



“And in Our Honesty...” by Bethan Phillips CC-NC-ND

IMAGINED POLICIES

INTELLECTUAL PROPERTY & SOCIAL NORMS IN FAN COMMUNITIES

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@cfiesler



Information Science

Nimmer
on
Copyright

MELVILLE B. NIMMER
DAVID NIMMER

Nimmer
on
Copyright

MATTHEW
BENDER

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COPYRIGHT IS HARD.

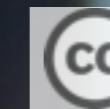
1. Systematic misconceptions of fair use
(Fiesler & Bruckman, 2014)
2. Proliferation of copyright misinformation
(Fiesler, Feuston & Bruckman, 2015)
3. Incomprehensibility of copyright policies
(Fiesler, Lampe & Bruckman, 2016)



“For vidding [creating fan videos], I [post to] my personal journal just because of the hassles of the copyright violations associated with vidding... because YouTube and sites like that have all those things where they can take down your video. Once YouTube took down one of my vids because of copyright violations. Just because I know that I’m not violating the law doesn’t mean that they know that... I wish I could share with more people.”

CHILLING EFFECT

When you don’t do something you should be able to do, for fear of getting into trouble.



SOURCES OF RULES

1. Law (as written and/or perceived)
2. Site policy
3. Community norms



REMXING REMIXES

1. Law: Fair use does not require permission.
2. Policy: Follow author's wishes when known.
3. Norm: No remixing other fanworks without explicit permission.

(Fiesler, Feuston & Bruckman, 2015)



SOCIAL NORMS

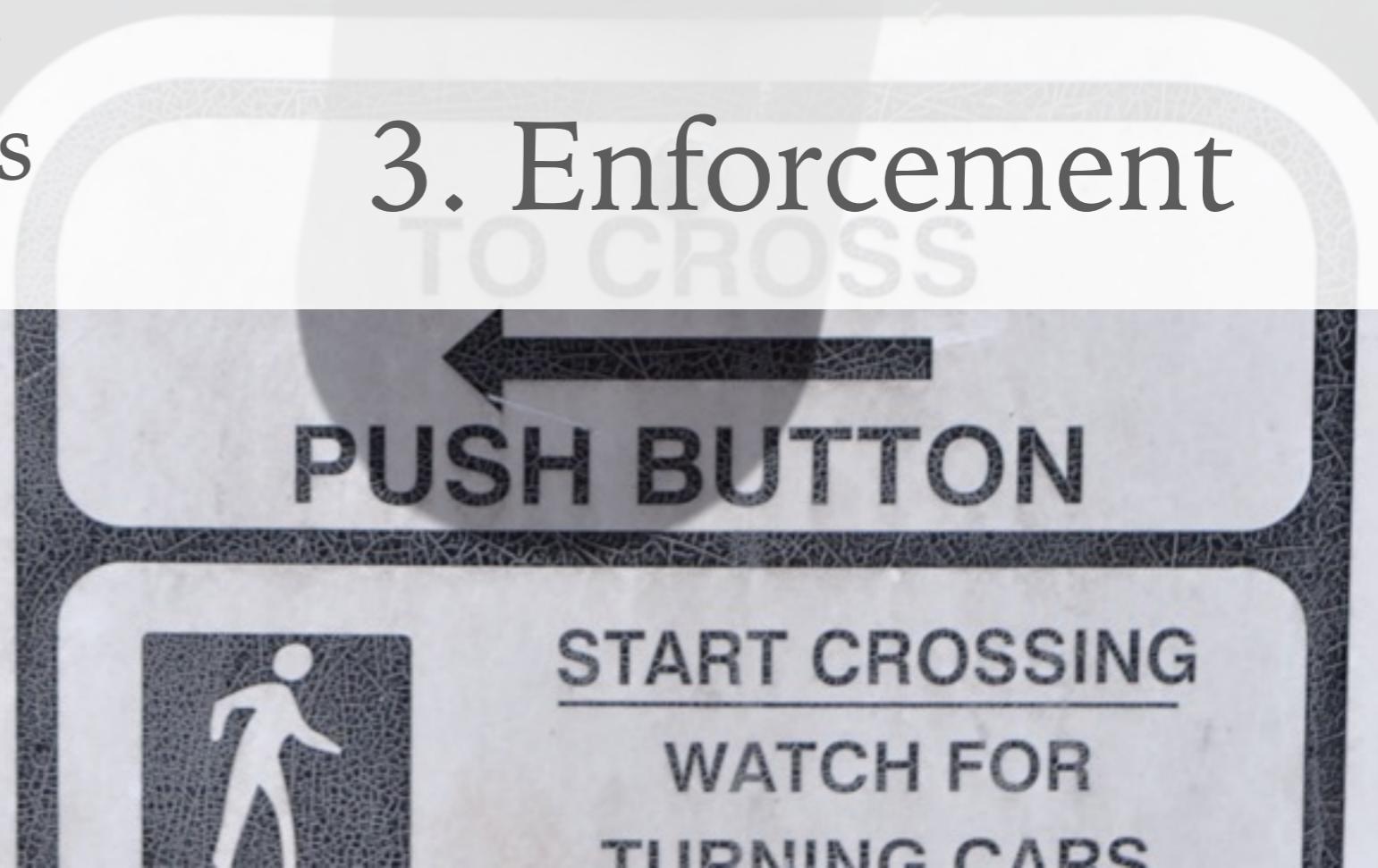
When rules are ambiguous or conflict,
strong norms can be more effective
enforcement mechanisms than law.

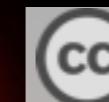
(Ellickson, 1986)

UNDERSTANDING SOCIAL NORMS

33 interview participants
over 2 studies: self-
identified fanworks
creators or remixers

1. Identification
2. Formation
3. Enforcement





ATTRIBUTION

RULES FOR CREDITING THE CREATOR OF AN UNDERLYING WORK



• IF IN DOUBT PLEASE ASK .

PERMISSION

WHEN PERMISSION IS NEEDED TO BUILD UPON SOMEONE ELSE'S WORK



“Money” by Pictures of Money CC-BY

COMMERCIALIZATION

FEELINGS ABOUT SELLING OR PROFITING FROM FANWORKS

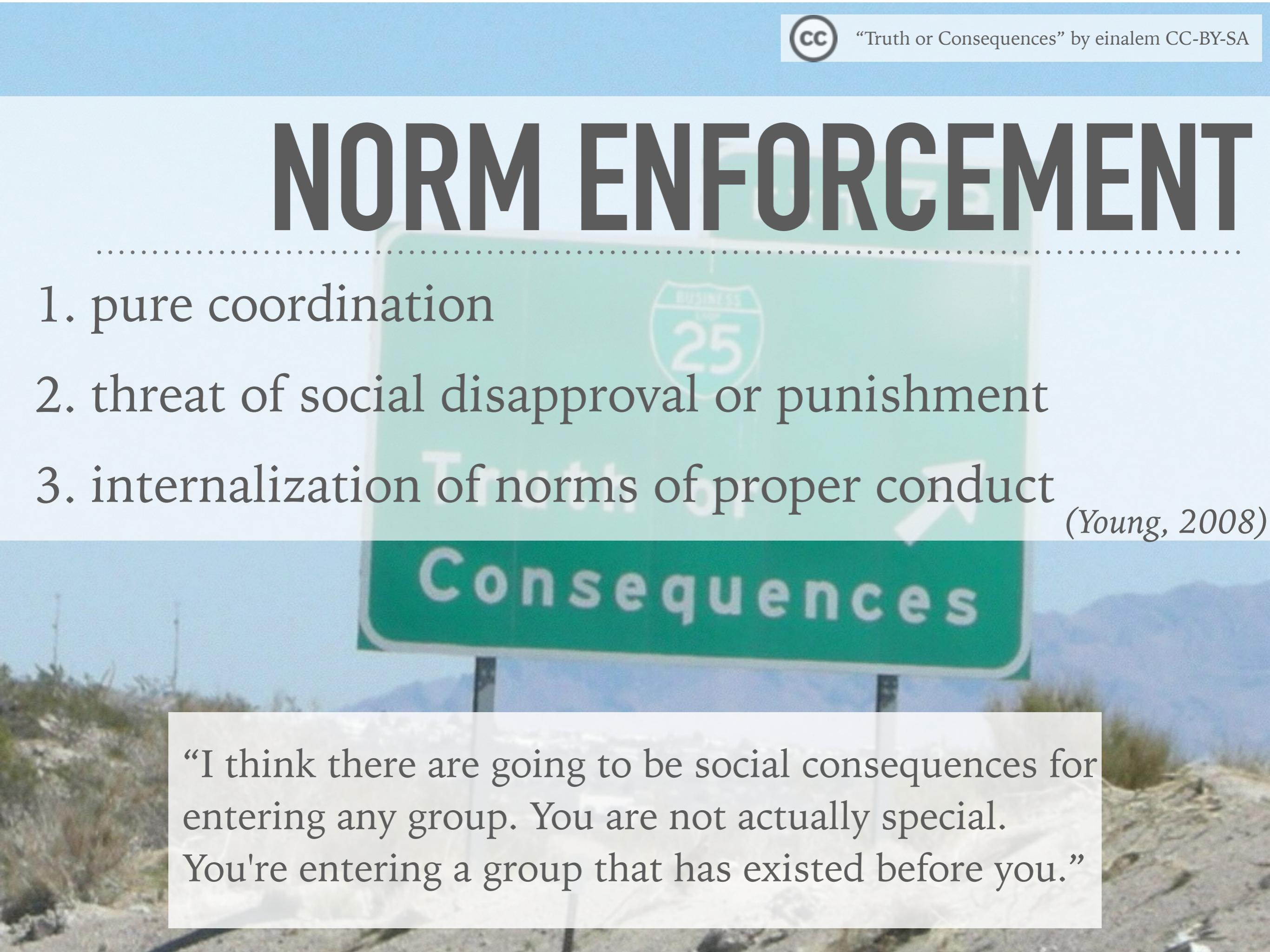


“System Lock” by Yuri Samoilov CC-BY

SECRECY

HOW TO MAINTAIN CONTROL AND ANONYMITY WITHIN THE COMMUNITY

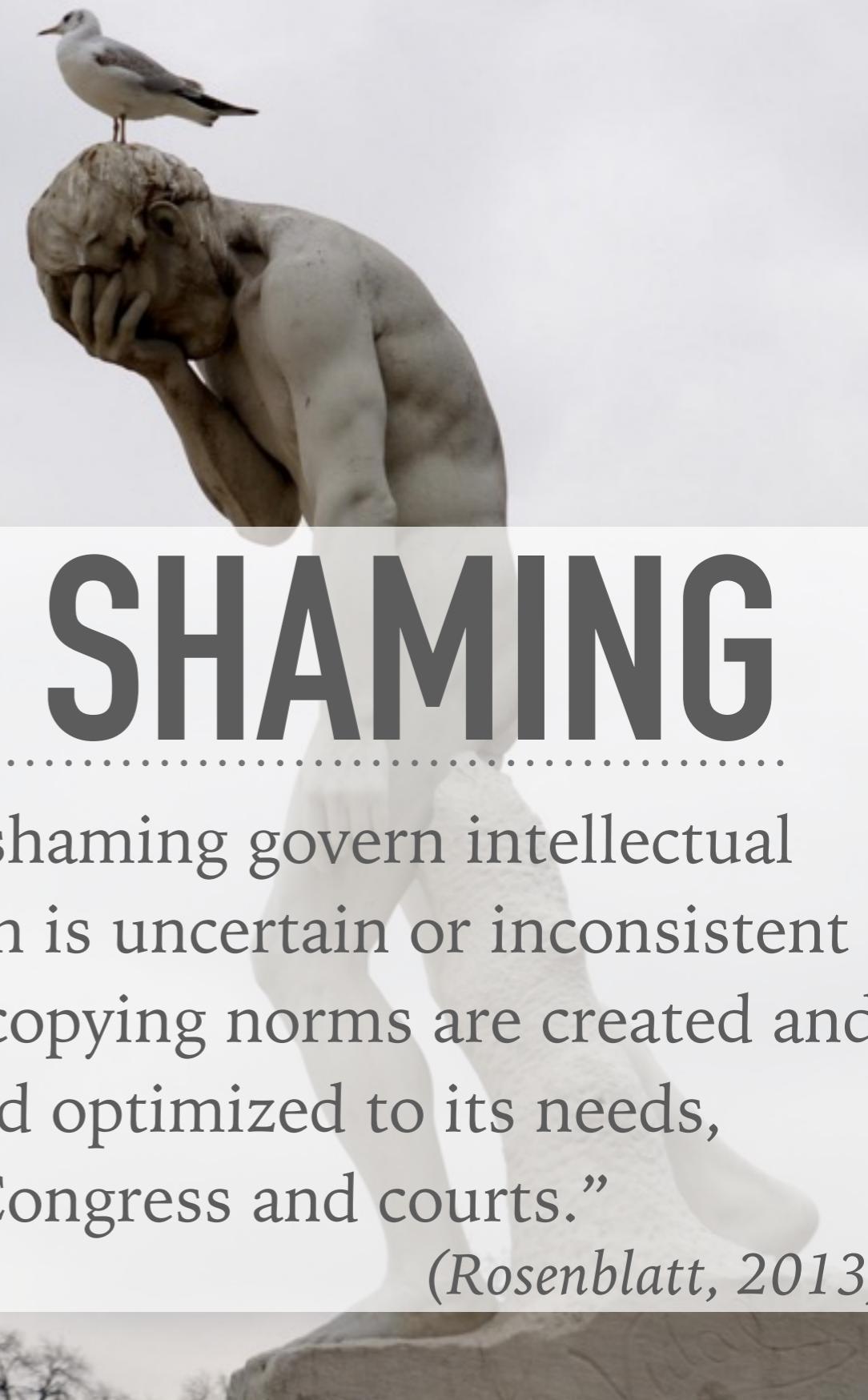
NORM ENFORCEMENT



1. pure coordination
2. threat of social disapproval or punishment
3. internalization of norms of proper conduct

(Young, 2008)

“I think there are going to be social consequences for entering any group. You are not actually special. You're entering a group that has existed before you.”



SHAMING

“In the shadow of formal law, shame and shaming govern intellectual property’s liminal spaces, where protection is uncertain or inconsistent with the strictures of formal law... where copying norms are created and internalized by the creative community and optimized to its needs, rather than being imposed, top-down by Congress and courts.”

(Rosenblatt, 2013)



“I bitch slap people on Tumblr all the time. If I see you posting shit in the tags that isn't yours and you don't say where it comes from I will publicly shame you.”

THREAT OF SANCTIONS

Disintegrative Shaming: “You’ve been bad!”

(Braithwaite, 1989)



Social Identity Theory: internalized self definition of how to behave (Hogg & Reid, 2006)

“gentle reminders” of how to behave (Baym, 2000)

NORM INTERNALIZATION

Reintegrative Shaming: “Here’s how to do better next time!”
(Braithwaite, 1989)



VIDEO
RECORDING

IN PROGRESS

EXTERNAL RULES + NORMS

1. Strong external monitoring = no norms necessary
2. No external monitoring = norm formation
3. Mild monitoring = increased deviant behavior

(Ostrom, 2000)



“Spy Cam Surveillance” by Mike Mozart CC-BY

A solution to tensions between norms and rules is to increase the authority of individuals to devise their own rules. (Ostrom, 2000)

HOW CAN THIS WORK?

Encouragement of community-based formation of rules and enforcement of those rules through reintegrative practices.

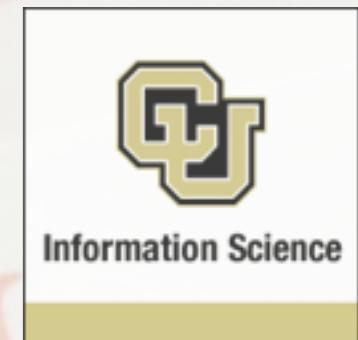


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