



REUTERS/Kim Hong-Ji

A Practical Guide to Copyright Claims

TrustLaw



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Suphakant Sathanaphattharaphongsa / Adobe Stock

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I Overview/Introduction

This guide was developed to help civil society organizations (CSOs), independent newsrooms, and nonprofit publishers navigate U.S. copyright law and the growing challenges posed by automated copyright enforcement in digital spaces. As journalism and advocacy increasingly rely on online publishing, social media, and multimedia storytelling, organizations must balance their public-interest mission with the need to comply with complex and rapidly evolving copyright rules.

Automated content recognition systems—originally designed to protect rights holders—are now responsible for the overwhelming majority of takedown actions and copyright claims across major platforms.¹ While these tools are effective at detecting copied material, they lack the ability to recognize lawful, transformative, or journalistic uses of copyrighted content. As a result, even legitimate uses under fair use, news reporting, or First Amendment protections are sometimes flagged and removed without human review.

This guide provides practical strategies for minimizing the risk of automated claims, asserting legitimate defenses, and responding effectively to bot-generated notices, helping to ensure that protected speech, reporting, and advocacy are not chilled by overbroad enforcement. We prioritized platforms most commonly used by advocacy organizations and independent media.

This guide focuses primarily on U.S. copyright law (Title 17 of the U.S. Code) and enforcement on major U.S.-based platforms (YouTube, Meta/Facebook/Instagram, X/Twitter). While many principles apply internationally, CSOs operating outside the United States should consult qualified legal counsel regarding applicable copyright laws in their jurisdiction.

A. What copyright is and what copyright is not.

Copyright is a type of **Intellectual Property** (“IP”) that protects original works of authorship as soon as an author fixes the work in a tangible form of expression. An original work of authorship is one that is independently created by a human author with a minimal degree of creativity. Fixing a work in a tangible form of expression simply means capturing the work in some permanent medium—like writing a poem, taking a photograph, or recording a song.

Copyright provides authors, creators, copyright owners with a **bundle of exclusive rights** to protect the original *expression* of an idea. The copyright holder’s exclusive rights, set forth in [17 U.S.C. § 106](#), include the right to make and to distribute copies, to prepare derivative works that contain protectable expression from the work, to publicly display the work, and to publicly perform the work. Each of these exclusive rights is subject to specific limitations and exceptions set forth in the Copyright Act.

Copyright owners can authorize others to exercise any one of these exclusive rights through an exclusive or non-exclusive license, statutory license, or an assignment of rights.

Copyright protects the following types of works (as provided by 17 U.S.C. §§ [102](#), [103](#)):

- **Literary Works:** these are text-based works (articles, books, blog posts, poems, computer code);
- **Musical Works:** songs including the music and lyrics, sheet music;
- **Dramatic works:** plays, screenplays, and scripts;
- **Choreographic works:** recorded or notated dance routines;
- **Pictorial, graphic, and sculptural works:** artworks, paintings, drawings, photographs, graphics, UI artwork and icons, and statues;
- **Motion pictures and other audiovisual works:** movies, TV shows, video games, and online videos;
- **Sound recordings:** recorded music, podcasts, and audiobooks;

- **Architectural works:** building designs, drawings, and plans;
- **Compilations and derivative works:** works based on existing works, such as translations or a movie version of a book.

Duration of Copyright Protection:

Generally speaking, works created on or after January 1, 1978 have a copyright term of the life of the author plus 70 years after the author's death. Different rules apply to certain types of works:

- **Joint Work:** The term lasts for seventy years after the last surviving author's death.
- **Works Made for Hire/Anonymous or Pseudonymous Works:** Copyright protection lasts 95 years from publication or 120 years from creation (whichever is shorter).
- **Public Domain:** Works first published in the United States before 1930 are in the public domain, and not subject to copyright.
- **Other Works Created Before 1978:** The rules for other works created before January 1, 1978 are more complex., When in doubt, consult [Cornell University Library's guide on the subject](#) or legal counsel.

Copyright does not protect ideas, facts, or methods.

In other words, copyright covers how you express something, not the ideas or concepts you are expressing, since facts, formulas, systems, and processes are generally outside copyright.

Here are some examples of things that copyright does not protect:

- Ideas, facts, data, procedures, recipes as bare ingredient lists;
- Short names/titles (though these may be protected by trademarks);
- Useful objects' functional aspects (copyright covers any decorative artwork applied, not the function); and
- Works in the public domain.

How copyright differs from other Intellectual Property ("IP") rights:

- **Copyright** protects creative expression.
- **Patents** protect new and useful inventions, processes, functional solutions.
- **Trademarks** protect brand identifiers (words, names, logos, symbols, slogans) used to indicate a source.
- **Trade secrets** protect valuable business or commercial information that maintains its value by being kept secret.

B. What constitutes copyright infringement?

Copyright infringement occurs when someone uses one of the copyright owner's exclusive rights without permission or a valid exception.

Some examples of conduct that can be infringing include:

- Posting someone else's article, photo, or code on your website or in your product;
- Uploading songs to a file-sharing site;
- Showing protected images in an ad campaign;
- Playing music in a business;
- Exceeding the scope of a license that you obtained (for example, you had a license for "web use for 1 year," but you kept using it after the term ended).

Debunking Myths:

- *"Short clips are fine."* There is no magic rule of how much of a work must be copied before it amounts to copyright infringement.
- *"I didn't know or mean to."* Copyright infringement does not require "intent" by the infringer. Generally, you can infringe on someone else's work even if you did not know the work was protected.
- *"I gave credit."* Giving credit or attribution to the copyright owner does not amount to permission to use the work—unless you have an agreement with the copyright owner saying as much.
- *"It's for non-commercial use."* Just because your unauthorized use is for a non-commercial purpose does not automatically mean you have permission to use the work.
- *"I found it on Google/Reddit."* Most online content is protected by copyright, since new expressive works are automatically protected by copyright from the time they are first written down or posted.



Adobe Stock

II Defenses and Exceptions

There are several defenses to copyright infringement. Below are the most common defenses available to CSOs and media outlets that can effectively counter automated copyright claims, and an explanation of how these arguments frequently arise in response to bot-generated notices.

- **Fair Use defense** (17 U.S.C. § 107): Context-dependent exception allowing use for purposes such as commentary, criticism, news reporting, satire, teaching, parody, or research. Factors include: (1) Purpose and character of use (asks whether the use is transformative and to what extent it is commercial); (2) Nature of the copyrighted work; (3) Amount of the work that is used; and (4) Effect of the use on the market for or value of the copyrighted work.
- **Framing:** A persuasive response will often focus on how your use has transformed or added new meaning, message, or purpose. This is the strongest single indicator of fair use.

Fair Use Factors:

(1) Purpose and character of use

Stronger case: using an image for satirical commentary in a non-commercial manner

Weaker case: using a photograph in an advertisement without any commentary

(2) Nature of the copyrighted work

Stronger case: using factual or informational works, such as news articles

Weaker case: using highly imaginative and creative works, such as paintings

(3) Amount of the work that is used

Stronger case: using only a small or cropped portion of an image

Weaker case: using or reproducing the entire work

(4) Effect of the use on the market for or value of the copyrighted work

Stronger case: where the use does not substitute the original work or harm the market

Weaker case: where the use acts as a market substitute

- **Government works and works in the public domain** (§ 17 U.S.C. § 105 + expired copyrights): U.S. federal government works and material in the public domain are free to use. Some, but not all, works of government entities other than U.S. federal government agencies are also in the public domain.
 - **Framing:** A clear response that your use is of a governmental or [public domain](#) work suffices.
- **Safe Harbor (for online service providers)** (Digital Millennium Copyright Act or “DMCA” § 512): If you are a platform that follows notice-and-takedown rules and other requirements, you may avoid monetary liability for user uploads. This protects the service, not the individual uploader.
 - **Framing:** Explain that you respond to takedown notices, will remove/disable infringing material when notified, and do not knowingly host infringing materials. Remember, if a user posts copyrighted material on your website or social page, and you take it down promptly after receiving a DMCA notice and otherwise meet the DMCA’s requirements, your organization will retain legal protection.
- **Independent creation:** If the alleged infringer independently created the work without copying (and can prove it), there is no infringement even if the works are substantially similar.

- **Framing:** Explain that you did not have access to their asserted work and did not engage in copying such work, but rather, created your content independent of theirs.

- **De minimis use:** Minor or trivial uses of copyrighted material that are so minimal, fleeting, or incidental to constitute copyright infringement. The focus is on whether the copying is quantitatively and qualitatively insignificant from the perspective of an ordinary observer (e.g., a brief, barely audible fragment of a song captured incidentally in the background of a video).
 - **Framing:** Assert that your use is so trivial and inconsequential that any alleged copying cannot possibly constitute infringement.

- **First Amendment:** The First Amendment protects freedom of speech and of the press. In the copyright context, it ensures that the law does not overly restrict public debate, criticism, or reporting. While copyright and the First Amendment can sometimes appear to conflict—copyright limits copying, while the First Amendment protects expression—the courts have said that fair use is the main way these two rights are balanced.
 - **Framing:** Clarify that copyright law should not be used to silence news reporting on matters of public interest, and use that is necessary for news reporting is likely to be fair use.



REUTERS/Gary Cameron

III Preventative Steps

Listed here are some best practices for CSOs and media outlets to preemptively reduce the risk of infringement and protect against automated content identification algorithms.

A. General Preventative/Proactive Measures

- Consider where you are sourcing the content from and whether a license may be required.
- Ensure teams are familiar with platforms' terms of use.
- Choose cleared libraries and in-product catalogs for that platform (e.g., TikTok's Commercial Music Library for brand content; YouTube Creator Music/Audio Library with attention to license scope, Unsplash for photographs).²
- Do not assume cross-platform rights.

² References to specific platforms, tools, and services in this guide are for illustrative purposes only and do not constitute endorsement by the Thomson Reuters Foundation. CSOs and media outlets should evaluate all tools based on their specific needs and circumstances.

- Keep visible attribution (descriptions/captions) consistent with license terms.
- Consider implementing a tracker or chart that accounts for the sources, scope of license (if any), terms of use, and date for third-party materials used.

B. Copyright Considerations and Best Practices

In today's media landscape, common sources of content include sourcing, embedding, and/or re-publishing user-generated content from social media platforms, peer outlets, or public feeds (e.g., photos, videos from protests, events). Considering the below will help protect against automated claims related to such content.

1. Verify Rights

- **Identify the true creator.** Viral accounts often repost others' work. DM the uploader to confirm authorship and that they can grant rights. It is recommended to screenshot the exchange in case you need proof down the line.
- **Get permission in writing** (email/DM is sufficient). Cover the scope of use, territories, duration, edits/derivatives, syndication/partners, and ask them to warrant that they own the rights.
- If using Creative Commons content, **check the exact license and follow TASL attribution** (Title–Author–Source–License) and any additional restrictions (e.g., no derivatives, no adaptations, no commercial uses). Save a capture of the license page and date.
- **Capture provenance.** Save URLs, timestamps, and an archive copy. This “evidence packet” shortens platform disputes later.

2. Embedding³ Considerations

- **U.S. courts are split on whether embedding** third-party content (using a platform's embed feature to display content hosted elsewhere) constitutes copyright infringement. It is important to take the precautionary steps listed in the “verify rights” section when embedding content.
 - In the Ninth Circuit (which includes California), embedding content is lawful under the Ninth Circuit's “server test.”⁴
 - However, this “server test” is not widely adopted outside of the Ninth Circuit, and some courts in other jurisdictions have held, in non-precedential orders, that embedding content could infringe the copyright holder's exclusive right to publicly display their work.

³ Embedding is the inclusion of instructions in web content that cause a user's browser to load content – such as a YouTube video or an Instagram image – directly from a different website.

⁴ See *Perfect 10 v. Amazon*, 508 F.3d 1146 (9th Cir. 2007).

| Platform | Embedding Terms | Recommendation |
|------------------|--|--|
| Instagram | Instagram's Terms of Use | You cannot embed a post from a private account or a public account that has the Embeds setting turned off. You can embed a post from a public account where the Embeds setting is turned on, but Instagram's Terms of Use do not automatically grant a sublicense to embed such content, so you may wish to seek permission from the account holder. |
| X/Twitter | X/Twitter's Terms of Service | X/Twitter's Terms of Service grant the platform a "broad, royalty-free license to make your Content available to the rest of the world and to let others do the same." However, this language does not necessarily protect you from all copyright infringement risks; the X/Twitter account holder retains ownership and rights in their content. So, you may wish to first seek permission from the account holder before embedding their posts. |
| YouTube | YouTube's Terms of Service | YouTube's Terms of Service grant all users of YouTube "a worldwide, non-exclusive, royalty-free license to access your Content through the Service, and to use that Content, including to reproduce, distribute, prepare derivative works, display, and perform it, <i>only as enabled by a feature of the Service (such as video playback or embeds).</i> " This license does not clearly extend to the use of content outside of the YouTube platform, though it appears intended to include embeddings on other sites via the YouTube embed feature. Thus, you may still wish to first seek permission from the account holder before embedding their videos. |

3. Proactive Steps to Support a Fair Use/First Amendment Defense

While none of these steps would guarantee a finding of fair use, and none are absolutely necessary to a finding of fair use, the following steps would make a finding of fair use more likely.

Consistent with fair use⁵ principles, transform the purpose: include reporting, verification, critique—not just “here’s the clip.”

- **Use only what is necessary (excerpts):** edit to only use the moments you are analyzing or commenting on.
- **Avoid market substitution:** link to the original; do not re-host full or wholesale, clean copies unless essential to the story.
- **Label your videos/posts with:** “News Analysis,” “Editorial Commentary,” “Parody Review,” etc. to make the purpose of your use clearer.
- **Use clear titles to indicate journalistic purpose:** “Report,” “Analysis” or even “Explainer.”

4. Practical Choices to Reduce Automated Claims

- **Be on the lookout for “third-party” elements in the frame.** Incidental music or TV feeds in protest/event footage can trigger most automated claim matches. Try editing out or speaking over those segments where possible, to make clear that the purpose of the clip is not to enjoy the incidental material.
- **Expect automation first on major platforms.** On YouTube, in 2024 alone, there were over 2 billion Content ID claims. Less than 1% of these claims were disputed, but more than 70% of those disputed claims favored uploaders. Good documentation pays off!

C. Vetting

To balance speed with compliance, organizations can adopt expedited fair use vetting workflows that embed copyright awareness directly into editorial routines. Key strategies include:

- **Rapid Contextual Review:** Use a short checklist—purpose, amount used, transformation, and market impact—before including third-party material. Prioritize excerpts that support commentary rather than replicate content.
- **Editorial Documentation:** Log brief justifications (e.g., “used for analysis/critique”) in story management systems for ready reference if automated claims arise.
- **Pre-Cleared Asset Libraries:** Maintain shared databases of verified public domain, Creative Commons, and agency-cleared materials for quick access under deadline pressure. (But be sure to use those materials according to their license terms!)
- **Automated Metadata Tagging:** Embed clear descriptors such as “news commentary,” “editorial analysis,” or “breaking report” in file names, captions, and metadata to help algorithmic filters recognize legitimate journalistic use.

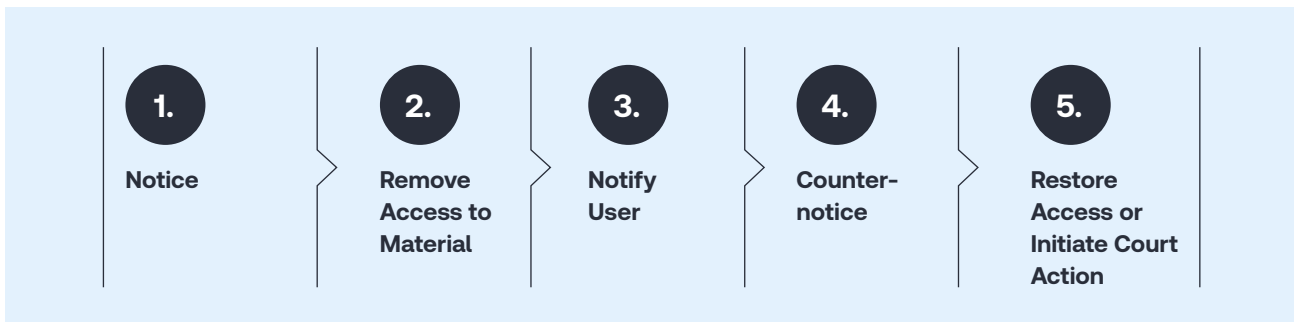
These steps will allow CSOs and media outlets to balance the need to keep up with timing requirements, while also ensuring that your use is permitted and has legal defensibility.

IV Initial Actions

Below are steps to take to respond effectively if you receive an automated copyright claim, cease & desist letter (“C&D letter”), or § 512 takedown notice for copyright infringement:

1. **Classify it.** Is the notice an automated copyright claim, C&D letter, or a valid § 512 takedown notice?
 - **Automated claims:** YouTube Content ID and Meta Rights Manager, for example, are platform tools, not statutes. Here, the platform rules apply, but statutory takedown/counter-notice timelines are not necessarily triggered unless a formal DMCA notice is issued.
 - **C&D Letter:** These letters also do not necessarily trigger any statutory takedown timelines. A C&D does not legally force removal. Typically, the entity sending the C&D wants you to take immediate action to remove the allegedly infringing content and/or pay monetary damages.
 - **§ 512 Takedown Notice:** A takedown notice is a request made by a copyright owner to an online service provider to have material that allegedly infringes their copyright-

protected work removed from a website or other online service. This requires the online service provider to take action if it wishes to preserve its legal safe harbor for hosting that material and triggers the takedown timeline (explained in detail below).



2. Verify its authenticity. Who sent the notice?

- Platform, company, attorney, or copyright owner?
- Does the email address/sender address look legitimate?
 - Ballon34!@yahoo.com → unlikely to be legitimate
 - mattfox@frogdesign.com → more likely to be legitimate

3. Verify the validity of the notice and assess litigation risk.

- Confirm the alleged infringement actually exists on your page/social media site.
 - If you receive the notice on social media, confirm whether you have previously received a copyright complaint regarding the same content.
 - If the notice does not include enough information to identify the alleged infringement, that may be an indication that the claim is less likely to be a valid one.
 - While there is no requirement that a claim include evidence of infringement or identification of a copyright registration, inclusion of that information may indicate that the litigation risk associated with a particular claim is higher. This is because for a copyright owner to bring a lawsuit, proof that the work has been registered is required before any damages can be awarded..

4. Decide on a course of action.

- If you do not have, or do not wish to assert, an argument that the use was lawful →
 - **Automated claim or C&D:** Act expeditiously to remove the infringing content.
 - **DMCA § 512 Takedown:** Do nothing and allow the removed infringing content to remain offline.

- If you have, and wish to assert, an argument that the use was lawful →
 - **Automated claim:** Follow the platform’s dispute process.
 - **C&D letters:** Respond to the C&D letter within a reasonable time (usually by the deadline set in the C&D or, if you need more time, inform the sender of when you plan to respond).
 - **DMCA § 512 Takedown:** If the takedown was by mistake or misidentification → follow the § 512(g) process. See [Copyright Office’s 512 Resources](#) for a helpful explanation.

Takedown Timeline:

- (1) **Notice** — Rightsholder sends notice to online service provider/platform regarding infringing material that appears on their system.
- (2) **Remove Access to Material** — Online service provider must act “expeditiously” to remove or disable access to the infringing material.
- (3) **Notify User** — Online service provider must then promptly notify you that the material has been removed.
- (4) **Counter-notice** — If you believe the removal was due to a mistake or misidentification, you can submit a counter-notice requesting the reinstatement of the material. See [17 U.S.C. § 512\(g\)\(3\)](#).
 - Counter-notice must include: (a) signature; (b) what was removed and where it was; (c) a statement under penalty of perjury that you have a good-faith belief that the material was removed or disabled as a result of mistake or misidentification; and (d) name/address/phone, and statement that you consent to federal court’s jurisdiction, and that you will accept service of process from the rightsholder or its agent.
 - Send it to the designated agent.
- (5) **Restore Access or Initiate Court Action** — Online service provider must restore access to the material within 10 to 14 business days, unless the original notice sender informs the service provider that it has filed a court action against you.

Regardless of what type of notice you receive or the path you choose to take in responding to the notice, be sure to **document everything**. Timestamps, copies of notices, takedown/restore times can be crucial evidence should the IP dispute escalate.

When should I seek legal counsel?

- If the notice comes from a law firm/legal counsel and not an automated system.
- If the notice demands a large sum in the form of settlement, licensing fees, or statutory damages.
- If the notice threatens imminent litigation without a payment or settlement avenue.
- If the allegedly infringing material is central to your organization's programming, branding, or fundraising activities.
- If the allegations involve repeated or willful infringement, or assert claims beyond copyright (e.g., trademark, defamation, right of publicity, unfair competition).



Appendix A: Sample Response Letters

Below are sample response letters that can be used and adapted by targeted CSOs or media outlets upon receipt of an infringement notice.

Sample letter disclaiming infringement and emphasizing news commentary or reporting nature of use

Dear *[Rights Holder / Platform Compliance Team]*,

We respectfully dispute the copyright claim referenced in your notice dated *[insert date and/or number]*. The use of the content in question constitutes fair use (as provided by 17 U.S.C. § 107) because it was used solely for purposes of *[news reporting, commentary, and public interest journalism and/or criticism/public education]* and long-established First Amendment protections for *[journalistic expression/public education]*.

The material has been transformed through original editorial framing, analysis, and commentary, and is not a substitute for the underlying work. Its inclusion serves a clear public interest, to inform the public about *[insert topic]*, which is a matter of legitimate concern.

Given the automated nature of this notice, we respectfully request a manual review to evaluate the contextual and transformative use consistent with fair use and journalistic standards.

Please confirm by *[date/time]* that this response has been received, and that any enforcement action will be paused pending review.

Thank you for your attention to this matter. We reserve all rights and defenses.

Sincerely,

[Name and Organization's Information]

Sample letter disclaiming infringement in reliance of the works being subject to the government works/public domain defenses

Dear *[Rights Holder / Platform Compliance Team]*,

We respectfully dispute the copyright infringement claim referenced in your notice dated *[insert date and/or reference number]*. The content identified in the notice is not subject to copyright protection, for the reasons set forth below.

Option 1: Works are in the public domain

The material at issue is in the public domain and therefore not protected by copyright. The content was first published in *[year]* *[and/or]* originates from a source whose works are no longer subject to copyright protection under applicable law. As a result, the material may be freely used, reproduced, and distributed, and its use cannot constitute infringement as a matter of law.

Option 2: Works are U.S. government works

The material at issue constitutes a U.S. government work that is not eligible for copyright protection under 17 U.S.C. § 105. The material *[briefly describe the content, e.g., photographs, video footage, reports, or statements]* was prepared by an officer or employee of the United States Government in the course of official duties. Such works are expressly excluded from copyright protection and are free for public use. Because the content is not protected by copyright, no enforcement action is warranted. To the extent this notice was generated through an automated process, it may not have accounted for the public-domain *[and/or]* government-work status of the material. We respectfully request a manual review of the claim in light of the foregoing.

Please confirm by *[date/time]* that this response has been received, and that any enforcement action will be paused pending review.

Thank you for your attention to this matter. We reserve all rights and defenses.

Sincerely,

[Name and Organization's Information]

Sample letter disclaiming infringement due to valid license

Dear *[Rights Holder / Platform Compliance Team]*,

We respectfully dispute the copyright infringement claim referenced in your notice dated *[insert date and/or reference number]*. The content identified in your notice was used pursuant to a valid and enforceable license agreement that expressly authorizes our use of the material.

Specifically, *[Name of Organization]* obtained a license from *[licensor/rightsholder or authorized distributor]* permitting the reproduction, display, and distribution of the content in connection with *[news reporting, commentary, and/or public interest journalism]*. Our use of the content falls squarely within the scope of the rights granted under that license, including any applicable editorial or digital publication rights.

Please confirm by *[date/time]* that this response has been received, and that any enforcement action will be paused pending review.

Thank you for your attention to this matter. We reserve all rights and defenses.

Sincerely,

[Name and Organization's Information]

Sample letter disclaiming infringement but agreeing to take post/content down

Dear *[Rights Holder / Platform Compliance Team]*,

We acknowledge receipt of your copyright notice dated *[insert date]*. After review, we believe the referenced material constitutes lawful fair use, as it was used for purposes of *[news reporting, commentary, and public interest journalism and/or criticism/public education]*, consistent with 17 U.S.C. § 107.

However, in the interest of cooperation, we are voluntarily removing and/or disabling access to the material at issue. This action is taken without any admission of infringement or liability and solely as a gesture of good faith.

We respectfully request confirmation by *[date/time]* that this matter is resolved upon removal of the content.

Sincerely,

[Name and Organization's Information]

Sample web form response for use through platform's dispute portal demanding human review of the use

The content was used for [news reporting and commentary/public education], consistent with 17 U.S.C. § 107 (Fair Use) and the First Amendment. The referenced material has been transformed through original editorial framing and analysis. It is included solely to [inform and/or critique], not to reproduce or replace the original. As this claim appears to be automated, we request a manual review. We reserve all rights and defenses.

Appendix B: Copyright Compliance Checklist

How to use this checklist:

This checklist is primarily designed to help you assess a copyright infringement claim if you receive a notice or allegation that you have infringed someone else's copyright. You can also use the checklist before publishing or sharing material to reduce the risk of a copyright claim arising in the first place.

1. **Ownership:** Do you know who owns the image?

- **Yes**
 - » If you or the organization own the image → Stop analysis.
 - » A third party? → Go to Step 2.
- **No** → Go to Step 2.

2. **Source:** Where did you get it from?

- Nowhere, I created it → Stop analysis.
- I copied/downloaded it from a website/social media platform → Go to Step 3.

3. **Protectability: Is the material protectable?**

- If the material constitutes facts, ideas, functional code parts, stock elements, or public domain → Not protectable, stop analysis.
- Is it in the public domain? → Not protectable, stop analysis.
- Is it under a permissive license? → Use it per the terms, stop analysis.
 - For example, under a Creative Commons or a stock image platform site.
- If it's creative expressive material and none of the above → Go to Step 4.

4. **Permissions: If the material is protected**

- Do you have permission (license, email, contract, terms of service)? → Use within scope of permissions, stop analysis.
- If unsure, did you see any terms of use or license language on the site where you sourced it from?
 - » **If yes** → What do they say? Can you use the material and under what conditions are you allowed to use it? Use within the scope, stop analysis.
 - » **If no** → Go to Step 5, but note to be cautious with the use of the material as you do not seem to have express permission.
- Was there any other attribution or copyright management information (e.g., author name, watermark, publication information)?
 - » **If yes** → Do not remove and go to Step 5.
 - » **If no** → Go to step 5.

5. **Risk Assessment of Claim:**

- Does an exception apply (e.g., fair use, de minimis use, or use of governmental works)?
 - » **If yes** → Draft response letter using samples and defense explanations above (see Section IV & Appendix A)
 - » **If no** → Go to Step 6.

6. **Alternatives: Seek permission or use different material.**

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