Attitudes About 'Fair Use' and Content Sharing in Social Media Applications

Cori Faklaris

Department of Human-Centered Computing

School of Informatics and Computing

Indiana University-Purdue University Indianapolis

Indianapolis, IN 46202, USA

cfaklari@iupui.edu

Sara Anne Hook

Department of Human-Centered Computing

School of Informatics and Computing

Indiana University-Purdue University Indianapolis

Indianapolis, IN 46202, USA

sahook@iupui.edu

Abstract

The shift to Social Networking Services (SNSs) and mobile messaging apps such as Facebook, Instagram and Snapchat that rely on User-Generated Content (UGC) has challenged notions of fair use under U.S. copyright law. It remains unclear what understandings are common among these app users regarding legal and ethical norms in reusing artistic, journalistic and other types of content outside of online remixer spaces. Our online survey of N=106 users of N=48 SNS platforms and apps measured attitudes regarding fair use under U.S. copyright law and attribution for work that is shared. Participants reported a high level of agreement with more-restrictive conditions for content publishing and reuse. However, analyses of ratings and responses to open-ended questions reveal tension between issues of intellectual integrity and intellectual property.

Author Keywords

aggregation; attribution; authorship; content sharing; copyright; fair use; intellectual property; journalism; messaging apps; photography; plagiarism; publishing; social media; user-generated content; video.

ACM Classification Keywords

K.4.1 [**Computers and Society**]: Public Policy Issues — *Intellectual property rights.*
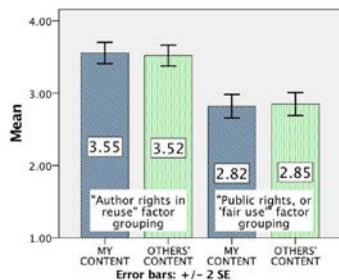
Figure 1: Mean scores for the factor groupings "Agreement with author rights in reuse of content" and "Agreement with public rights, or 'fair use' " (1=*Always Disagree*, 5=*Always Agree*; "My content"=darker bars, "Others' content"=lighter bars).

Introduction

Whether you are engaged in creating works of artistic, journalistic, academic or literary merit or simply enjoy partaking of them, chances today are that you are discovering and distributing them largely through digital communication and social computing. Social Networking Services (SNSs) have evolved into nearly full-featured publishers, led by a dominant platform for social media worldwide, Facebook, and its more visually-focused subsidiary, Instagram. Mobile-focused messaging apps such as Snapchat and Facebook Messenger are increasingly used for communication as well as vehicles for publishing, content management and other functions.

The acceleration of digital publishing in myriad forms has brought the issue of intellectual property (IP) rights and related issues with Electronically Stored Information (ESI) [4-6] from a niche concern of lawyers to the forefront of the creative community's discourse. User-Generated Content (UGC) [8, 10] has been essential to various business models and influences the practices in the journalism profession [7] as well as other industries. Sharing and reuse without the approval of gatekeepers, such as editors or others with prior formal training in legal and ethical issues in publishing, has challenged notions of fair use under U.S. copyright law. The boundary is shifting between the personal use of creative work and the actual "distribution" of this work, and principles of what is considered legal and ethical are in transition.

Studies have probed ordinary users' understandings of fair use in this environment, notably in the context of online forums for fan fiction and remix culture [*e.g.* 1-3, 9]. It remains unclear what understandings are common among SNS and messaging app users regarding legal and ethical norms in reusing artistic, journalistic and other types of content outside of online remixer spaces. We seek to

rectify this situation by gathering data about the awareness of and attitudes about legal and ethical issues regarding content publishing, sharing and reuse in digital communication and social computing. As our initial step, we collected survey data on this research question:

> *RQ: What attitudes do users of social computing and digital communication platforms and apps hold about legal and ethical issues with sharing, publishing and fair use of their own content vs. that of others?*

Methodology

We designed and piloted a questionnaire that was coded and administered via Google Forms, available here:

https://drive.google.com/file/d/0B-3qZjz7NmzFb2RraU1CTWxWUmM/view?usp=sharing

Participants rated their frequency of use of N=48 platforms and apps on a Likert-type scale (1=*Never* to 5=*Very frequently*), based on our knowledge of the problem space and rankings of SNS popularity and growth. Participants rated their agreement with N=20 statements about the publishing and reuse of their own content (ex: *I make sure to explicitly state under which conditions others may publish or reuse that content*) and N=22 parallel statements regarding the publishing and reuse of content created by others (ex: *The poster or author needs to explicitly state under which conditions others may publish or reuse that content*) on a Likert-type scale (1=*Always disagree* to 5=*Always agree*). This survey was active online for the month of April 2016 and distributed via a website link to a snowball sample of N=106 personal and professional connections in Indiana who were current U.S. residents age 18 or older.

Results and Discussion

Our survey findings offer a complementary and somewhat different picture of attitudes regarding fair use and
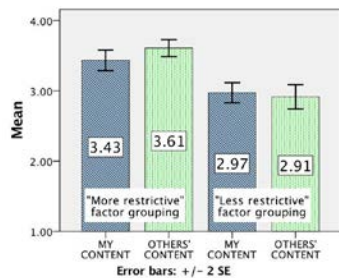
Figure 2: Means for factor groups "Agreement with more-restrictive conditions for content reuse" and "Agreement with less-restrictive conditions for reuse" (1=*Always Disagree*, 5=*Always Agree*; "My content"=dark, "Others'"=light).
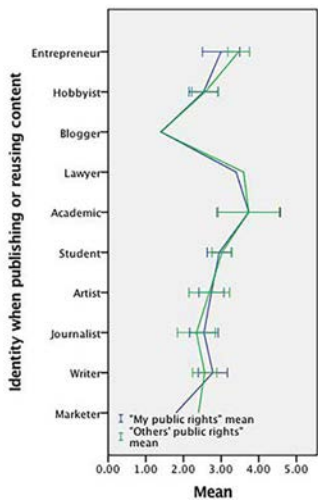

Figure 3: Means for "Agreement with public rights in reuse, or 'fair use' " (1=*Always Disagree*, 5= *Always Agree*; "My content"= dark, "Others"=light) by identity.

copyright issues than those illuminated by studies of remixers online [1-3]. In our study, only 19.2% respondents identified as Artist or Writer when publishing or reusing content. The Student or Journalist participants are more likely to have formal training in intellectual property issues. The top five most frequently used platforms and/or apps were email, SMS text messaging, Facebook excluding Messenger, voice calls and YouTube. The bottom five were secure messaging apps Vaporstream, Wickr, Cotap, Cargo and Confide.

To help analyze the large amount of survey data, we conducted a Principal Component Analysis. This reduced the N=42 attitude-statement measures to N=4 factor groupings (Figures 1, 2): agreement with more-restrictive vs. less-restrictive conditions for reuse, and agreement with author rights in reuse vs. public rights, or "fair use." We based these labels on deducing, from our experience in our respective fields, the latent variables that each of the factor components appeared to have in common. We assessed normal distribution with a Shapiro-Wilk test ($p>.05$) and discarded outliers and incomplete cases.

A comparison of factor means showed that participants were more inclined toward more-restrictive conditions for reuse (Figure 2), particularly with others' content (M=3.61, SE=0.06) versus their own (M=3.43, SE=0.07), a difference which a paired t-test found to be statistically significant: t(82)=3.316, p=.001. People may be less likely to agree with heavier restrictions on reuse of their own content because the onus is often on them to police it. It may also indicate a "do as I say, not as I do" attitude, as restrictions may sound ideal in theory or policy for "others" than for one's self in everyday practice.

A comparison of the "public rights in reuse, or 'fair use' " factor means for groups of participants according to their

identities when publishing or reusing content (Figure 3) discovered statistically significant differences by one-way ANOVA, regardless of whether participants were asked about their own content (F(11,74)=2.332, p<.05) or that of others (F(11,74)=3.690, p=.000). This seems to offer evidence that individuals' legal and ethical norms for online publishing or reuse are shaped in part by the norms of their social group or community of practice.

The largest difference in single-measure scores was between the parallel statements *I make sure to explicitly state under which conditions others may publish or reuse that content* (M=2.96, SD=1.33, Mdn=3.00) and *The poster or author needs to explicitly state under which conditions others may publish or reuse that content* (M=3.59, SD=0.97, Mdn=4.00), for which a Wilcoxen signed-ranks test showed a statistically significant difference: Z=-4.371, p=.000. This seems another case of a "do as I say, not as I do" attitude. Participants also were slightly more inclined to agree that others had a right to publish or reuse others' content about a political or social matter (M=2.74, SD=0.83, Mdn=3.00) than to publish or reuse their own (M=2.56, SD=0.81, Mdn=3.00, Z=-2.113, p<.05). Yet they were more inclined to favor the reuse of their own content for an academic or educational purpose (M=3.59, SD=0.87, Mdn=4.00) versus that of others (M=3.43, SD=0.84, Mdn=3.00, Z=-2.060, p<.05), perhaps because these contexts for reuse are not as emotionally charged or personal in online discourse.

Of particular interest were the open-ended responses that N=9 participants gave to the question: *Are there any other situations regarding the reuse of content that we should have asked about?* Some comments reflected the participants' stakes in the issues in question. Others opined that the survey questions did not fully capture

important nuances, for example that what one person considers "aggregation" and another as "sharing" might be identified as "plagiarism" by a third person. It should be noted that plagiarism itself, while unethical, does not constitute a criminal or civil offense, though infringement and plagiarism are often intertwined. An ethically minded creator may still violate IP rights, and following copyright to the letter may still lead to ethically troubling practices. Misunderstandings of these concepts may promote norms that undermine the creators of content in social media.

Conclusion and Next Steps

Our results point to confusion about intellectual integrity and intellectual property rights in content publishing and reuse for the current era of social media, other socially networked platforms and mobile messaging apps. We found support for more-restrictive conditions of reuse and differences in attitudes regarding one's own content versus that of others. Our next steps are to conduct contextual inquiries with users of social media and messaging apps to further probe and explain attitudes about reuse practices, copyright and plagiarism, and to integrate these *in situ* semi-structured interviews and observations with our survey data. This may yield deeper insights about reuse norms outside of remixer spaces and help inform contemporary debates on legal and ethical practices and policies in online content sharing.

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