On the Impact of Creative Commons and the Rise of a Remix Culture

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In my work with Creative Commons and in my investigations of remixing practices I have come across a few issues that I believe need further research. These are also to some extent informed by my teaching of related courses at the undergraduate level and my many interactions with communications, information, and new media students. More specifically, I will identify here 3 key challenges that I believe are relevant for both academic research and for the future of efforts to promote a free culture.

1st challenge: assessing the impact and future potential of a globalized movement for free culture, in itself and in relation to the widespread adoption of Creative Commons licenses

From search engine estimates we can infer that the global volume of Creative Commons adoption is in the order of at least 170+ million licensed items (as of June this year). Although producing accurate measures of adoption is extremely difficult and such efforts will likely always be prone to multiple estimation errors (unless we build a global registry or multiple interlinked registries for such works and make such registration an integral part of the licensing process), the global spread of Creative Commons is undeniable. Such wide expansion however does bring with it several problems:

- The needs of creators and their understanding of copyright's role in the regulation of cultural production will vary from region to region. While the porting process is aimed at ensuring that localized licenses are as true as possible to the spirit of the unported versions (a necessity in a largely cross-jurisdictional Internet), the meaning attached to (and intended use of) the licenses may vary greatly. In a country with stricter enforcement of copyright CC may be seen as a practical path out of certain restrictions, whereas in an environment of lax enforcement and extensive unauthorized sharing and appropriation, CC may just as well come to be seen as a means of enforcing one's rights (albeit with an imbedded recognition of the need to be more 'open' online). What does a CC license signal to others? In my work thus far I have tried to provide some answers in a paper presented at the TPRC conference in 2007 and in a later article published this year in the journal of Decision Support Systems, though more research is needed in this direction.

- The geographical spread of the licenses is also highly uneven. The vast majority of CC-licensed content can be located in developed nations and

more notably in Europe and North America. However, adoption rates, at least with respect to ported licenses, appear to be highest in Asia. How do Asian users understand their relationship to CC and/or to a broader Free Culture movement? Lawrence Liang, Binchung Meng and others have provided some perspectives, but given the size and diversity of the region, we could use more studies that are focused on Asia. Also, efforts to introduce CC in certain parts of the world, such as Africa, the Middle East, Central Asia and Russia, are moving very slowly. An analysis of the reasons behind the much slower take-up in these regions is highly called for. With the invaluable aid of CC I have been working towards the development of an online platform (currently in 'public beta' mode) for the collection of data related to the adoption of CC and the inclusion of local perspectives and issues. It is my hope that with time many will contribute towards this effort to capture both global and local knowledge on CC use, impact and perceptions: http://monitor.creativecommons.org

- Differences in context will also reflect on the local teams that work on the porting of the licenses and their promotion in different jurisdictions. While CC headquarters and CC International may continuously strive to ensure cross-license compatibility and the promotion of a consistent message on the intent and value of CC licenses, cultural, juristical and political differences in opinion may inevitably surface, or sometimes will influence attitudes and outcomes without being explicit or readily observable. Tactical decisions and recommendations made by local teams may greatly affect public perceptions and individual licensing decisions, as those who port the licenses will be often asked for advice on the licensing of specific content and by specific third parties. This makes it also difficult for CC as a whole to disassociate itself from the broader concerns, aspirations, and political sensibilities of a broader movement for free culture and become purely a juristical and IT infrastructure provider. In conversations with students I notice time and again in the context of open licensing that deontological and moral arguments over the right to share or the inevitability of the free flow of information often take precedence in students' minds over the pragmatic concerns of copyright. In other words, it appears that one cannot speak of free/open licensing without speaking of the meaning and value of freedom in the digital age. As such, it will be interesting to explore how CC and its affiliates can balance license and software tool development with agenda setting and advocacy in government, civil society and target user communities.

A question that is clearly hinted at above is whether we can actually speak of a Free Culture movement, and if so, what are its constituting elements and how it can be effective in influencing policy and public awareness of the risks associated with what James Boyle has aptly called the enclosure of the digital commons. Is for example the unauthorized p2p file sharing of copyrighted material a move towards a free(er) culture? Creative Commons as an organization has maintained a stance that is clearly in support of copyright's role in society, and for good reasons, we might argue. But ripping and file sharing does often serve

to free content from technological protection measures, the confines of long copyright terms, and artificial geographical limitations on distribution. Is it then a particular expression of a broader desire that is shared among many Internet users for a freer flow of ideas, culture and information? Similarly, is the unauthorized remix of one or multiple songs a (conscious or not) expression of resistance against the industries that seek to monopolize culture and commoditize what the Swiss artist Sven König calls "our concrete musical memories"? I will discuss this more later in this essay. The main issue here is with respect to the definition and analysis of an emerging movement that has been a long time in the making but is perhaps only more recently starting to take shape globally and become more aware of itself and its potential for action and social change.

A related issue is the extent to which lessons from open-source practice and politics can be translated to lessons for free culture, more broadly defined. I analyze the similarities and differences between open sourcing functional and cultural goods in my recent article in the Decision Support Systems journal. It would be valuable to build a body of work that examines in more depth different dimensions of this relationship and move beyond the already well documented observation that open source software has been an important influence and inspiration for the 'open-sourcing' of cultural production.

2nd challenge: supporting the normative arguments in defense of a remix culture and amateur creativity with empirical studies and quantitative analysis of such practices

This summer I presented with Jude Yew at the 4th Communities and Technologies conference a quantitative study on remix practices in the ccMixter online community, which, to the best of my knowledge, is the first such study that attempts to quantify the impact of such practices on the formation of relationships between community members. It is often argued, e.g., in Lawrence Lessig's most recent book on remix, or in Henry Jenkins' white paper on participatory culture and education in the 21st century, that the main value of remix and amateur production lies in the formation of relationships, the cultivation of a new media literacy, and the 'conversations' that collaborative authorship and remixing instigate, rather than in the quality of the end-products per se.

Our study shows how the promotion of remixing in the community leads to a twofold increase in total output, but more importantly, that the introduction of extrinsic incentives to produce have mixed effects on the community and its output. Remix contests help attract many newcomers to remixing practice but their impact appears to be mostly short-lived, with the great majority of new members attracted to the community through the organization of heavily promoted contests *not* becoming long-term contributors. The study suggests that in communities that promote remix, organic growth and the emergence of lead members through such growth will be more valuable in the long term than the organization of contests. In a way this is an argument for quality (of relationships

rather than output) versus quantity, although it appears that the volume of interest that contests generate may also have some positive long-term effects in terms of helping communities reach a critical mass of subscribers. In other words, creators need an audience, even when such creators may not necessarily aspire to building a large fan base.

This study raises the broader issue of the relationship between intrinsic and extrinsic incentives and that between commons-based and market-based production (or also what Lawrence Lessig calls a sharing and a commercial economy). When do extrinsic incentives antagonize intrinsic motivation and when can they complement each other? Do we need to distinguish between monetary incentives and other forms of extrinsic motivation? In conversations with academics and practitioners I have noticed that there is no consensus on this matter, although sometimes it is assumed that the introduction of money will always taint activities that have emerged and flourished in a non-commercial setting. However, I believe we lack sufficient evidence to reach such a conclusion. Empirical quantitative and qualitative analysis, as well as analytical modeling and experimental research methods, even social simulation models could be conceivably applied in the study of such interactions between the intrinsic and the extrinsic, the commercial and the non-commercial. The findings would be relevant for theory building, for example with respect to Yochai Benkler's positioning of commons-based peer production vis-à-vis firms and markets, or Lawrence Lessig's attempt to delineate the boundaries between nonc-commercial sharing and remixing practices and the commercial economy. But such research would also provide valuable insights for the design of online communities that tap into commons-based models of production, collective authorship and remix.

A related and in my view fascinating aspect of remix that I have already hinted at, is the challenges it is posing to a more traditional understanding of collaboration. When a young Israeli musician known as Kutiman published his mashups of YouTube amateur music videos online, many praised the skill of his compositions and the spirit that they captured. However, in this effort, as in many other similar efforts, one is challenged to think about the nature of online collaboration; to the viewer, the Youtube users featured in the videos appear to be working together, as if they were actually collaborating, or at the very least partaking in a joint musical experience. This is of course largely attributable to Kutiman himself, but interestingly, in an interview he gave a short time after his Thru-You online album received widespread recognition, he claimed that he felt he was collaborating with the people whose videos he used, without their knowledge and without their permission. Even more interestingly, when the mashups became internet-famous, Kutiman says he heard from some of the people featured in the compositions and they were not only supportive of the effort, but actually seemed to share an impression of having collaborated with Kutiman and with the other users featured in the same mashups. How can we then understand remix as *communication*, i.e. as conversation and a form of asynchronous and implicit collaboration? Answering such questions could yield new insights relevant to the field of communications and computer-supported cooperative work, as well as help us develop an improved understanding of the

motivations for and implications of remix. The next challenge I highlight below is also inspired by such questions.

3rd challenge: exploring how our relationship to IP and the works and authors whose interests it is meant to protect, changes with time, and with the advent of a remix culture

In a recent presentation at the 10th conference of the Association of Internet Researchers, I argued that we can understand the persisting discrepancy between repeated and concerted efforts to promote (what is often framed as a) respect for IP restrictions and what appears to be the public's continued lack of such respect, through an analysis of our affective relationship to works and authors. I proposed the concept of *affective distance*, which provides a conceptual and practical measure of our affective response to a work and/or its creator. The arguments in the associated paper are difficult to summarize here, but the main underlying assumption in this analysis is that the public will be naturally prone to value 'original' and thus legally procured versions of a work more highly than copies or derivatives when there is a stronger affective response to the work and/or a strong relationship of self-identification, friendship or strong appreciation for a creator's body of work. Starting from this basic premise I argue that our affective distance to certain works and creators has increased and we may therefore value their work dispassionately and be content with consuming copies, regardless of whether these are legally procured or not. This, among other things, can explain, at least in part, why popular artists are not becoming any less popular, but consumer willingness to pay for such works is decreasing, while some artists are successfully engaging their fan base online as well as offline, leading also to more sales. I analyze also the different affective responses to adaptations/remixes vis-à-vis originals and view remixing in this context as a means of closing the affective gap.

In addition, I ask what the long-term implications of the advent of a remix culture will be on our appreciation of cultural production, creativity and the laws that regulate it in the marketplace, i.e. IP. The analysis based on the concept of affective distance provides in my view a valuable framework for understanding such effects at the level of the individual, while I also propose a new concept for the analysis of said effects at a collective level: more specifically, I argue that we are witnessing a collective deconstruction of the basic tenets of IP law, through a continuous process of mass appropriation and remix. I draw from post-structural philosophy and literary criticism, more notably the work of Jacques Derrida and more recent writings, such as those of Paul Miller and others, to argue that even an entertaining remix that is posted by a teenager on YouTube is contributing (whether consciously or not) to this process of deconstruction and eventual destabilization of notions of intellectual ownership.

In this manner I attempt to provide a new understanding of how remix changes our appreciation for and acceptance of the tenets of IP, and argue that it is not possible to tame the subversive energies of the remix and make it fit neatly in the context of a sharing, commercial, or even a hybrid economy. Remix will always in

that sense antagonize ownership and the sovereignty of laws that attempt to define what is permissible or not in the production and exchange of ideas and content (without meaning to underestimate here the uncanny ability of culture industries to monetize the subversive). I would like to see more work in this vein, that will attempt to define what it is that we mean when we talk of a 'remix culture', how that culture can be defined vis-à-vis popular culture, IP and the marketplace, and what its meta-effects will be, i.e. going beyond the rather obvious observation that the flourishing of such a culture will lead to more widepsread remixing. My key insight thus far from post-strtucturalist thought was that remix as culture need not explicitly claim to antagonize the logic of copyright; it is, in a sense, "already surrendered to that gesture" (Spivak, G. in the preface to Derrida's "Of Grammatology"), even when there is no such intent on the part of the remixer. Others may find different means of theorizing the effects of this remix culture, and I think such endeavors would help enrich discussions that have been thus far dominated by normative analyses of law and policy.

Short Bio

Giorgos Cheliotis is Assistant Professor of Communications and New Media at the Faculty of Arts and Social Sciences of the National University of Singapore (NUS). Before joining NUS, Giorgos was a visiting professor at the School of Information Systems of Singapore Management University, a management consultant with McKinsey & Company and with a new media startup in Switzerland, and a post-doctoral researcher with IBM Research at the Zurich Research Laboratory, where he also worked as a doctoral student, earning a PhD in Telecom-munications and Information Systems from his home institution, the National Technical University of Athens.