

## Key to Fair Use Clips from Online Videos

### ***10 Things I Hate About Commandments***

This video falls under Category 6 (Remix or Mashup) of the Online Video Code. The video-maker has taken footage from the film *The 10 Commandments* and has remixed it as if it were a trailer for a teen movie like *10 Things I Hate About You*. To get the joke, the viewer needs to know both movies, and these direct references are critical to the new work. In recombining the elements of the movie, the creator has definitely made a new meaning and new story that is entirely unlike the original, and thus can't be seen as a viable commercial substitute for it. No one will decide not to rent *The 10 Commandments* or *10 Things I Hate About You* because their desire to watch the film has been satisfied by this viewing. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***Feminism by Whirlpool***

This video falls under Category 5 (Launching a discussion) of the Online Video Code. The context of the video was that it was posted on the blog *Feministing*. At the end of the clip, you can see the comments—people agreeing and disagreeing about whether laundry machines are a type of emancipation—so the video successfully started a discussion. It's important to remember that in order for this category of fair use to apply, it must be *clear* that the intent of the video was to start a discussion—it's not enough for it to just be possible to post comments; there needs to be an indication (through the title or commentary after the video or an initial comment) that comments and discussion are welcome. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***Evolution of Dance***

This video falls under Category 2 (Illustration or Example) of the Online Video Code. Judson Laipply has created a routine about how music, dance and pop culture have evolved over the last 50 or so years. He takes short clips of different songs and demonstrates (or illustrates) the dance moves that go with them. He has taken from a variety of sources, he never takes more than he needs for viewers to really get each dance, and he has transformed the context: he hasn't just taken these full songs for us to enjoy and him to dance to (i.e., for the same purpose as they had originally); he has compiled a sequence of clips that illustrate how music and pop culture have changed over the years. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***Lost—10 Greatest Moments***

This video falls under Category 1 (Commentary or Critique) of the Online Video Code. Here, a fan of *Lost* has created a video to show us his favorite 10 moments in the series. It is a positive commentary on the show. By framing the video with the title “Top 10 Moments” and keeping the clips short enough that he’s really only showing the moment or scene that he thinks is so great, he has transformed the clips from their original purpose (of entertaining the viewer) to something new: a fan’s opinion on the best moments of *Lost*. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***White House Correspondent’s Association Dinner***

This video falls under Category 4 (Reposting or quoting in order to memorialize) of the Online Video Code. In the clip, Stephen Colbert is giving a speech to other journalists (and the President), and he uses it as an opportunity to criticize the Iraq War in a comic way. You can tell from the next shot of people in the audience reacting that they are surprised and shocked that he said what he said. This falls under Category 4 because it was a controversial moment that you could argue was worth memorializing. This was a much-discussed event, at a time of great controversy over the war, and although C-SPAN covered the event, it did not make the material available online. Some of those who had recorded the event posted the event in chunks on YouTube, where it was widely seen and discussed, as a public service. This posting rescued/recovered an evanescent television moment that otherwise was unavailable in a timely way, at a time of active public discussion about it. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***Climate Change—The Scientific Debate***

This video falls under Category 2 (Illustration or Example) of the Online Video Code. In the clip, a narrator starts out talking about who’s he not going to be getting information from for his video about climate change—he won’t be getting it from Al Gore, from environmental activists or Rush Limbaugh. He illustrates what he is saying by showing images of all three. If he had used images that didn’t as directly relate to what he’s actually saying (i.e., just any pictures to use as b-roll over narration), this probably wouldn’t be fair use. But he chose a variety of images relevant to his point, and they do directly show us who the non-experts he’s talking about actually are. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***Hurricane Katrina—“George Bush Doesn’t Care About Black People”***

This video falls under Category 4 (Reposting or quoting in order to memorialize) in the Online Video Code. This clip shows a segment of the fundraising telethon that NBC broadcast to raise money for the victims of Hurricane Katrina. In it, Kanye West clearly goes off script—he’s speaking from his heart about how upset he is, and he finishes by

saying “George Bush doesn’t care about black people.” As you can tell by Mike Myers’ reaction and the immediate cut away to another newscaster, what West said was controversial. This clip falls under Category 4 because it was controversial but it also memorializes the way a lot of people felt after Hurricane Katrina. It was also otherwise unavailable at the time online for a general public. Finally, the clip is only long enough to hear West’s whole thought—the relevant aspect for public discussion. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***Fat Cat Watching TV***

This clip falls under Category 3 (Incidental Use) in the Online Video Code. In the clip, a very fat cat is sitting upright on its butt, watching TV. While we can hear the TV in the background, the subject of the clip is clearly the cat, and the copyrighted material in the background never draws our attention away from the cat. Additionally, the clip is just long enough for us to take in the cat’s funny behavior, but not so long that one could argue we’re hurting the commercial value of whatever is on TV. The copyrighted material (e.g, the commercial that’s on TV) has been transformed because we’re now looking at it in the context of a cat that is apparently watching TV. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***Let’s Go Crazy***

This clip falls under Category 3 (Incidental Use) in the Online Video Code. In the clip, a small child races around a kitchen pushing a toy stroller while Prince’s song “Let’s Go Crazy” plays in the background. While we can hear the song, the focus of the video is the child, and the intent of the video was clearly to capture a toddler as he’s learning how to walk. The song is not the point of the video, and our attention is never drawn away from the child to focus on the song. Again, we’re not hearing the whole song, but just as much as the camera operator needed to capture a cute video of her kid. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***Target Women***

This clip falls under Category 1 (Commentary or Critique) in the Online Video Code. In the clip, host Sarah Haskins uses clips from TV shows and commercials that show women receiving jewelry to critique the way that women are represented in the media, particularly in the context of jewelry commercials. The clip uses a variety of different sources of material, and all of them are just long enough to show the woman being thrilled about the diamonds. By putting all of these different clips together, they have been transformed from advertising into a funny critique of the industry. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.

### ***Buffy vs. Edward—Twilight Remix***

This falls under Category 6 (Mashup or Remix) of the Online Video Code. In the video, clips of the “Buffy the Vampire Slayer” TV series have been edited together with clips of

Edward Cullen, the vampire from the *Twilight* movies. By combining these two sources, the video-maker has created an entirely new meaning: whereas Edward is viewed as romantic and dreamy in the context of the movies, in this video he is made out to be a creepy stalker. The video takes source material from many different episodes of *Buffy the Vampire Slayer* and from throughout the *Twilight* movies, and it only ever uses enough of any clip to make the point. This is an essay on cultural phenomena—Jonathan McIntosh is arguing that the earlier era of a feminist vampire slayer has been sadly followed by one featuring a masochistic female relationship to vampires—using the actual texts of the films themselves. This could also be considered an example of media critique (Category 1). Many other remixes are less pointed and argumentative, but still would meet the standard of fair use. See the [Code of Best Practices in Fair Use for Online Video](#) for more information.