



The Daily Dish

Platforms and Copyright Infringement

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Eakinomics: Platforms and Copyright Infringement

As detailed in Juan Londoño’s research, there is [growing tension between digital media platforms and copyright enforcement](#). It makes for great headlines when, for example, the National Music Publishers Association [threatens to sue](#) Tik Tok, but the actual issues are quite subtle. They revolve around the changing kinds of content being shared on platforms, the incentives for users to provide new content, and the notion of “fair use” of existing content. And all roads lead to the [Digital Millennium Copyright Act \(DMCA\)](#).

The DMCA was passed in the age of Napster, and – despite its name – has not aged well enough to survive the millennium unchanged. Recall that Napster was peer-to-peer file sharing software that allowed users to share, in particular, audio files. Those files were largely copyrighted songs that were being distributed for free. The DMCA was essentially passed to stop that, and it did.

Now, however, the canonical content that is being shared is a tweener’s dance to a song, serious commentary on a clip of a movie, or – most frequently – rapping over an Eakinomics video. In posting these items, the platforms’ users make a primary contribution in the form of the dance, commentary, or rap. The issue is whether the use of the song, film clip, or Eakinomics video is a copyright infringement.