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Copyright failures

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CATEGORIES OF COPYRIGHT FAILURES / FALSE POSITIVES

- 1. Failure of the automated filtering system**
- 2. Overclaiming**
- 3. Legitimate uses**

1. FAILURE OF THE AUTOMATED FILTERING SYSTEMS

- Claimed content does not match the database file;
- No direct human intervention.



2. OVERCLAIMING

- Copyright holders claim content that does not belong to them.



3. LEGITIMATE USES

- The automated system correctly detects the use of a copyright infringement... but fails to verify whether that same content falls under one of the existing exceptions and limitations.



AUTOMATED TOOLS vs USERS RIGHTS

- Copyright protection is not absolute and must be balanced with other rights and interests.
- Law must prevail over technical enforcement



WHY DO COPYRIGHT FAILURES HAPPEN?

- System is reversed: users are guilty until proven innocent (*≠ in dubio pro reu*)
- Redress and complaint mechanism:
 - Complex system for average user;
 - Fear of being sued by powerful corporate: battle lost before it started; financial risk;
 - Popular users (e.g. YouTubers, Influencers) vs. average users.
- Lack of content: passive users will be the most affected.

REDRESS AND COMPLAINT MECHANISMS - CONSUMER FRUSTRATION

yes [REDACTED] everything about this, I agree, I also find this happens much much too often and the result is time being wasted disputing these false copyright claims.

I find my anger and frustration with my time lost, to dispute these claims goes unanswered every time only to have countless hours wasted with back and forth BS until finally they remove the claim.

Personally these companies should be held responsible for this BS.

Unfortunately I have no massive armada of lawyers and or large stock piles of money or weapons of mass destruction.

So in turn I just pirate [REDACTED] and it some how makes me feel better, that I have taken away something from these [REDACTED]



WHAT CAN WE DO?

- Partial match with the content provided by the rightholders (e.g. threshold)
- Repeated false notices from copyright holders should be sanctioned (e.g. blocked from flagging system, fine)
- Platforms liable for failure of the automated system
- Transparency obligation



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