Flickr, YouTube, Jamendo, Vimeo and Mixtr consolidate creative activity with immense societal[[1]](#footnote-1) and economic value.[[2]](#footnote-2) This creative activity takes place via interactive engagements that are anchored in individually contributed creative content. A rich regulating infrastructure supports these engagements, and includes content licenses that hold different prescriptions implemented as extensions or complements of the copyright endowment. [[3]](#footnote-3) Each prescription embodies a particular *ideology* about the socio-economic role of content and the subsequent assignment of rights in it. For example, some licenses approximate a no-rights model (pubic domain approximations), others formulate different rights-held-in-common structures (creative commons, GPLs), the rest relay exclusive rights ownership (Getty Images, YouTube partnership, *pro* licenses). Although the actual performance of the different licenses is unclear, users of licenses take their efficacy on trust, and so do the licenses’ stewards and private and public regulators.[[4]](#footnote-4) Are the licenses optimally supporting online enterprises, and in exactly what way? [[5]](#footnote-5) An empirical assessment of the comparative efficacy of the existing licenses is the proposed project’ mission. [[6]](#footnote-6)

The study’s conjectures are about the comparative performance of the different licenses in terms of enterprise-specific parameterizations of three evaluation measures of creative enterprises:[[7]](#footnote-7) standard quality,[[8]](#footnote-8) creative generativity[[9]](#footnote-9) and *sociability*.[[10]](#footnote-10) For image-based online enterprises, for example, quality parameters include focus, exposure, multiple exposure, sandwiching, panning, cross-processing, composition, contrast, juxtapositions, textures, coloring, originality, impact and *story*; *sociability* parameters include descriptors of the engagements’ pattern, the engagement type, length (in time spent), topic, level, and of their participants’ type, role, geographical origin, and engagement pattern; lastly, generativity parameters include image viewing patterns, tagging, patterns of sharing to other applications and via email, patterns of linking to images, patterns of inter-actor connectivity,[[11]](#footnote-11) and downloading patterns. The hypotheses then rely on value typologies that produce weight-based scaling of the different parameters.

Testing the hypotheses is made possible by relying on three data sources. The main source is the websites’ databases that store data about content engagements that, from which I offer to draw a mapping license/parameter relationship using singlehanded programmatic manipulation of the application provider interfaces (APIs). The performance of the licenses can then be analyzed using necessary controls based on external events and on the other two sources: A qualitative *field* study among users throughout their content-based interactions, and a survey among user and non-user groups of the same venue.[[12]](#footnote-12)

Divulged using those methods would be a contextual comparative impact of the license schemes against the backdrop of private and public regulation of individually contributed online creative content. Since the different licensing schemes are, in fact, different intellectual property *tweaks*,[[13]](#footnote-13)the replication of the study in different contexts (including in venues that are not hubs) would allow policy recommendations about intellectual property reform.

1. Jankowski, Creative Community with Media, New Media and New Economy Cluster Dynamics, Verhulst, About Scarcities and Intermediaries: The Regulatory Paradigm Shift of Digital Content Reviewed, *in* Livingstone & Lievrouw, Handbook of New Media: Social Shaping and Consequences of ICTs 2006 and Zhang and Zhu: Group Size and Incentives to Contribute, American Economic Review 101, 1601–1615 2011. [↑](#footnote-ref-1)
2. For content with direct or indirect market value or free. *See e.g.* Zhu & Sun, Ad Revenue and Content Commercialization: Evidence from Blogs, 2012, http://ssrn.com/abstract=1735696, Arthur, B. 2011. “The Second Economy”, McKinsey Quarterly, Goolsbee & Klenow, “Valuing Consumer Products by the Time Spent Using Them: An Application to the Internet”, American Economic Review, 96, 2, 108-113, 2006, and Bresnahan, “Measuring the Spillovers from Technical Advance Mainframe Computers in Financial Services”, AER, 76,4, 742-755, 1986. [↑](#footnote-ref-2)
3. The regulatory environment includes intellectual property, venue-specific technical constraints, quasi-legal guidelines and user standard practices and norms. About the interplay with the other parts of the regulatory environment *see* Weber, The Success of Open Source, 2004. Weber discusses this with respect to open source regulation. “Compatibility [with the legal principles] at the points of contact allows the open source process to coevolve with these extant institutions” and James Grimmelmann, Regulation By Software, 114 Yale L.J. 1719, 2005. [↑](#footnote-ref-3)
4. Reliance is clearly not proof for a legal tool’s efficacy. *See* *e.g.* Graham, Merges, Samuelson and Sichelman, High Technology Entrepreneurs and the Patent System, Berkeley Tech. L. J., 24, 4, 255-327, 2009: This survey demonstrate that although patents are widespread among software entrepreneurs, they are providing weak incentives for core activities in the innovation process. [↑](#footnote-ref-4)
5. Although the growth of online creative enterprises may be assisted by *healthy* evolution of self-help regulatory mechanisms like licenses, they are possibly sub-optimal. The study explores one perspective of creative health, by demonstrating that regulatory schemas differ in their relationship to quality. *See* Greenstein, Glimmers and Signs of Innovative Health in the Commercial Internet, Journal of Telecommunications and High Technology Law, Vol. 8, No. 1, pp. 25-78, 2010. Different analogies can be offered to the same four health signals with respect to innovation in online creativity and its regulation. Like digital innovation, the speedy evolution of digital creativity poses a “challenge for any regulatory framework: it makes it quite difficult to assess the general factors encouraging behavior that leads to innovative outcomes”. [↑](#footnote-ref-5)
6. Licenses, like other intellectual property tools, are auxiliary tools for the particular activity. *See, e.g.* Scotchmer, Openness, Open Source, and the Veil of Ignorance, American Economic Association, 2010 and Maurer Scotchmer, Open Source Software: The New Intellectual Property Paradigm, NBER Working Paper Series w12148, 2006, Rabin, Lakhani, and Von Hippel, How Open Source Software Works: ‘Free’ User-to- User Assistance, Research policy, 32(6): 923–43, 2003, and Ren, Kraut, & Kiesler, Applying Common Identity and Bond Theory to the Design of Online Communities, Organizational Studies, 28 (3): 377–408 (2007). *In* legal scholarship, *see* Smith, Intellectual Property as Property: Delineating Entitlements in Information, 116 Yale L.J. 1742, 2007 and generally, Merrill & Smith, The Property/Contract Interface, 101 Colum. L. Rev. 773, 2001. [↑](#footnote-ref-6)
7. Horn, Statistical Indicators: For the Economic and Social Sciences, Cambridge University Press, 1993. [↑](#footnote-ref-7)
8. For the aesthetic quality of images, the offer is to utilize a software tools that offers computerized evaluation that approximates expert critique, *see* <http://acquine.alipr.com/>. [↑](#footnote-ref-8)
9. Understood in time and in market value (*id.* 2). For the origins of the concept *see* Barbara Van Schewick, Internet Architecture and Innovation. MIT Press, 2010. [↑](#footnote-ref-9)
10. Zhao, Grasmuck, & Martin, Identity construction on Facebook: Digital empowerment in anchored relationships, Computers in Human Behavior 24.5 1816-1836, 2008, Toral et al., An empirical study of the driving forces behind online communities, Internet Research 19.4, 378-392, 2009, Halpern & Gibbs, Social media as a catalyst for online deliberation? Exploring the affordances of Facebook and YouTube for political expression, Computers in Human Behavior, 2012, Courtois, Mechant & De Marez, Communicating Creativity on YouTube: What and for Whom?, Cyberpsychology, Behavior, and Social Networking, 15, 3, 129, 2012, Thelwall, Sud, & Vis, Commenting on YouTube videos: From guatemalan rock to El Big Bang, Journal of the American Society for Information Science and Technology 63, 3, 2012. [↑](#footnote-ref-10)
11. Fershtman & Gandal, Microstructure of Collaboration: The Network of Open Source Software, NET Institute Working Paper No. 08-01, 2008. [↑](#footnote-ref-11)
12. These data sources enable bridging inherent data gaps in the website’s data, including purposefully hidden data, and data about the actors’ perception, awareness and reliance motivations on regulatory frameworks. [↑](#footnote-ref-12)
13. I suggest that the different licenses can also be interpreted as candidates in a legal standard competition. [↑](#footnote-ref-13)