

Copyright Tips

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Posting copyright-infringing content can lead to the termination of your account, and possibly monetary damages if a copyright owner takes you to court. Here are some guidelines to help you determine whether your audio/video may infringe someone else's copyright.

URaTrip respects the rights of copyright owners, and we urge you to work with us to keep our site a creative, legal and positive experience for everyone, including artists and creators.

How To Make Sure Your Audio/Video Does Not Infringe Someone Else's Copyrights

The best way to ensure that your audio/video doesn't infringe someone else's copyright is to use your skills and imagination to create something completely original. It could be as simple as taking your own picture or video at a travel location, or making up your own script for a tip or tour. If it's all yours, you never have to worry about the copyright—you own it! Make sure to follow the other guidelines in the terms of use, too.

Be sure that all components of your audio/video are your original creation—even the audio portion. For example, if you use an audio track of a sound recording owned by a record label without that record label's permission, your video is infringing the copyrights of others, and we will take it down as soon as we become aware of it.

Commercial Content Is Copyrighted

The most common reason we take down audio/videos inputs for copyright infringement is that they are direct copies of copyrighted content and the owners of the copyrighted content have alerted us that their content is being used without their permission. Once we become aware of an unauthorized use, we will remove the audio/video promptly. That is the law.

Some examples of copyrighted content (although not all) are:

- TV shows
- Music videos, such as the ones you might find on music video channels
- Videos of live concerts, even if you captured the video yourself
 - Even if you took the video yourself, the performer controls the right to use his/her image in a video, the songwriter owns the rights to the song being performed, and sometimes the venue prohibits filming without permission, so this video is likely to infringe somebody else's rights.

- Movies and movie trailers
- Commercials
- Slide shows that include photos or images owned by somebody else

A Few Guiding Principles

- It doesn't matter how long or short the clip is, or exactly how it got to URaTrip. If you taped it off cable, videotaped your TV screen, or downloaded it from some other website, it is still copyrighted, and requires the copyright owner's permission to distribute.
- It doesn't matter whether or not you give credit to the owner/author/songwriter—it is still copyrighted.
- It doesn't matter that you are not selling the audio/video/photograph for money—it is still copyrighted.
- It doesn't matter whether or not the audio/video/photograph contains a copyright notice—it is still copyrighted.
- It doesn't matter whether other similar audio/video/photographs appear on our site—it is still copyrighted.
- It doesn't matter if you created an audio/video/photographs made of short clips or photos of copyrighted content—even though you edited it together, the content is still copyrighted.

What Will Happen If You Upload Infringing Content

Anytime we become aware that an audio/video/photograph or any part of one on our site infringes the copyrights of a third party, we will take it down from the site. We are required to do so by law. If you believe that a audio/video/photograph on the site infringes your copyright, send us a copyright notice and we will take it down. If you believe that we have removed an audio/video/photograph in error that you uploaded and that you are the copyright owner or have permission, you can file a counter notice and let us know. If you repeatedly post infringing content, your account will be terminated. This is also a requirement of the law.

Using Some Copyrighted Content in Your Audio/Videos

While audio/videos/photographs that are direct copies of someone else's content are clear copyright violations, there are certain very limited circumstances in which the use of very short clips of a copyrighted video or song may be legal even without permission. This is known as the "fair use" principle of copyright law.

To determine whether a particular use of a short clip of a copyrighted audio/video/photograph or song qualifies as a "fair use," you need to analyze and weigh four factors that are outlined in the U.S. copyright statute. Unfortunately, the weighing of these four factors is often quite subjective and complex, and for this reason, it's often difficult to determine whether a particular use is a "fair use." If the copyright owner

disagrees with your interpretation of fair use, the copyright owner may chose to resolve the dispute in court. If it turns out that your use is not a fair use, then you are infringing the copyrights of the owner and you may be liable for monetary damages.

If you would like to learn more about the principle of fair use, below are a few links to websites that discuss it. Please remember, however, that your decision about whether and how to exercise your fair use rights is solely yours, and we at URaTrip bear no responsibility for your decision.

Fair Use Links on the Web

- <http://www.copyright.gov/fls/fl102.html>
- http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter9/
- <http://www.copyrightwebsite.com/Info/Law/FairUse.aspx>
- <http://chillingeffects.org/fairuse/>

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