

**Update October 4, 2012: YouTube has revised the Content ID dispute process to address many of the concerns expressed in this article. Specifically they have added a new appeals process which users can use after a Content ID claim has been reinstated by the claimant. This then forces the copyright claimant to either release the Content ID claim or file a DMCA takedown notice, and the user can then file a counter-notice in response. In short, YouTube has implemented at least one of the reforms I called for at the end of this article, so much of what is written below is now out-of-date. I am leaving this page in place to serve as a reference documenting the former problems with the Content ID system, and because it has yet to be seen if the recent changes will be enough to truly resolve the problem of Content ID copyfraud on YouTube. To read my more detailed response to the recent Content ID reforms, see my blog post on the subject [here](#). □□**

Ever since YouTube first introduced its automated "Content ID" copyright filtering system, the potential has existed for tremendous abuse. Over the last couple years, evidence has been mounting that YouTube's Content ID system is in fact being systematically used to falsely claim and monetize videos the claimant has no right to, and to block videos with no recourse for the user, even if they are likely fair use.

All of this is done with YouTube's direct knowledge and consent, having designed a system that is wide open for abuse and lacking in any effective and transparent dispute or appeals process. This page attempts to document this problem in hopes that Google/YouTube will eventually be pressured into changing its policies to rectify this situation. **A.**

## **Introduction: Three Fundamental Flaws with the Content ID System**

In order to understand the problem of copyright fraud enabled by YouTube's Content ID system, it is first necessary to understand the three fundamental flaws in its design which enable this abuse.

### **1. The Content ID program apparently requires no proof of copyright ownership**

YouTube's Content ID system works by allowing copyright owners to upload digital copies of video or audio works, which YouTube's servers use to create a digital "fingerprint," against which all other videos on the site are scanned. If even a portion of another video matches the sample in either its visual or audio content, the video is flagged as containing that copyrighted content. From there, the copyright claimant can choose to either block, allow, or "monetize" matched videos. Monetization is done by allowing YouTube to run ads next to the a video, from

which the copyright claimant receives a cut of the ad revenue.

While it seems obvious that a system which allows alleged copyright owners to upload any audio/visual work and claim copyright ownership over that work should at minimum require that person to provide some documentation or proof that they own the copyright to each work they claim, anecdotal evidence suggests that no such proof is in fact required. The sheer number of Content ID claims involving content which the claimant could not possibly have any copyright interest in, indicates that either no proof of copyright ownership is required at all, or at least that YouTube does very little to verify this and copyright ownership is easily faked.

The impact of this flaw is that anyone who manages to gain admission to the Content ID program can upload any content they want into the system, which it then flags as belonging to them. They can then block or monetize any video they want, regardless of whether they really own any copyright interest in it. As a result, there is nothing to prevent any Content ID partner from uploading a copy of the latest popular viral video and claiming it as there own, allowing them to hijack the ad revenue from that video, which can be substantial.

## **2. Content ID identifications are notoriously inaccurate**

While YouTube claims the Content ID system results in very few false positives, experience suggests these matches are highly inaccurate and incapable of considering the context of the material in question. Many works are outright misidentified. In other cases, the specific work is correctly identified, but matched incorrectly. For example, if a Content ID partner makes video game reviews which include cutscenes from a popular videogame, Content ID might attribute all other videos using cutscenes from that game to the other reviewer. Likewise if a song by one artist uses royalty free music loops from something like GarageBand or Final Cut, and another song by a different artist uses those same loops, Content ID may identify the second song as matching the first--even though the only elements those songs have in common are in the public domain.

## **3. The Content ID dispute process is ineffective and gives copyright claimants the ability to unilaterally "confirm" their claim with no further recourse for the uploader**

The Content ID system includes a supposed "dispute" process, wherein a user who believes his video has been incorrectly flagged by Content ID can use a simple webform to dispute the Content ID match for one of three reasons (1) misidentification, (2) license to use the material in question, and (3) fair use. YouTube describes this dispute process as being a sort of front-end buffer to the notice and counter-notice process established by the Digital Millennium Copyright

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Act (17 USC § 512). [According to YouTube](#), once the user files a dispute, the video is automatically restored. If the copyright claimant wishes to have the video blocked again, they must file a DMCA takedown notice. If the user still disagrees, they can then file a DMCA counter-notice and get the video restored. At that point, if the copyright claimant still objects to the video, they must file a lawsuit seeking an injunction.

If this was the way the dispute process actually worked, the impact of the first two problems would be minimal, as false identifications could be easily corrected by filling out a simple online form. As it is however, this is not the way the dispute process works in practice. In reality, after the original uploader files a dispute, YouTube allows the Content ID claimant to simply "confirm" their claim to the video, allowing them to either permanently block or monetize the video with no further recourse for the uploader. The user is then met with a message saying **"All content owners have reviewed your video and confirmed their claims to some or all of its content."** After that, there is nothing the uploader can do to fight the copyright claim on their video. Further Content ID disputes are not allowed, and neither can they file a DMCA counter-notice because no DMCA takedown notice has been filed. This conundrum is illustrated by the following diagram:

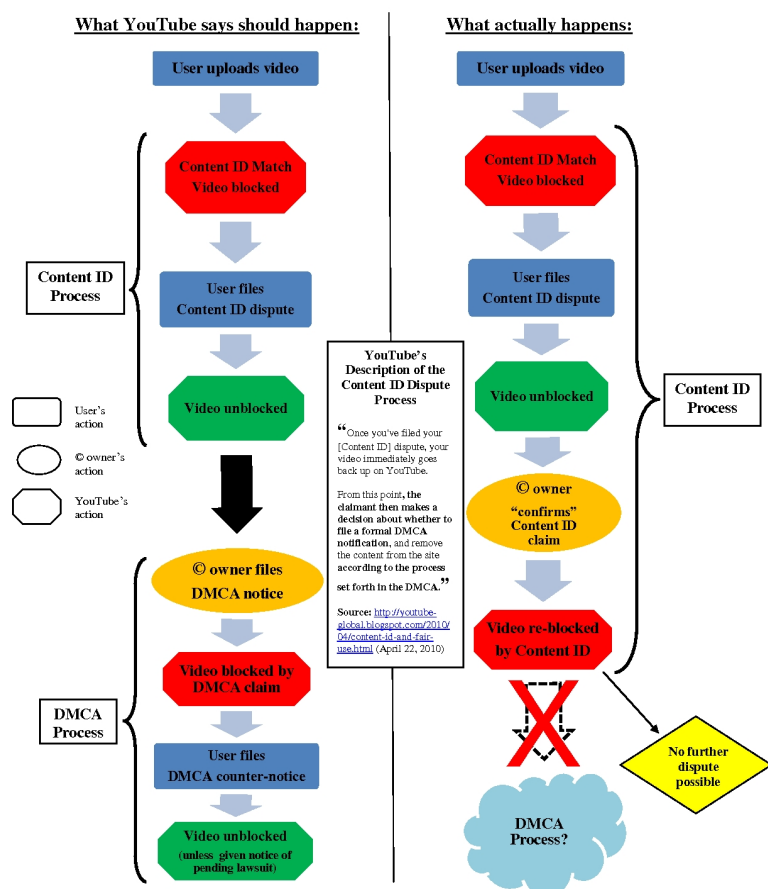
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## Content ID Fail

Why YouTube's Content ID dispute process does not work the way YouTube says it does



## B. Wall of Shame: Documented Cases of Copyfraud & Routine Abusers of the Content ID System

This section attempts to document known instances where the Content ID system is routinely abused and used to fraudulently claim copyright over videos which the claimant either does not own, or is notified that the video in question is fair use. Its purpose is to provide a sort of wall-of-shame, exposing the dishonest practices of these entities to the public eye.

### 1. GoDigital Media Group ( [www.godigitalmg.com](http://www.godigitalmg.com) )

One of the most notorious and long-time abusers of the Content ID system, GoDigital acts as a sort of clearing house for dubious uses of the Content ID system. They market their service as a way for copyright owners to identify and monetize copyrighted works in user-generated content, and are responsible for thousands of illegitimate copyright claims on YouTube. While these works allegedly belong to the individual artists which are GoDigital's client's, all Content ID matches show up under GoDigital's name. Apparently, they do little if any checking to verify if their clients actually own the rights to particular works before submitting them en mass to the

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Content ID system. As a result, a wide variety of royalty free, public domain, and Creative Commons content ends up attributed to GoDigital and their clients.

Interestingly, GoDigital is the most transparent of the copyright trolls, and [freely admits that they make false claims](#)

, though of course they say this is rare. However, instead of accepting Content ID disputes when they are filed, it is their policy to reject all disputes filed through the Content ID system and confirm their claim against the video. Instead, they expect YouTube users to fill out [their OWN dispute form](#)

on their website, after which they may or may not release their claim against a video.

One high profile victim of GoDigital's fraudulent copyright claims is the royalty-free music library Partners in Rhyme, which has [publicly accused](#) GoDigital of allowing one of their competitors, another stock music site called AudioMicro, to illegally claim and monetize music on YouTube licensed to Partners in Rhyme's customers. Another stock music site, Shockwave Sound, [experienced a similar problem](#)

### Other documented cases of false GoDigital claims:

- <https://www.google.com/support/forum/p/youtube/thread?tid=384153f253417325&hl=en>
- <https://www.google.com/support/forum/p/youtube/thread?tid=3054f87bc4ad9dac&hl=en>
- <https://www.google.com/support/forum/p/youtube/thread?tid=2ca98cdd146efdd9&hl=en>
- <https://www.google.com/support/forum/p/youtube/thread?tid=5f21f1dbb8fb0a59&hl=en>

## 2. Netcom Partners ( [www.netcompartner.com](http://www.netcompartner.com) )

While some YouTube copyright trolls have ostensibly legitimate business models, Netcom appears to be an entity devoted to nothing but blatantly and deliberately fraudulently claiming copyright on YouTube videos they do not own. According to a [recent report by Wired.com](#) , Netcom is a Russian company with a website registered in Cyprus, listing their base of operations alternatively in either Malaysia or Switzerland. Cached versions of their website (since blanked) reveal that they formally offered a service to artificially inflate views of YouTube videos. Now, it seems they exist simply to falsely claim copyright ownership of popular YouTube videos and hijack the ad revenue. When confronted with a dispute, they most often do not press the matter, and flee at the first sign of opposition. Despite the fact that there could be no clearer abuse of the Content ID system, YouTube has refused to take action on the matter, and Google declined to comment for the Wired article, citing company policy.

### Documented cases of false claims by Netcom:

- <https://www.google.com/support/forum/p/youtube/thread?tid=2716640a7316f750&hl=en>
- <https://www.google.com/support/forum/p/youtube/thread?tid=38086ccac867c58f&hl=en>
- <https://www.google.com/support/forum/p/youtube/thread?tid=7bb86fb78c59e8f2&hl=en>

### 3. Sanoma NL/Gamer NL ( [www.gamer.nl](http://www.gamer.nl) )

According to multiple reports dating back as far as 2009, Helsinki-based media group Sanoma uses its GamerNL YouTube account to file false Content ID claims against a wide variety of videos using content from videogames. Gamer.nl produces video reviews of video games, and submits those reviews to the Content ID system. Its reviews frequently feature footage from videogames, including gameplay and cutscenes. Because of the overbroad nature of Content ID matches, Content ID flags not only GamerNL's reviews, but ANY video using the same footage from the underlying video game. This allows GamerNL to claim copyright over, and hijack ad revenue from, numerous videogame videos it does not own. Content ID abuses by GamerNL have been well documented in [this blog article](#), as well as articles by [TorrentFreak](#) and [Wired](#)

. While false claims by GamerNL appear to be more a result of over-broad identification by the Content ID system itself rather than malicious action on their part, they have little incentive to correct the error. In the meantime hundreds of videos are inaccurately attributed to GamerNL, and they continue to earn illegitimate ad revenue from them.

### Documented cases of false claims by GamerNL:

- <https://www.google.com/support/forum/p/youtube/thread?tid=3026a89be850cb40&hl=en>
- <https://www.google.com/support/forum/p/youtube/thread?tid=63a36f57ed874a43&hl=en>

### 4. X-Media Digital ( [www.xmedia.ru](http://www.xmedia.ru) )

Very little is known about this Russian company which claims to be some sort of online media aggregator. They also run the site <http://www.getmovies.ru/>, which appears to be a Russian site for downloading pirated movies (oh the irony.... a pirate site accusing other people of copyright infringement). They appear to be using Content ID to falsely claim and block numerous videogame related videos (including Dead Island and Battlefield 3). According to a

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response one YouTube user received (dated 9/29/2011) after contacting them:

One of the activities of our company - aggregation of content on YouTube. We provide a YouTube Partnerstatus to several gaming channels. Some of our partners mistakenly put wrong parameters identify content. Now we are working to resolve these errors. Partners warned. All locks we cancel as soon as possible. I hope that within 1-2 days the problem is completely solved. (**Source:**

<https://www.google.com/support/forum/p/youtube/thread?tid=549af2903639d120>  
)

However, at least as of late October 2011, users were still receiving false copyright claims from X-Media.

### Documented cases of false claims by X-Media:

- <https://www.google.com/support/forum/p/youtube/thread?tid=10f10882af05b31c>  
(provides contact information for the company)
- <https://www.google.com/support/forum/p/youtube/thread?tid=29488942f6c552f4&hl=en>
- <https://www.google.com/support/forum/p/youtube/thread?tid=698125e7113d7639&hl=en>

## 6. The Orchard Music ( [www.theorchard.com](http://www.theorchard.com) )

Like GoDigital and X-Media, The Orchard is a content management company claims to manage digital distribution rights for a wide variety of artists and other content producers. Use of YouTube' Content ID system to monetize their clients' content is a [primary part of their business](#).

However, their procedures for verifying the copyright status of the content they submit to the Content ID system appear to be lacking, as there are numerous recorded cases of The Orchard or their clients claiming public domain content such as works by the US Federal Government (including [NASA videos](#)

), royalty fee music loops included with iMovie, and other content they have no rights to. While The Orchard

[claims to respect Content ID disputes](#)

, many people have had difficulty getting them to release false claims, and it is fair to assume they and their clients are continuing to profit from numerous videos they and their clients have illegally claimed and monetized using Content ID.



### Documented cases of false claims by The Orchard:

- <http://www.google.com/support/forum/p/youtube/thread?tid=314bad81d2c7b1c7&hl=en>
- <http://www.google.com/support/forum/p/youtube/thread?tid=23b1ace5bfedf469&hl=en>
- <http://www.google.com/support/forum/p/youtube/thread?tid=003412ef2a05e043&hl=en>
- <http://www.google.com/support/forum/p/youtube/thread?tid=49f0abef3ac08726&hl=en>
- <http://www.google.com/support/forum/p/youtube/thread?tid=3da011b431d0f00a&hl=en>
- <http://www.google.com/support/forum/p/youtube/thread?tid=6b097280f4f8beca&hl=en>
- <http://www.google.com/support/forum/p/youtube/thread?tid=5796f0ef6a24868f&hl=en>

### 5. Major Record Labels (Sony, EMI, WMG)

While in 99% of cases Content ID correctly identifies music by major record labels, in cases where users choose to dispute a Content ID block based on fair use, their dispute will most likely be rejected, with the "reviewed and confirmed" message appearing. While the music labels have deals in place with YouTube allowing users to post videos with much of the music in their catalogues, many songs (especially those belonging to WMG, which has long been the most reluctant of the major labels to allow their music to appear on YouTube) remain arbitrarily blocked. There is no transparency about what songs are and are not allowed for use on YouTube, and if a user is unlucky enough to use a major-label song that is on the block list, even if their use of the song is a minor one that would qualify as fair use, they are likely out of luck. While the major record labels are the most legitimate beneficiaries of the Content ID system as they have a genuine need to police use of their copyrighted content on YouTube, it is still regrettable that they are given the authority to unilaterally deny legitimate claims of fair use. As a result, it is nearly impossible to make fair use of popular music on YouTube.

**Documented cases:** Too numerous to name. One example is an anime music video I made, which was permanently blocked worldwide with the "reviewed and confirmed" message after I disputed EMI's copyright claim on fair use grounds. In another high profile case, Universal Music filed a false copyright claim against a video by the popular (now shut down) filesharing site Megaupload, which featured several Universal artists endorsing the site.

### C. Google's Response: Silence

The cases listed above are just a few instances of the widespread, systemic abuse allowed by YouTube's Content ID system. There are many others--too many to list here. One more egregious case I became personally aware of was when a user contacted me about a false copyright claim by the YouTube partner channel [eurozeitgeist](#). In that case, the false claim (which of course had been "reviewed and confirmed" after he disputed it) allowed this channel to hijack the ad revenue from his popular (and completely original) viral video, which had been



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making its creator around \$20,000 per year in ad revenue. Fortunately in his case, his [frantic posts on the YouTube help forum](#)

were noticed by a senior poster who was able to forward his messages to a YouTube employee, who managed to resolve the problem in less than a day. He was fortunate. Most users in this situation aren't so lucky.

More and more, the tech press is beginning to take note of the flagrant abuses and damage to legitimate speech caused by Content ID. Below are several excellent articles highlighting these problems (I was interviewed in two of them):

- PoliticalRemixVideo.com -- [Youtube's Content ID System Is a Playground for Swindlers](#) (Sept. 1, 2011)
- Torrentfreak.com -- [YouTube's Content-ID Piracy Filter Wreaks Havoc](#) (Sept. 8, 2011)
- Wired.com -- [Rogues Falsely Claim Copyright on YouTube Videos to Hijack Ad Dollars](#) (Nov. 21, 2011)
- Wired.com -- [Copyright Kings Are Judge, Jury and Executioner on YouTube](#) (Feb. 29, 2012)
- Waxy.org -- [YouTube's Content ID Disputes Are Judged by the Accuser](#) (Mar. 2, 2012)

Despite the negative press coverage and increasing pressure on YouTube to reform its Content ID system, YouTube's response thus far has been stony silence. Thus far, it refuses to directly acknowledge that abuses of the Content ID system even exist. According to the Wired article:

"Our Content ID system works by checking user-uploaded videos against reference files provided by rights owners prior to publication on YouTube," spokeswoman Annie Baxter said in a statement. "If the system finds a match, the rights holder determines the policy applied to that video — either block, track, or make money from the video using ads. Partners found to be abusing or attempting to abuse Content ID will be subject to disciplinary action, including the possibility of account termination."

...

Google declined further comment. The search giant said company policy prohibited it from saying whether YouTube was even aware of the situation, and whether it has ever taken action

against any company for abusing Content ID policy.

I too managed to get in contact with Annie Baxter regarding the problem of YouTube allowing Content ID claimants to unilaterally confirm their claims with no recourse for users. Her only statement was:

This is one of those corner-case outcomes that emerges from several different rules, none of which was intended to yield the result you've encountered (i.e., DMCA takedowns are global, but Content ID ownership claims are territorial). Unfortunately, addressing it YouTube-wide is going to take some time, both for pondering and implementing.

So while we can promise you that we're thinking about this, we can't promise you a fix or time-table. And feel free to tell the OVC we're looking at it and trying to come up with something.

## Conclusion

While YouTube "ponders" implementing a solution, YouTube users must live with the knowledge that no video on YouTube is safe from being subject to an illegitimate copyright claim through the Content ID system. As it stands, YouTube presents an incredibly unfriendly environment for independent video producers seeking to establish a legitimate business based around online video. Even if a creator manages to navigate the minefield of American copyright law and produce videos that do not infringe on anyone's copyright, they still risk having their videos blocked or essentially stolen by false or fraudulent copyright claims by unethical companies like the ones listed above--with no practical recourse from YouTube's dispute procedures. As it stands, if this does happen to you, your options are basically (1) complain really loudly on the YouTube help forums and hope a Google employee sees your post and rectifies the situation, (2) contact the claiming party directly and demand that they retract their claim (sometimes they do, sometimes they don't), or (3) delete the falsely claimed video from YouTube to keep the third party from profiting from it and host it on another video sharing site like Vimeo that doesn't have an automated copyright filter like YouTube.

With all of Google's talk about not being evil and fighting for ordinary Internet users, how did it come to this?

## What YouTube Should Do

If YouTube truly wishes to provide a friendly environment in which original online video content can thrive, it could fix the vast majority of the problems highlighted in this article with two simple reforms to its copyright enforcement process:

**1. Require copyright holders to prove that they own the copyright to every piece of material they intend to claim through the Content ID system.** YouTube has quite stringent copyright verification procedures for users wishing to qualify for partnership status and monetize the videos on their channel. YouTube should require its Content ID partners to undergo at least as stringent a process. Content ID claimants should be required to prove they have a **registered** **copyright** in every piece of content they submit to the Content ID system. If a work submitted to the Content ID system contains both copyrighted and public domain / royalty free content, the Content ID claimant should be required to differentiate which parts of their material they do not have exclusive rights to, so that material may be left out of the system. This would greatly cut down on the number of false positives and cases where public domain material or content licensed to third parties is mistakenly or fraudulently flagged by Content ID.

**2. Stop allowing copyright claimants to "confirm" or "reinstate" claims through Content ID.** Once a user has filed a Content ID dispute, that should be where the process stops. The video should be restored with all Content ID claims removed. If a copyright claimant wishes to maintain their claim, they should be forced to follow up the automated Content ID claim with a manual DMCA notice, which in turn would allow the user to file a DMCA-counter notice and have the video restored again after 10-14 days. At this point, YouTube's involvement, both under its own Content ID dispute process and the DMCA notice and counter-notice process should cease, with the video remaining online *unless* the copyright claimant files a lawsuit seeking an injunction. That is the template set by the DMCA--that any dispute process should end with the disputed speech still online. Only a lawsuit and a resulting court order should be allowed to permanently keep content offline.