

Fair use on YouTube

Fair use is a legal doctrine that says you can reuse copyright-protected material under certain circumstances without getting permission from the copyright owner.

Fair use guidelines

Different countries have different rules about when it's OK to use material without the copyright owner's permission. For example, in the United States, works of commentary, criticism, research, teaching, or news reporting may be considered fair use. Some other countries have a similar concept called fair dealing that may work differently.

Courts look over potential fair use cases according to the facts of each specific case. You'll probably want to get legal advice from an expert before uploading videos that contain copyright-protected material.

The four factors of fair use

In the United States, judges decide what's considered fair use. A judge will consider how the four factors of fair use apply to each specific case. The four factors of fair use are:

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes

Courts typically focus on whether the use of copyright-protected material is "transformative." This means whether the use adds new expression or meaning to the original material, or whether it merely copies from the original.

Commercial uses are less likely to be considered fair use, but it's still possible to monetize a video that contains fair use material.

2. The nature of the copyrighted work

Using material from primarily factual works is more likely to be fair use than using purely fictional works.

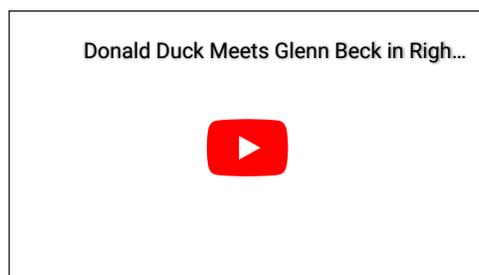
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole

Borrowing small bits of material from an original work is more likely to be considered fair use than borrowing large portions. But, if what's borrowed is considered the "heart" of the work, sometimes even a small sampling may weigh against fair use.

4. The effect of the use upon the potential market for, or value of, the copyrighted work

Uses that harm the copyright owner's ability to profit from their original work are less likely to be fair uses. Courts have sometimes made an exception under this factor in cases involving parodies.

Example of fair use



"Donald Duck Meets Glenn Beck in Right Wing Radio Duck"

by [rebelliouspixels](#)

This remix combines short excerpts from different source materials. The remixes create a new message about the effect of provocative rhetoric in times of economic crisis. Works that create new meaning for the source material may be considered fair use.

YouTube's fair use protection

YouTube gets many takedown requests to remove videos that copyright owners claim are infringing under copyright law. Sometimes these requests target videos that seem like clear examples of fair use. Courts have decided that copyright owners must consider fair use before they send a copyright takedown notice. Because of this, we often ask copyright owners to confirm they've done this analysis.

In rare cases, we've asked creators to join an initiative that protects some examples of "fair use" on YouTube from copyright takedown requests. Through this initiative, YouTube indemnifies creators whose fair use videos have been subject to takedown notices for up to \$1 million of legal costs in the event the takedown results in a copyright infringement lawsuit. The goal of this initiative is to make sure these creators have a chance to protect their work. It also aims to improve the creative world by educating on both the importance and limits of fair use.

[Examples of YouTube's fair use protection](#)

Reinstated videos

While YouTube can't offer a legal defense to everyone, we remain vigilant about takedown notices impacting all creators. You may be aware of some notable cases where we've asked copyright owners to reconsider takedowns and reinstate fair use videos. For example:

- This [video](#) by the Young Turks, which shows short clips from a heavily criticized commercial as part of a conversation on why it offended viewers.
- This [video](#) by Secular Talk, which criticizes a political figure for endorsing an unproven treatment for diabetes.
- [Buffy vs Edward: Twilight Remixed -- \[original version\]](#), a remix video that compares the ways women are portrayed in two vampire-related works targeted at teens.
- "[No Offense](#)", a video uploaded by the National Organization for Marriage, which uses a clip of a celebrity as an example of rude behavior.

More info

If you'd like to learn more about fair use, there are many resources available online. The following sites are for educational purposes only and are not endorsed by YouTube:

- The Center for Media and Social Impact's "[Code of Best Practices in Fair Use for Online Video](#)"
- The Digital Media Law Project's [detailed explanation of the Four Factors](#)
- The US Copyright Office's [fair use index](#)

Need more help?

Try these next steps:

Ask the Help Community

Get answers from community experts

Contact us

Tell us more and we'll help you get there