

Anonymity vs. copyright law: regulating creativity in online communities

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Context

Creativity in the digital age

- Widespread
- Value (commercial + cultural)
- "Amateur"
- Collaborative
- Remix
- Sharing



Copyright debates

- Copyright theories and justifications: economic incentive? reward? personality?
- Expansion of commercial rights at the expense of (cyber) culture?

Lack of empirical research

- How to assess copyright's efficiency?
- Policy-making driven by ideology and (corporate) lobbying?

Research Questions

How does anonymity affect online communities' relationship with copyright law and how they regulate creativity?

- Does copyright law subsist?
- Effect of anonymity on creativity?
- Effect of anonymity on views on ownership of works?
- How are these views communicated to others and enforced?

What does this relationship tell us about the adequacy and relevance of copyright law in the digital age?

- Copyright meets their needs?
- Would reform/other solutions help?

Online anonymity debates

- Increasing distrust: trolling, cybercrime, etc.
- Concerns over real name policies.



Method

Empirical

Purpose: to explore the reality of creativity and regulation in online communities in order to compare and contrast with copyright law

Approach: based on netnography (Kozinet, 2015)

Fieldsites: Reddit and 4chan

Participants: creators and creative community members

Data collection: online observation and online interviews

Data analysis: thematic analysis

Findings so far

In law, anonymity is not a barrier to subsistence of copyright, but in practice the combination of the two is not harmonious:

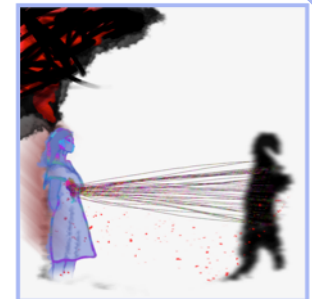
- Difficult to enforce against anonymous infringers
- Anonymous works = orphan work = inefficient copyright
- Exacerbates choice of law problems in global interactions

4chan and Reddit communities can choose to be anonymous because anonymity offers creative benefits that are more relevant or effective than those offered by copyright law:

- Copyright = poor incentive
- Creators cite a broad range of motivations for creativity and sharing (including enjoyment, validation, sharing inspiration)
- Anonymity encourages and facilitates behaviour conducive to creativity:
 - Risk-taking and experimentation: freedom of expression, freedom to fail, reputation management
 - Considered to make feedback more honest = Intensifies effect of validation (a motivator)
 - Enhances group belonging = increases sharing and collaboration

4chan and Reddit communities rely on a variety of mechanisms to regulate uses of creative works - some adequate, some inadequate:

- Sometimes copyright, but issues about knowledge and access to legal advice
- Community action/public shaming
- Taking no action
- Relying on takedown mechanisms set up by website hosts



"Plagiarism" by u/Mx_Silent (shared on r/IDAP, and reproduced here with permission)

Future directions

- Further interviews to strengthen/improve initial findings.
- Interpreting data on views on ownership.
- Considering reform options and other solutions.
- Considering implications for copyright debates.