

# “Share Everything”: A Copyright Infringement Primer

or

*“Share Everything” with Everyone and Don’t Worry about Copyright!?*

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You’ve seen the eye candy, tantalizing, pleasing commercial of a rooftop concert ("oOoO" by Oberhofer) and an equally pleasing young lady capturing the concert on her smartphone: [T-Mobile | Rooftop TV Commercial](#).



Besides the obvious question that comes from a YouTube comment: “Why the f#&% would you send videos of a concert to friends who are at that concert?” Well, perhaps because they know that capturing this concert on video is an infringement ? Or they forgot to record it??” Regardless of the circumstance, there is another very important question that pertains to intellectual property in this commercial and that is this,

*“Is this video capture of the performance by Oberhofer an infringement of copyright?”*

The answer to this question is based upon only the information provided in the T-Mobile commercial and therefore the answer can only be: “Yes, it is.” Another YouTube comment touches on the illegality of doing this: “Isn't the broadcasting of the concert forbidden?!” Well, of course it is [unless permission and/or licensing have been given] but the “broadcasting” of this video capture is not the only problem.

Several screen captures from this YouTube T-Mobile commercial will be used to show examples of intellectual property copyright infringement. The use of these captures will act as a

graphic, copyright infringement primer to demonstrate what copyright infringements are actually taking place in this commercial and what you need to be aware of in imitating this activity.

Here's our documented infringer and her smartphone:



Her activity is based upon the commercial's theme, "Capture your world," and is the enticement in this commercial to be able to capture your world by recording wherever you are, whenever you choose, and share it immediately with anyone all because of the fact that you own this smartphone.

**Infringement No.1: Illegal copying:**



Infringement No.1: Illegal copying, continued:



### **Infringement No.2: Illegal distribution**

From the video: "Share video in a moment with friends..."



### **Infringement No.3: Illegal public performance:**

"...and on your big screen, share wirelessly with the world."



**Infringement No.3: Illegal public performance, *continued*:**  
“...and on your big screen, share wirelessly with the world.”



It should be pointed out that there are three copyright infringements either blatantly promoted by this commercial or through negligence and ignorance, disregards the Copyright Law infringement implications of the digital activities encouraged in these videos when you purchase this smartphone:

- Illegal copying
- Illegal distribution
- Illegal public performance

In another commercial, [Verizon Commercial - Share Everything "Revolve" Smartphone Offer](#), the key words are obviously, “Share Everything” and this is another slogan that totally ignores any copyright, intellectual property ownership and the rights associated with that ownership. The text from the Verizon YouTube video corroborates this view:

[Introducing Share Everything.](#) The plan that revolves around you. Unlimited talk. Unlimited text. And a single pool of shareable data that powers up to 10 devices. The first plan of its kind.”





Unfortunately, the “Share Everything” frame of reference and mindset in today’s society are becoming, or more realistically, **has already become**, a meme and a behavior that is an integral part of today’s, digital citizens’ *E-repertoire*.

The consequences of the “Share Everything” slogan and approach are in direct conflict with the U.S. Copyright Law. That Law enumerates a bundle of rights that belong to anyone who creates intellectual property.

By Law, the creator of a copyrighted work, that is, the owner, controls these exclusive rights:

1. Reproduction [or copying] rights
2. Distribution rights
3. Public performance rights
4. Public display rights
5. The right to allow derivative works

In other words, “You create it, you own it!” You can share your content if you, the owner wishes to do so, but those who want to “Share Everything” and use someone else’s copyright-protected intellectual property without permission are, in actuality, committing copyright infringing activities.

It’s easy to see then, that in the T-Mobile commercial three rights belonging to Oberhofer were totally ignored and therefore these three activities are copyright infringement activities:

- Making an audio-video copy of their copyrighted, rooftop performance
- Distribution to others of their copyrighted performance, and a
- Public performance on the downtown, big screen of their concert

These three, ownership rights were all totally disregarded. Consequently, Oberhofer, as the owner of their music, were denied royalties to their music for their creative content. That’s theft.

In today’s “Share Everything” society, the rights of others need to be respected. Too often, as depicted in smartphone and tablet commercials, they are not:

It can be illegal to “Share Everything!”

For additional information on copyright and intellectual property and you, please visit one of the five Ball State University Libraries’ Copyright Pages:

- [Copyright for Students](#)
- [Copyright for Librarians](#)
- [Copyright for Distance Educators](#)
- [Copyright for K-12](#)
- [The Copyright & Intellectual Property Office \(CIPO\)](#)

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