on YouTube at present.