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Evaluating the Impact of Parody on the Exploitation of Copyright Works:

An Empirical Study of Music Video Content on YouTube

Parody and Pastiche. Study I. January 2013

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This is the first in a sequence of three reports on Parody & Pastiche, commissioned to evaluate policy options in the implementation of the Hargreaves Review of Intellectual Property & Growth (2011). This study presents new empirical data about music video parodies on the online platform YouTube; Study II offers a comparative legal review of the law of parody in seven jurisdictions; Study III provides a summary of the findings of Studies I & II, and analyses their relevance for copyright policy.

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Executive Summary

The status of parody and related derivative works within the UK copyright framework lacks clarity and has been recommended for further policy study in two recent independent reviews: the Gowers Review of Intellectual Property in 2006 and the more recent Hargreaves Review of Intellectual Property and Growth published in 2011. This recent review highlights the dual importance of parodic works, both as a form of cultural expression and as a potential source of innovation and growth. A key recommendation of Hargreaves is for the UK to introduce a new fair dealing copyright exception for parody, caricature and pastiche. However, a shortage of empirical data renders policy intervention in this area difficult. The issue is complicated by the inherently creative nature of parody, ambiguity about its definition and the multiplicity of economic and legal approaches that may be applied.

In December 2011, following an open call to tender, the UK Intellectual Property Office (IPO) commissioned research from the Media School and the Centre for Intellectual Property Policy and Management (CIPPM) at Bournemouth University to undertake research into the potential effects for rightsholders, creators and audiences of introducing a copyright exception for Parody in the UK.

This document reports the key findings of the empirical study carried out by Dr. Kris Erickson and research assistants at Bournemouth University. The primary purpose of this research is to assess the potential for economic damage to rightsholders, should an exception for parody be introduced. First, it provides an overview of the online video market, the field site, and the methodology used. A sample of 8299 user-generated music video parodies was identified relating to the top-100 charting music singles in the UK for the year 2011. The main body of the report discusses the empirical findings that emerge from the study. The key findings are:

- Parody is a significant consumer activity: On average, there are 24 user-generated parodies available for each original video of a charting single.
- There is no evidence for economic damage to rightsholders through substitution: The presence of parody content is correlated with, and predicts larger audiences for original music videos.
- The potential for reputational harm in the observed sample is limited: Only 1.5% of all parodies sampled took a directly negative stance, discouraging viewers from commercially supporting the original.
- Observed creative contributions were considerable: In 78% of all cases, the parodist appeared on camera (also diminishing the possibility of confusion).
- There exists a small but growing market for skilled user-generated content: Parody videos located in this study generated up to £2 million in revenue for Google in 2011, a portion of which was shared with the creators.

The document closes with a summary of the key findings, highlighting the cultural and economic effects of a statutory fair dealing exception for parody.

1. Introduction

An expressive practice with a longstanding tradition in Western culture, parody continues to attract the attention of academic scholars, notably those interested in its relationship with new digital platforms (Hilderbrand, 2007; Tushnet, 2010; Shifman, 2011; McIntosh, 2012) as well as its role in expressing political opinions by those with limited access to traditional media (Tyron, 2008; Goode, McCullough & O'Hare, 2011). The consensus distilled from these studies is that parody remains a vibrant and vital mode of expression, critical to the healthy function of a public sphere that increasingly spans both online and offline media environments. Despite the continuing relevance of parody as a popular form of expression, the legal status of parody has only recently begun to be clarified in a number of Western jurisdictions, and its status remains ambiguous in the UK. Indeed, within the growing legal studies of literature on parody, a majority of writing is preoccupied with the uncertain status of parody with respect to both moral rights and copyright (Sainsbury, 2007; Deazley, 2010; Korn, 2010). This ambiguity likely stems from the hybrid nature of parody; its etymology from the Greek *para-* and *ōidē* ('side-ode') is suggestive of its function both as a new text and as a reflection upon an original. Parody, in order to achieve its rhetorical effect, by necessity appropriates those elements of a work necessary to conjure up the original in the minds of its audience, which under many legal definitions of copyright can constitute an infringement. While parody may have a clear public interest justification as political speech, its potential interference with the economic exploitation of creativity and the fundamental economic rationale for intellectual property right, is a cause for concern.

Despite the focused attention that parody has received by legal scholars, there is a notable lack of empirical data about the practice that could inform policy choices. To the knowledge of this author, there has not yet been any systematic research conducted on the economic incentives for, or market impacts of parody. A recent literature review on the impact of consumer exceptions to copyright by Rogers et al. (2010) found less than 40 published sources dealing with the economics of consumer copyright exceptions, with the majority of those focused on format shifting and private copying levies. With respect to parody, that report suggested that any economic impacts were likely due to: i) confusion and/or substitution with an original; ii) reputational effects, positive or negative, caused by the parody; or iii) positive publicity and awareness caused by the existence of a popular parody. However, the authors also noted, "there seems to be an absence of any economic evidence on the above effects." (2010: 32). Additionally, both Winslow (1996) and Picard and Toivonen (2004) have commented on the dearth of research on the impact of copyright exceptions and have made calls to further develop empirically informed legal approaches in this area. In his 2011 independent report, Professor Ian Hargreaves called for the collection and analysis of more data on copyright exceptions, stating that, "Government should ensure that the development of the IP system is driven as far as possible by objective evidence. Policy should balance measurable economic objectives against social goals and potential benefits for rights holders against impacts on consumers and other interests." (2011: 97).

It is therefore the objective of this study to gather and analyse objective data about parody video creation and its impacts on the market for original works. The analysis is focused on music video parody on the YouTube platform, chosen because it hosts both commercial and amateur content side by side, with a significant portion of the latter consisting of parody and other forms of derivative work. Because YouTube offers rightsholders the ability to license content to the platform and benefit from a share of advertising revenue generated, it is possible for researchers to identify and quantify actual economic harm or benefit that may result from the existence of parody. By providing rigorous and systematically compiled data about the behaviour of parody creators and audiences in one specific market, it is hoped that this study will contribute useful insight to both policymakers and other users.

The remainder of this document presents the results of the study, carried out from January to April 2012. The study consists of a content analysis of music video parodies on YouTube, which tests the hypothesis that the existence of parody has an impact on the commercial exploitation of an original work. Here, impact is defined as a change in the expected audience size that an original work receives on the YouTube platform, and which equates to advertising revenue for the rightsholder, when parodies are present elsewhere on YouTube. First, background information about YouTube and its business model is provided. Then, the methodology and sample selection process is described. The majority of the document is devoted to a discussion of the results, focused on some 8299 individual parody videos, related to 343 original music video works from 2011. The discussion section provides evidence that the presence of parody is not likely to cause any economic damage to rightsholders; in fact, the data suggests that the presence of parody is related to increased audiences for original works and therefore increased revenue. A small but growing market for skilled amateur parody production is identified and described. Finally, recommendations are provided and conclusions are drawn.

It should be noted that the present study is focused exclusively on one type of media, the music video, which is characterised by its own set of aesthetic and commercial dynamics, and which may not be generalisable to all mediums and contexts. Specifically, the music video is a composite work, consisting of an underlying musical composition, lyrics, sound recording and video recording. The present research is one of the first to collect quantitative data on parody creation and viewership behavior; consequently it is necessarily limited in scope. The choice to focus exclusively on the music video market reflects a strategic judgment about how to most efficiently capture a useful amount of data on a common cultural practice. The results of this research are not exhaustive but should instead be seen as indicative of broader trends taking place in online environments: repurposing of media across formats, audience engagement with commercial texts, remix and mashup as aesthetic forms, and markets characterised by viral social networking effects.

Future research might be conducted to determine whether these same or similar dynamics hold for other types of online media, for example parodic still images, popularly known as 'image macros', or audience generated fan fiction, some of which might fall under the definition of parody. Offline parody markets may also exhibit unique dynamics. However, it is the assertion of the researchers that online production and consumption of parody quantitatively surpasses that of offline media and will continue to do so, making it a particularly germane site from which to offer forward-looking policy guidance.

1.1 About YouTube

Launched in 2005 by three former employees of online payment service PayPal, YouTube was among a handful of other companies seeking to capture a dominant position in the emerging online video market. While earlier attempts to offer streaming video over the web, such as Real Networks' RealPlayer, relied on client-side software plugins, one of the advantages of the YouTube platform was its use of Adobe's Flash Video (FLV) format, which allowed video playback seamlessly in the viewer's browser, without the need to call for additional software. By providing low-bandwidth video playback with minimal demands on system resources, YouTube was able to capture significant market share in a period when broadband penetration was still at a relatively low 53% of households in the UK and 51% in the USA (Ofcom, 2007). An additional technical advantage of YouTube's platform was the implementation of a progressive download feature, which enabled playback to begin before an entire video file was downloaded to the client's computer. The company was acquired by Google Inc. in 2006 for \$1.65 billion which provided YouTube with additional investment in server infrastructure and integration with Google's AdSense contextual advertising business. The platform's widespread adoption has been attributed to serendipitous news reporting by technology blog Slashdot in 2006, the emphasis on user interactive features such as comments and recommended videos, as well as its relationship to an emerging category of entertainment – the viral video (Burgess & Green, 2009).

Parody has likewise been a constitutive practice on the platform since its inception; indeed, one of the first viral video successes on the YouTube service, which communicated its unique selling proposition clearly to a base of early adopters, was a music video parody. The clip *Lazy Sunday*, produced in 2005 by sketch comedy group The Lonely Island and originally broadcast on NBC's Saturday Night Live, was a send-up of combative themes in hip hop music. After initially airing during the televised broadcast of Saturday Night Live, the clip was quickly uploaded to nascent online video sharing platforms including YouTube (Itzkoff, 2005). NBC immediately notified YouTube of the presence of infringing material and requested that it was taken down. YouTube complied within 48 hours of the clip being uploaded, however within that time the video was able to amass more than 5 million views, making it one of the early ambassadors for a new kind of short-format clip culture and an example of the powerful dynamics of viral fan communities on the Internet.

YouTube is representative of a number of trends in media consumption and production identified by scholars as constitutive of a broader 'interactive turn' that has accompanied the uptake of digital media. These tendencies include the adoption of non-linear narrative techniques, the opening of texts to enable greater input from audiences, the proliferation of meta- and paratexts, the lowering of barriers to access to the media sphere and challenges to authorial integrity that have accompanied the rise of the information society (Jenkins, 2006a; Sibilla, 2010). YouTube occupies an unstable hybrid position as a facilitator of radical challenges to the media industry while being simultaneously dependent on established media practices, genres, and paradigms (Tushnet, 2010). Certainly, the commercial success of YouTube cannot be readily distinguished from the cultural interchange facilitated by its technical platform. The value in YouTube's business model is 'co-created [...] by Google, the users who upload content to the website, and the audience who engage around that content' (Burgess & Green, 2009). Furthermore, YouTube is a site of cultural co-creation, whose

meaning is dependent on inputs from a variety of differently-situated participants, which include major broadcasters, smaller commercial ventures, artists, social movements and fan communities. YouTube is thus emblematic of both web 2.0 business values and what Henry Jenkins (2006b) has termed 'participatory culture'. YouTube differs therefore from traditional media enterprises in the extent to which it relies on the collective creativity of its userbase/audience to sustain itself.

1.2 Revenue model

YouTube does not charge a fee for the use of its services and instead relies on a contextual static and video advertising to monetise its vast audience. YouTube is the largest free online video streaming platform in the world. According to published data, the service currently reaches approximately 800 million unique visitors per month and serves 4 billion streaming videos per day (YouTube, 2012). In 2009 the New York Times reported that YouTube's revenues might fall anywhere in a range from \$200 million to \$500 million USD (Arango, 2009). Google does not break out details of profitability across its core businesses, but public comments by CEO Eric Schmidt have led analysts to speculate the YouTube platform was nearing profitability in 2011 (Jamieson, 2011). The declining cost of data storage and bandwidth linked to Moore's Law dynamics suggests that YouTube's profitability will increase over time, as the cost of storing and serving videos drops below the advertising revenue earned on the that content.

YouTube has sought commercial partnerships with content owners with mixed success. An early dispute with Viacom centred around the latter's claim that YouTube's primary source of revenue was copyright infringement due to the presence of clips of popular TV programmes such as *The Daily Show* uploaded to the YouTube service.¹ Silvio Berlusconi's RTI sued Google in 2008 for €500 million, claiming that requests to have infringing clips from the Italian version of *Big Brother* (*Il Grande Fratello*) taken down from the service were ignored.² In 2009, Warner Music temporarily pulled all of its content from the YouTube platform after negotiations about revenue sharing failed to satisfy the music label. These and related conflicts with rightsholders have led to YouTube developing sophisticated measures for preventing the uploading of copyright material in the first place and empowering rightsholders to locate and remove material hosted by the website. Likely as a result of early suspicion by major motion picture and television rightsholders, YouTube has not developed into a subscription streaming service, although this was a business strategy explored early on by the website's founders. Commercial television content has gravitated to platforms such as NBC's Hulu and Apple's iTunes store, while YouTube has consolidated its position as a facilitator of user-generated content (UGC).

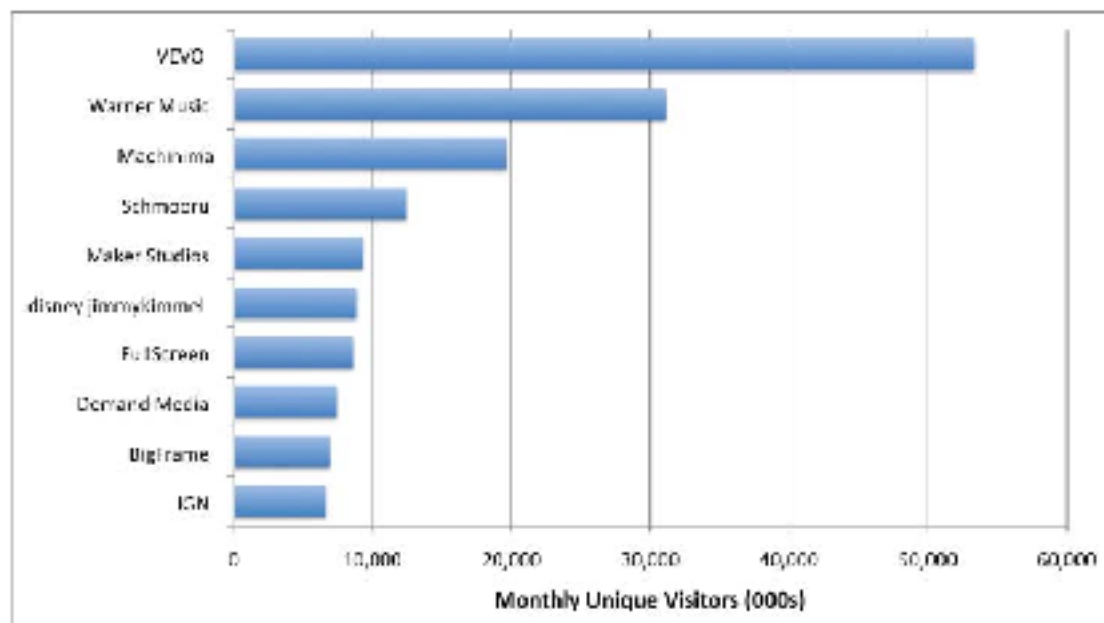
1 See Complaint for Declaratory and Injunctive Relief and Damages, *Viacom Int'l, Inc. v. YouTube, Inc.*, No. 07-CV-02103 (S.D.N.Y. Mar. 13, 2007)

2 See *Reti Televisive Italiane contro YouTube*, Trib. Roma, 24 novembre 2009, n.54218/08 (It.)

Consistent with this focus on UGC, the majority of video content hosted on YouTube is short format. In one study of campus use of the video platform, Gill et al (2007) found that the average length of a video watched on the service was 3:33 minutes. Data published in 2011 indicates that users spend much less time watching content on YouTube than users of other video content services; the average US user spent 2 hours and 14 minutes in February 2011 on YouTube, while Netflix users spent 9 hours and 16 minutes watching longer-format content via the movie rental service (Wall Street Journal, 2011). YouTube's own policies suggest that the focus on shorter-form content is intentional: the service imposes an arbitrary upper limit of 15 minutes on most content contributed to the site.

One notable exception to the lack of licensed commercial content is the presence on YouTube of full-length commercial music videos, which are distributed on the platform through partnerships between Google and individual music labels. The most elaborate of these partnerships is the Vevo music channel, which hosts content licensed from Sony Music Entertainment, Universal Music Group, Abu Dhabi Media and EMI. Rightsholders benefit from a revenue sharing model that divides the proceeds earned from contextual advertising, pre-roll video advertising, merchandise and iTunes music downloads. Vevo, along with a similar channel controlled by Warner music and MTV, have proven extremely popular; data compiled by ratings research company ComScore shows that commercial music videos are by far the most popular type of content on the platform, accounting for more than 80 million unique monthly visitors in 2011, more than any other commercial channel on YouTube.

Figure 1.1: Monthly US traffic to commercial channels on YouTube in November 2011 (Source: ComScore)



The popularity of commercial music video content, combined with the prevailing DIY ethic of user-generated content on YouTube makes it a potentially fertile site to study the economic impact of user-generated content such as parody. Indeed, the practice of user engagement is already widespread on the platform, as amateur fans re-appropriate, remix, sing along to and parody songs from their favourite pop artists. This tendency has placed Google and YouTube in a precarious position, on one hand needing to placate rightsholders concerned about the integrity and commercial viability of their licensed content and on the other hand requiring the patronage of users who provide the vast audience with the service but also demand the ability to utilise copyright material in new ways. This dilemma remains a source of conflict between the various user communities and content creators on the service, with copyright law providing a general framework in which conflicts are resolved. However, YouTube has been proactive in searching for solutions to this core issue and has initiated measures to deal with derivative use of copyright material, in some cases going beyond what is required by prevailing legislation in the USA and Europe.

1.3 Licence agreements with users and copyright owners

In exchange for their use of the service, users who upload videos grant YouTube a "worldwide, non-exclusive, royalty-free, sublicenseable and transferable license to use, reproduce, distribute, prepare derivative works of, display, and perform the Content in connection with the Service". Content uploaders must also provide YouTube a warranty that they "own or have the necessary licenses, rights, consents, and permissions to publish content [they] submit" (YouTube, 2010). While the terms of the licence on their own do not override copyright exceptions provided under UK law, additional technical measures employed by YouTube may conflict with fair dealing exceptions, such as for the purposes of criticism or review.

In the majority of cases dealing with copyright infringement, YouTube has been deemed by courts in the USA and Europe to fall within the definition of an Internet Service Provider (ISP) benefitting from exclusion from liability for copyright infringement as provided in Europe under EC Directive 2000/31 and in the USA under the Digital Millennium Copyright Act (DMCA). Both sets of legislation place a burden of responsibility on rightsholders to identify infringing material and notify the service provider of its presence. In order to comply with these provisions, YouTube has developed a highly streamlined online system to receive and respond to 'notice and takedown' requests from rightsholders. Under this system, concerns have been raised that fair use of work such as parody, criticism or review may not be adequately protected. According to section 512(c) of the DMCA, such notice must contain a statement by the copyright holder of a good faith belief that there is no legal basis for the infringing use identified by the complaint (Sawyer, 2009). Subsequently, US courts have found that complainants may have an obligation to consider fair use before issuing such takedown notices, or face liability for misrepresentation of infringement.³ Currently, users who are unhappy about the removal of their videos from YouTube may file a counter-notification consisting of a warranty that they are legally entitled to make use of the work, however, small-scale users may be deterred from doing so because of confusion or fear of further legal action by rightsholders (Von Lohmann, 2010).

3 See *Lenz v. Universal Music Corp.*, 572 F. Supp. 2d 1150, 1155-56 (N.D. Cal. 2008)

In addition to its adherence to the DMCA, YouTube has further developed algorithmic detection systems to pre-emptively locate and block infringing material from the site. In 2007, YouTube reportedly licensed fingerprinting technology from the US company Audible Magic, which it further developed into a system called Content ID. This system relies on rightsholders to provide 'reference material' consisting of audio or video samples of copyright work, which is used to match against infringing content as it is uploaded. When the Content ID system detects the presence of match within a user-uploaded video, it notifies the rightsholder of the infringement. Rightsholders can set their copyright policy with YouTube and instruct the system to proceed in one of three ways. The system can either block the content, by removing the video or muting the audio track, it can monetise the content, which will display advertisements alongside the user-uploaded video that return revenue to the rightsholder, or it can track the infringing video and gather statistics on viewership patterns and demographics. It was reported in 2011 that in approximately one third of cases, rightsholders decided to monetise and allow infringing content detected by the ID matching system to remain on the platform (Jamieson, 2011). By contrast to the DMCA notice and takedown system, Content ID is completely automated, and this presents further problems for new works that might be deemed to make fair use of excerpts from copyright material. Even though only a portion of an original work may be sampled in a derivative user-uploaded video, the rightsholder is given exclusive control over what happens to the derivative work.

When an uploaded work is matched to copyrighted material, the copyright owner can choose to block or license the material. But a technological match might actually be a fair use, causing the copyright owner to obtain licensing revenues on works which should not warrant it [...] worse, authors who uploaded the fair use will be denied opportunities to tap into the advertising revenue generated by their original work. (Sawyer, 2009: 386)

The presence of Content ID, by removing the requirement for human review, further diminishes the opportunity for users to benefit from exceptions to copyright such as those currently provided under fair use doctrine in the United States and fair dealing in the UK. It is within this context that the present study seeks to analyse the extent of parodic derivative work and estimate its economic impact for rightsholders. Defining a copyright exception for parody under UK copyright law could have a clarifying effect on the status of this type of derivative online expression, even in licensed environments such as YouTube, and could unlock new market opportunities for amateur and semi-professional creators.

2. Methodology

The objective of the present research is to measure the extent of parody production and to determine whether the presence of parody causes economic harm to rightsholders. The potential for parody to cause an adverse impact on the market is key to legal determinations about the legitimacy of parodic content in a number of the territories discussed in the accompanying legal analysis document, notably the United States, Canada, France and Australia (Mendis & Kretschmer, 2012). Because YouTube hosts both commercial and user generated content, and makes public information about the size of the audience for both, it is deemed to provide an ideal site for this research. YouTube is also the largest and most popular online video streaming service, prompting a wide range of academic and popular commentary, identifying it as a source of disruptive change for the media sector (Kim, 2012). The aim of this study is therefore to develop insight about the rate and character of parody content production on YouTube, in order to provide guidance about the suitability of proposed changes to the UK's copyright system. As discussed in the preceding sections, the most extensively exploited commercial content on the platform is the music video, being well suited to the short length of the YouTube format and enabled through negotiated partnerships with music labels. The study is therefore focused on the online music video market, with the unit of analysis being the individual music video, comprised of several copyright-attracting elements: the original sound recording, the video recording, the lyrics and the musical composition.

2.1 Selection of primary sample

The British Charts Company publishes data on the retail popularity of music in a variety of genres and formats. The weekly Top 100 Singles Chart was used to generate the primary sample, selected because it offers the highest level of resolution (chart frequency) and depth (number of places on the chart) compared with other publicly available data. The key advantage of this chart over other formats is that it provides the widest possible view of the music retail business available to researchers, covering hit songs that place in the top ten as well as minor retail successes that would not be visible in a top-10 or top-40 chart. The singles chart was preferred over the albums chart because it enables direct comparison with the units of analysis in the secondary sample: individual works.

The researchers recorded all music singles that made a first appearance in the Top 100 Singles Chart from Tuesday 4 January 2011 to Tuesday 3 January 2012, yielding a total of 375 individual tracks. This sample size reflects the fact that most songs were present on the chart across multiple weeks. The average amount of time spent on the chart by a song in our sample was 12.1 weeks and the median was 8 weeks.

One disadvantage of using British Charts Company data is that they reveal only the rank order of sales popularity of songs; the Charts Company does not provide the exact sales figures for each album or track. Sales figures are only available to subscribing music industry partners and are not made available to the general public or academic researchers. Consequently, this study uses an equal-weighted ranking of two factors – the highest chart position obtained along with the total duration spent on the top-100 chart – to derive an estimate

of the overall retail success of an individual music track. This measure, which we refer to as the retail chart popularity index, serves as a proxy for the pre-existing sales success of each charting music track. The scale ranges from 0.0 for the least popular to 1.0 for the maximum possible popularity (a hypothetical song that reached number 1 on the charts for at least one week and maintained a presence in the top 100 for the duration of 52 weeks).

The original sample of 375 music tracks was triangulated against the YouTube commercial video channels to ensure that an officially licensed music video was present on the video hosting service. We define 'officially licensed version' as a video upload that can be clearly attributed to the original artist or rights holding music label. This included videos available on the YouTube Vevo service as well as videos uploaded to a channel belonging to the music label or artist. Un-licensed music videos or uploads where the attribution could not be definitively established were not included in the final sample. A further 32 songs from the original sample were thus jettisoned because they did not have corresponding licensed works on YouTube that could be clearly attributed to the legitimate rightsholder. The cross-checking process left a primary sample of 343 original licensed music videos, from an original sample comprised of top-100 charting music tracks from the year 2011.

2.2 Selection of secondary sample

In order to address the main objective of this study, the characterisation of parody video creation and its potential economic impact, the primary sample of original works was used to populate a larger sample of parody videos based on those original works. This was achieved by working from the primary sample of 343 original works and checking each entry to determine the number of parody videos extant on YouTube. The researchers used YouTube's search functionality, and in each case entered a search string consisting of the song title plus the word 'parody'. Search results were then ranked according to relevance, and the researchers worked from top to bottom through the search results, recording each instance of parody. The researchers included only those videos in the secondary sample that were explicitly tagged by the uploader with the term 'parody' in either the video title, description or meta-tags. This decision was made to reduce the need for subjective judgment on the part of the researchers about what constitutes parody, leaving that determination in the hands of the creator and uploader of the derivative work. To avoid confusion about the meaning of a work, only English-language parodies were included in the sample.

In exceptional cases, the original work spawned an unwieldy number of parody videos (greater than 50). Inclusion of all parodic works attributed to these highly parodied original works would have more than quadrupled the size of the overall sample and extended the data collection phase beyond the allocated 3-month scope of this project. In these cases, the researchers counted the total number of parody videos and their aggregate audiences using the YouTube search results, but did not individually watch and characterise each parody video. A random sampling method was used to qualitatively code a selection of videos from the total search results, which consisted of further examining only those parody videos whose number of views ended in a 2 or a 7.

2.3 Qualitative coding of parody video content

Four research assistants, including the primary investigator, were responsible for identifying and coding the sample of parody videos. To streamline the coding process, a survey instrument was developed in the software package SNAP to collect the details of each individual parody video (see Appendix I). Two training sessions were held with the research assistants to familiarise them with the coding process and ensure homogeneity in the interpretation of the variables and their dimensions. The researchers sample-coded some 25 videos to pilot test the survey instrument and calibrate agreement about the meaning of categories in Likert-style questions.

The following details on each parody video were recorded:

- ID of original work referenced by the parody (four letter code)
- URL of the parody video (link)
- Size of audience for the parody video (number of views)
- Date of upload of the parody video
- Presence of any advertising in video playback (pre-roll or mid-roll)
- Type of parody (Target, weapon, self-parody, other)
- Nature and severity of critique directed at the original work
- Aspects of the original work that were directly copied
- Other non-infringing methods used to reference the original work
- Identification of original creative inputs from the parodist
- Whether or not the parodist appeared on camera in the video
- Level of production values present in the parody video
- Gender of the parodist(s)

Due to the creative nature of parody video creation and the range of different types of parody, coding for some of the variables posed distinct challenges for the researchers. Firstly, to ascertain the type of parody was not always a straightforward task. The accompanying legal review of national legislation has already identified a range of legal and academic definitions of parody, and the challenge posed in the use of those definitions to decide cases of copyright infringement (see Mendis & Kretschmer, 2012). The researchers also experienced some uncertainty in applying existing definitions of parody to the videos sampled. For example, a parody video in which the original lyrics were changed to reference fast food might be interpreted as a target against the overweight appearance of the artist, but alternatively could be viewed as a weapon parody directed against the consumption of unhealthy food in general. Similarly, an amateur-made video in which a teenager dances awkwardly to the original sound recording may be interpreted as a target directed at the original artist, a form of self-parody directed at the amateur creator, or an earnest performance that went poorly due to the amateur's lack of dancing ability.

The potential for discrepancies in interpretation between research assistants was mitigated in this case by focusing the evaluation of each video on a decision about the *intent* of the creator as well as the determination of the *primary target of critique*, although it is acknowledged that both of these criteria are themselves open to subjective interpretation. In evaluating ambiguous cases through the lens of these two criteria, the research assistants were asked to make a weighted judgment about the intent of the video creator by evaluating metadata such as the comments, description, title of the parody and on-screen cues. If the abovementioned example featuring food were tagged with a description proclaiming that "British people are overweight" or if the awkward dancer admitted in the comments below the video that "My dancing sucks", these would provide clues as to the intention of the video creator, even if these were not explicitly apparent from the content of the video alone.

Establishing the severity of the criticism directed at original works by target parodies was another source of potential observer bias. The researchers used a 5-point Likert scale to address this question, with 5 being indicative of parodies highly critical of the original work and 1 being used to identify parodies that were light-hearted in their treatment of the original. The research team used two criteria, *commercial impact* and *likely audience reaction*, to assist in assigning a point value to the severity of critique of a given parody. The highest severity, 5, was therefore reserved for parody videos that contained explicit calls not to commercially support a given artist or work, 4 was used to identify parodies that were explicitly negative in their stance, while a severity of 3 was used to refer to parodic works that could be interpreted as negative by many viewers. At the bottom end of the scale, 2 was used to refer to works that were not explicitly negative but could be interpreted as such by some viewers, while 1 was reserved for light-hearted references to the original work which were not likely to be interpreted as negative by any reasonable viewer.

A third source of subjectivity in the coding process was introduced by the need to determine production values of individual parody videos. It was judged to be important to record this information to explore the possibility of substitution or confusion in the market caused by well-produced parody content. Again, a Likert-style scale was used, and the research team applied the two criteria of *likelihood of commerciality* and *presence of technical failings* to assist in assigning a value to problematic videos. The highest production value rating, 5, was defined by the presence of a commercial interest in the video and the use of professional equipment or actors in the production. Specific markers were used to identify a commercial interest in parody videos: the presence of a YouTube partnership arrangement evidenced by a custom channel identifier, the presence of advertising in video playback, and calls to purchase or download a recording of the parody in the description below the video. The value rating 4 was used to describe videos that did not appear to employ commercial equipment or actors, but possessed a level of editing skill and execution suggesting a high degree of familiarity with creating online videos. We refer to this category as 'skilled amateur' production. Category 3 was used to describe videos that did not appear to have commercial intent and did not display any level of polish beyond clear sound and video. Categories 1 and 2 were used to describe videos that displayed varying levels of technical faults such as shaky video, intermittent sound, low visibility, or a combination of those.

3. Discussion of results

The data reveal that music video parody is a highly significant consumer activity, with a large number of parodies referencing the primary sample of original works from 2011. The original sample of 343 original licensed music videos yielded a total of 8,299 parody videos, found using the YouTube search engine. A sample of 1,845 parodies from within the total sample were subjected to further qualitative scrutiny to determine characteristics such as the target of critique, the production values in the video, the quantity of copyright material used in the derivative work, and the amount of commercial exploitation of these new works (see section 4 below). The remaining 6,454 parody videos identified during the search process were used in the quantitative analysis, but were not subjected to additional qualitative analysis. Taking the final total number of 8,299 videos referencing the 343 hit songs from 2011, we observe some interesting features related to the popularity and rate of production of parody content.

3.1 Rate of parody video creation

The overall rate of parody creation for music videos on YouTube was slightly greater than 24:1 in the observed sample, although this varies widely depending on the country of origin of the licensed work (see Table 3.1). The rate of parody creation for UK artists was 5.5:1, compared with a rate of 50:1 for songs by US artists that appeared in our sample. However, when we adjust this figure to reflect the population differential – and thus difference in availability of would-be parodists between the two countries – we arrive at an equivalent population adjusted rate of 27.5:1 for the UK. The fact that only the most globally popular US music would be expected to chart in the UK is another factor explaining the difference in response on YouTube.

Fans on YouTube seem to be seeking out parodies of American music with more enthusiasm: the size of parody audience as a proportion of total audience for original works is higher for the US music videos in our sample, averaging 7.5% across all 145 original works. Parodies of US works also had the highest average absolute viewership from within the sample, with parodies based on US music accumulating an average of 86,549 views per parody, four times higher than the average for parodies of UK artists. This pattern in terms of popularity of parody content can be partly explained by the nature of our research sample: because our sample of 343 original works was derived from UK music charts, it contains a higher proportion of works that appeal to the domestic British market but may not inspire the same appetite for parody on an international platform such as YouTube. Songs from the USA that charted in the UK last year were more likely to be *bona fide* hits, having successfully made an impact in their respective domestic market before arriving in Britain. However, when we focus on only the top-20 most popular UK songs, to remove the influence of less successful domestic works, we still observe a pattern that suggests UK music videos are underperforming their US counterparts in terms of the popularity of parody content on YouTube. The average audience for those parodies was still much lower than the average for parodies of American content, suggesting that selection bias related to the sample may be less important than other cultural factors in explaining the disparity. These might include the global dominance of US pop music, the influence of the UK copyright restriction on parodic works or an overall lower quality of parody produced by UK fans (discussed in further detail below).

Table 3.1: Rate of parody video creation (2011) from sample of top charting music singles in the UK

Territory*	Original Works	Parody Videos	Rate of Parody	Parody Audience (% of original)	Average Views per Parody
USA	145	7259	50.1	7.5	86,549
UK	168	929	5.5 (adjusted for pop 27.5)	1.3	21,427
Only Top 20 UK**	(20)	(749)	(37.5)	(1.8)	(28,966)
EU/Other	30	111	3.7	1.5	68,757
Total:	343	8299	24.2	6.3	79,022

*Territory is defined as the country of residence of the primary performer of the work.

**Top 20 UK music videos as defined by the size of the audience measured for the licensed music video on YouTube.

The top 20 most highly watched UK music videos from 2011 were parodied at a rate comparable to their counterparts from the USA, but those parodies did not attract a large enough audience to suggest that substitution was taking place. Significant amounts of people on the Internet viewed UK music content: two of Adele's music videos, *Rolling in the Deep* and *Someone Like You* each accumulated more than 100 million views on YouTube in 2011, while the music video for *Price Tag* by Jessie J reached 185 million views at the time of coding this data. However, parodies of these popular songs did not attract a proportional audience of greater than 5% of that for the original work, suggesting that there are differences between the behaviours of US and UK music fans, YouTube surfers and parodists (see Appendix II). Further study is required to ascertain whether UK rightsholders are exercising their copyright more aggressively and thus removing infringing parody content using the notice and takedown mechanism, which could have an impact on the observed results.

3.2 Distribution of audience for original licensed works

In order to evaluate the potential impact of parody on the market for an original work, it is first necessary to determine the expected performance of a commercial music video, with or without parody, on the YouTube platform. To calculate this expected performance, the researchers plotted the number of YouTube views received by a given music video against the retail chart success of the underlying music track. As expected there exists a relationship between the size of the audience that individual works attract on YouTube and the retail popularity of a song based on the British Chart Company data, and (see Figure 3.1). However, within this distribution we observe a high degree of variance – there can be as much as two orders of magnitude in the size of audience for music videos, based on songs with a given retail popularity. We attribute the high degree of variation to viral effects both internal and external to the YouTube platform, as well as variations in the quality and market reception of music video product, which are distinct from the sound recording. The target demographic of a music video, its aesthetic qualities and the presence of online marketing may all play a role in the YouTube audience for a given commercial music video.

Figure 3.1: YouTube audience and retail success of original commercial works (n=343)

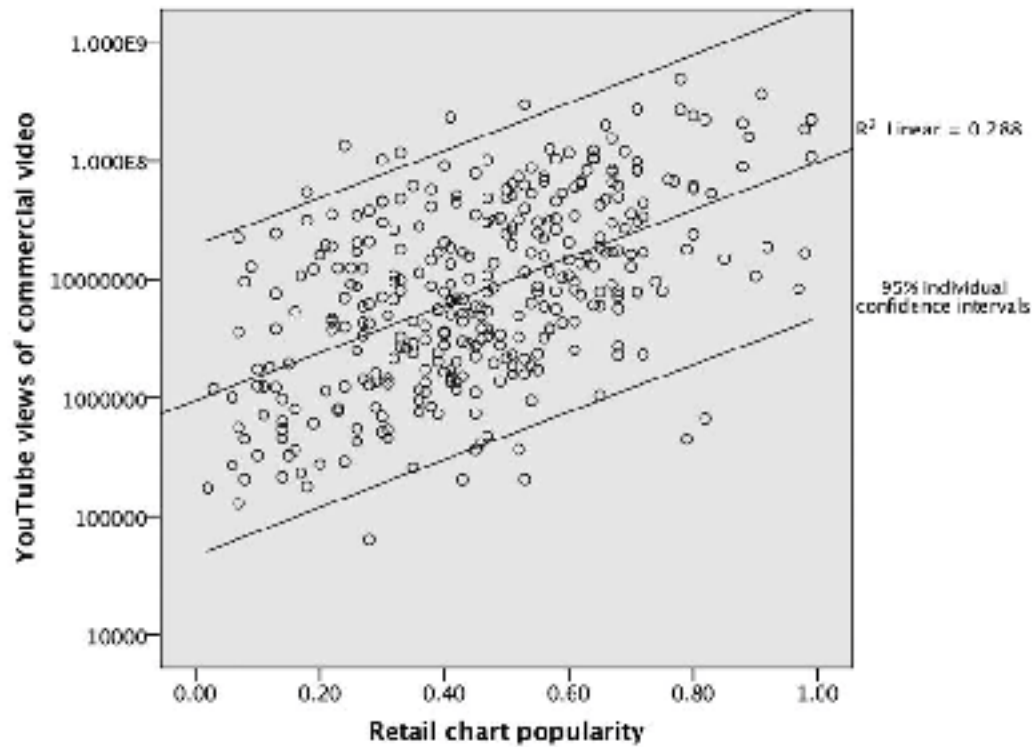


Figure 3.1 Notes:

Audience for original work displayed on logarithmic scale.

Retail chart popularity is equal-weighted index of two factors: highest chart position attained and percent of weeks spent on top 100 chart.

We also observe audience concentration and a winner-takes-all dynamic when we examine the skewness in the distribution of YouTube audience across all commercial music videos in the sample (see Figure 3.2). The skewness in distribution of audience indicates the way that the total aggregate audience for commercial music videos is distributed across the sample. The distribution of audience across the sample of 343 original works shows a similar degree of skewness to that observed for other types of commercial content accessed online, such as movies and books. For example, traffic to websites directed from Google search results and audiences distributed across niche categories of online video that contain user generated content have been shown to follow the Pareto principle, whereby the top 20 per cent of ranked content accounts for 80 per cent of the total audience (Hindman et al, 2003; Cha et. al, 2007; Hindman, 2009). In our sample, we observe that the top 20 per cent of videos ranked by number of views receive 77 per cent of the aggregate audience. The slightly more linear distribution of audience in our sample can be explained by the fact that our sample contains only commercial works, while previous studies of online audience distributions have used samples which include both amateur and commercially produced content. It can be expected that our sample, comprised solely of commercial works, avoids some of the mechanisms that have been argued to produce skewness in distribution, namely the effect of preferential attachment, similar to the rich-get-richer principle (Barabasi & Albert, 1999) as

well as informational bottlenecks that prevent new content discovery due to a limited number of positions in search engine results (Cha et al, 2007). It can be expected that viewers of top-charting music videos on YouTube are coming to the platform with some pre-existing knowledge about the content, having heard a song on the radio or having learned about it from another channel. This is important as the mode of content discovery on YouTube has implications for the ultimate impact of parody on audience preferences.

Figure 3.2: Skewness of audience distribution for commercial music video sample (n=343)

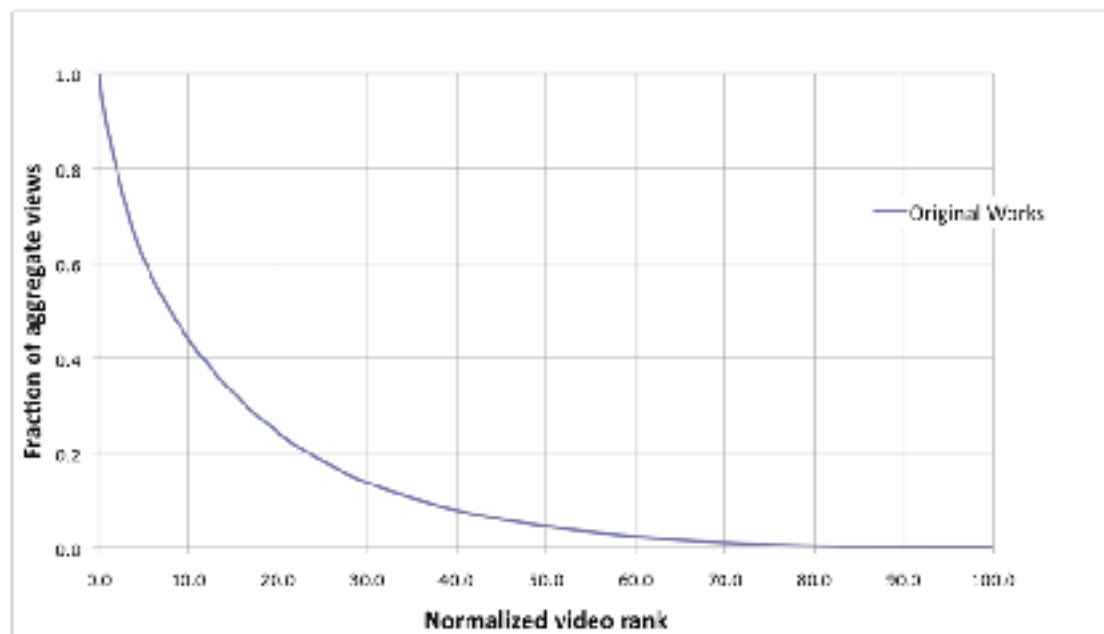


Figure 3.2 notes:
The top 20 per cent of videos account for 77 per cent of the total audience

4. Does the existence of parody produce economic harm?

Having established the presence of an expected relationship between underlying retail popularity and performance of a music video once present on YouTube, we can observe patterns within the overall distribution of audience for these commercial works to gain insight about whether the existence of parody content is a factor in determining the YouTube success of those works. Since the Vevo licensing partnership is based on a revenue-share model, there is a clear commercial interest for rightsholders to accumulate the largest possible audience for their works on that channel. The doctrinal view is that parody can produce economic harm by either the mechanism of substitution for the original work or through reputational damage such as that caused by a harsh target parodic treatment of a performer (Rogers et al, 2010). We will first focus on the possibility of substitution, before addressing reputational effects in the next section.

Substitution on YouTube would consist of one or more parody videos siphoning off viewership intended for the original work, either by prompting confusion in the viewer's mind about the authenticity of a parodic source, or by copying a substantial portion of the original work (such as the complete sound recording) so that viewers would be satisfied consuming only the derivative work. Damage might also occur in cases where the original work attracted a large number of critical parodies, flooding the search results and thus edging out the visibility of the original work and forewarning viewers not to support it. In both hypothetical cases, we would expect to see a significant disruption in the pattern of distribution of viewership on YouTube, with music videos that should be expected to perform well actually underperforming, when the anticipated YouTube audience did not materialise.

Substitution in the market for an original work on YouTube is dependent on there being a sufficient quantity of parody content to crowd the original work out of search results (limited to 15 positions on the first page) and if critical, to forewarn potential audiences against supporting the original work. We might therefore expect to find that highly parodied music videos receive lower viewership than works that escape parodic treatment. However, when we compare the performance of original works according to the quantity of parodies present, we observe a correlation between the existence of parody and higher levels of YouTube viewership (see Figure 4.1).

Figure 4.1: YouTube audience for original works when parody present

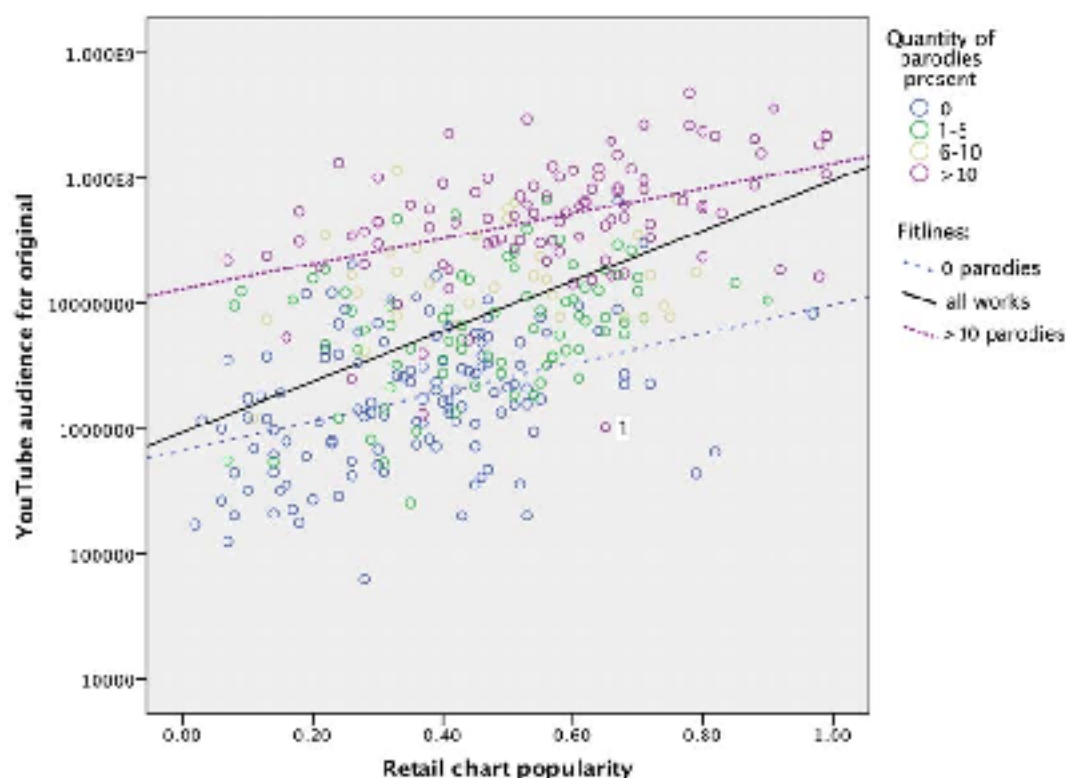


Figure 4.1 presents the distribution of all commercial works according to retail success and corresponding audience on YouTube, adding markers to distinguish the quantity of parody treatments that were located for each work. A solid black fit line through all works shows the expected distribution of commercial music videos on the plot. Additional fit lines for the sub-series of works having either no parodies (blue) or more than 10 parodies (purple) are also plotted. Strikingly, the absence of parody (blue) appears to be correlated with lower audiences on YouTube for the original, while the presence of parody (purple) is correlated with higher levels of audience viewership of an original work. We also observe that the relationship between presence of parody content and YouTube viewership of original works intensifies when a larger number of parody versions are present, as indicated by the positions of original works with intermediate quantities of parody present (green and yellow). The effect of the presence of parody appears most significant for works at the low end of the retail popularity index, on the left of the plot. These works, which we might term 'minor hits', achieved a higher level of views on YouTube than their performance at retail would suggest. Those minor hits that perform the most exceptionally on YouTube tend to have the largest number of parodies associated with them. The fit line for works with more than 10 parodies converges towards all works at the top of the retail success scale, suggesting that any impact caused by parody is less significant for works that are already retail successes.

In interpreting these results, it is important to note that while a strong correlation between YouTube audience and presence of parody is suggested, it does not imply causation. The most popular content on YouTube is more likely to attract derivative works and public commentary. The results should therefore not be interpreted to infer that that parody content alone is responsible for boosting the YouTube audience for commercial works, although this

is possible. One reason for caution in interpreting a causal relationship between the existence of parody and the size of YouTube audience is that parodies on the whole attract a much smaller audience than original works, thus rendering the direct promotional impact of a given parody much smaller. However, for minor hits with parodies, the mean audience size differs by an entire order of magnitude above the mean for all works, suggesting that any positive effect produced by the presence of derivative works is likely to be strongest felt in this category. The bottom outlier in Figure 4.1, marked with a (1) is the video for *Lego House* by UK artist Ed Sheeran, which attracted slightly more than 1 million views on YouTube, and found moderate success at retail. The researchers located 11 parody videos for *Lego House* on YouTube, none of which were critical target parodies. The total aggregate audience for those parody videos was 5,500 views, suggesting that neither dilution nor substitution was a factor in that particular case.

4.1 Audience for parody videos on YouTube

We have established that there is a correlation between the presence of parodies of an original work and the ability of that work to accumulate a large audience on YouTube. But does it matter if parodies for a commercial work prove popular themselves – particularly if they become more popular than the original work upon which they are based? The proportionate size of the audience for parody versions of a work can give us some indication of the likely presence of substitution effects caused by extremely popular parodies. We therefore calculate the aggregate parody audience for each work by adding up the observed audiences from each video coded in our survey, and compared that to the total viewership observed for the officially licensed version of each of the 343 original works. The researchers found that the parody audience for a given work rarely accounted for a significant proportion of the audience for the original; the median size of the aggregate parody audience was 0.3% of the original audience. For only 83 of the 215 works with parodies did the aggregate parody audience exceed 1% of the audience captured by the original work. In only one case did the aggregate parody audience exceed 100% of the audience for the original work, which occurred with the song *Friday* by American singer Rebecca Black.⁴

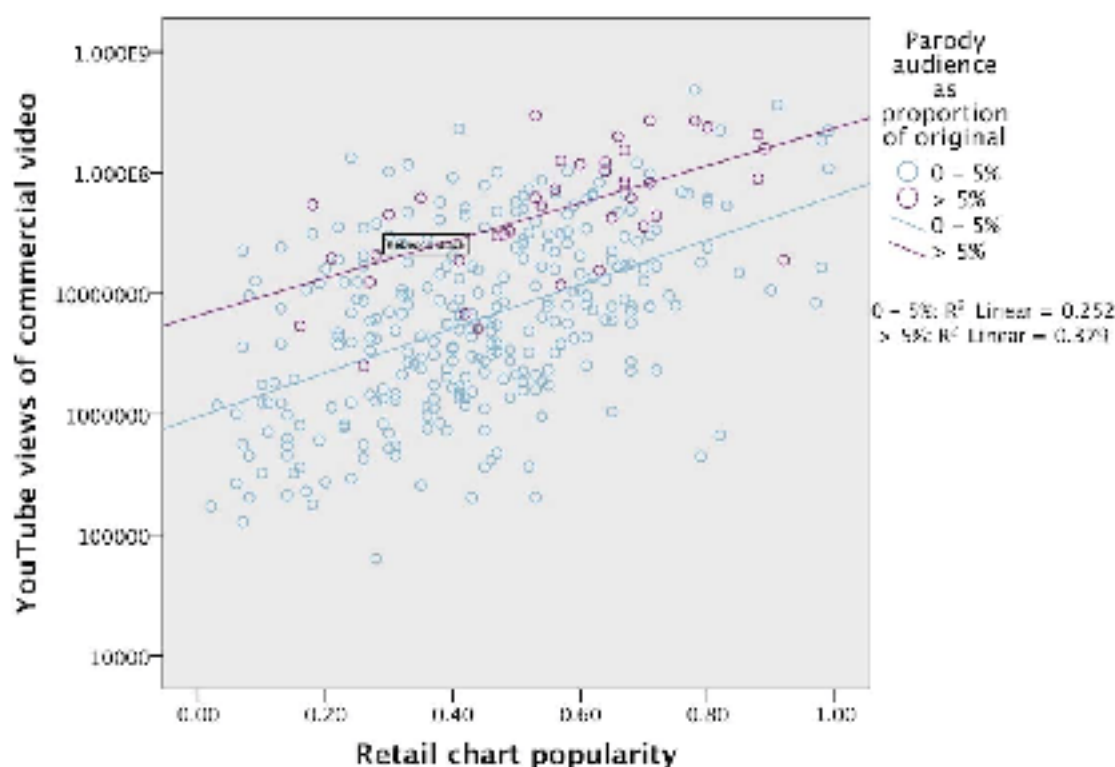
Despite the intensity of negative comments and target parody on YouTube, Rebecca Black appears to have benefitted commercially from the viral attention spawned by negative parody on YouTube. Despite not being signed to a major record label, the single for *Friday* charted at position 55 in the UK and remained on the top-100 chart for 5 weeks. These digital sales were driven almost entirely by word-of-mouth prompted by the YouTube success of the original video. Online viewership of the original work was close to the mean for other songs with a high proportion of parody audience, and greatly outperformed the mean for all works.

Rebecca Black's music video is an outlier in terms of the ratio of parody audience to original audience; in most cases the size of the aggregate parody audience was much lower compared to that of the original work. In only 41 cases in the sample did the parody audience exceed 5%

4 Rebecca Black is an American amateur singer who rose to public attention in 2011 when her family paid for production of a professional music video and released it on YouTube. The original music video attracted a viral audience, accumulating over 20 million views and prompting the family to release the track for purchase on iTunes. Download sales of the song caused it to chart in the UK and therefore appear in our research sample. However, the video was highly parodied, with a total of 900 parodies accounting for 71 million additional views.

of the total audience for the single original licensed work (see Figure 4.2). These 41 cases included 37 songs by artists from the USA, and 4 works by non-UK EU artists (see table in Appendix II). The highest-ranking UK work, which does not appear on this plot, was *Rolling in the Deep* by Adele, which accumulated an aggregate parody audience of 3.1% of the audience for the original. These results confirm that the relative size of audience for parody versions of a work does not appear to adversely affect the performance of the original in the marketplace (in this case VEVO advertising revenue share). The plotted fit line for these 41 works is significantly higher than the fit line for all original works, suggesting that there is a correlation between large parody audiences and larger audiences for original works.

Figure 4.2: Original works with parody audience > 5% of original audience (n=41)



In sum, the evidence for music video content suggests that there is very limited possibility of harm to rightsholders as a result of either the presence of parody content or the size of the audience for parody works. The size of YouTube audience for original works varies across several orders of magnitude, with rate of parody video creation significantly correlated with size of commercial audience on YouTube. On the whole, the proportion of audiences for parodies based on these original works is too small to account for orders of magnitude in variation of audience size, either as a positive lift factor or as a hindrance to success. It is likely that YouTube success is dependent on other factors such as genre of music, age of fanbase, aesthetic features of the original work and marketing budget. The fact that parody creation is highly correlated with YouTube success indicates that the latter may be dependent on factors that make a music video amenable to parody in the first place: its appeal to a younger, digitally literate base of fans and aesthetic cues that invite audience interaction and remix of the original work.

5. Characteristics of parody creators and audiences

Having discussed the potential impact of parody on commercial music videos, we now turn our attention to the parody videos themselves. Like the commercial works to which they refer, parody videos display a high degree of variation in terms of popularity, content, style, production values and level of originality. This variation is key to understanding the potential impact that parodies may have on the market for an original work (such as reputational damage) as well as the effect that any proposed policy changes may have on parodists and their creations. The following section provides an overview of the audience distribution for parody works, before moving on to discuss the production values present in the sample, the range of communicative content and the level of copying and originality present in these derivative works.

In contrast with the primary sample of commercial works, the parody videos based on those works demonstrate extremely skewed audience distribution towards a small number of successful videos (see Figure 5.1). For the sample of 1,845 parody videos, we observe that the top 2% of videos account for 80% of the total aggregate views. The top 5% of videos account for 92% of the audience in the sample. The difference in audience distribution between parody videos and the primary sample of original works is striking; this is likely due to different dynamics of information filtering operating across the two types of content. The lack of resemblance between the distribution of audience for parody works and that for original works (Figure 4.1 above) suggests that the two types of video might occupy separate markets. For commercial music videos, we can assume that there is less 'friction' acting between the song's pre-existing popularity outside of YouTube and the audience that find it on the video sharing platform. After all, there are other channels where audiences might become familiar with a commercial work: the radio, TV or word-of-mouth via friends, before searching for it online. For the group of parody videos, only the last discovery method applies, along with algorithmic suggestion mechanisms at work on YouTube that may direct viewers toward a hitherto unknown piece of user-generated content. The limited number of positions in search engine results, combined with the network effects associated with this type of user-generated content likely contributes to the observed distribution. As evidenced by the figure below, these dynamics result in an extreme power law distribution with highly unequal concentration of viewership. In contrast to received wisdom that user generated content platforms like YouTube promote the ability of small producers to reach a wide audience, we find that the terrain is very competitive indeed; more so than for commercial works with pre-existing audiences.

Figure 5.1: Skewness of audience distribution for parody video sample (n=1845)

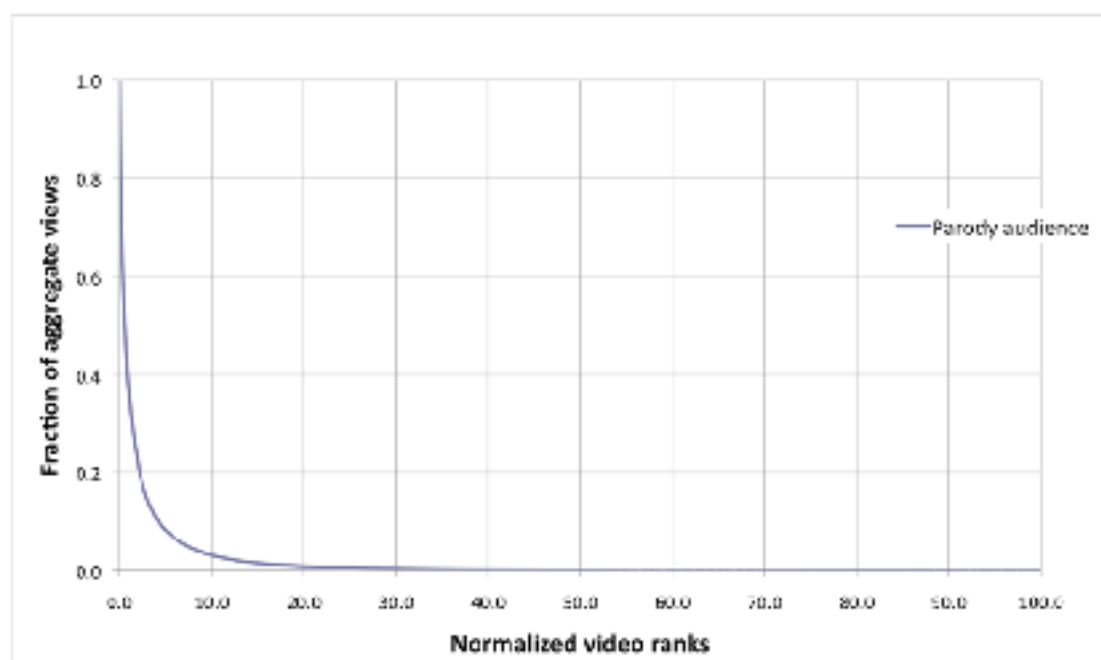
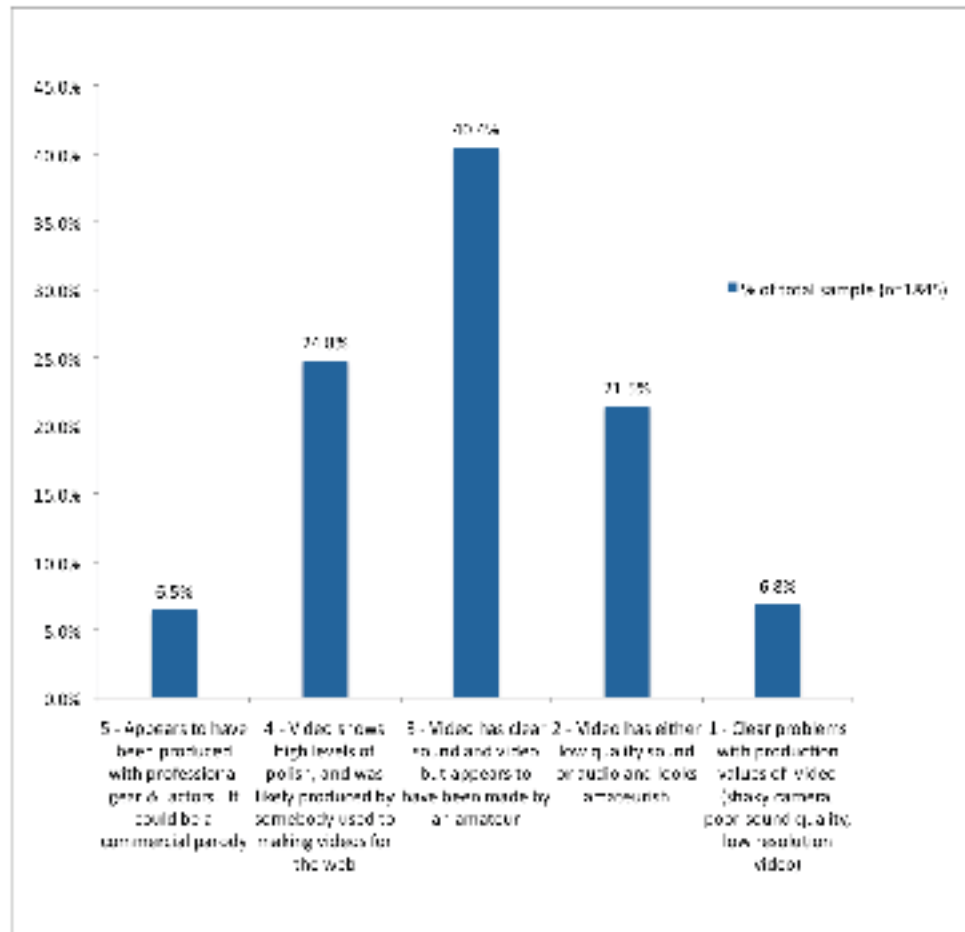


Figure 5.1 notes: the top 5% of videos account for 92% of total audience

5.1 Production values

The most important factor in determining the popularity of a YouTube parody video appears to be the production values present in the video. Production values varied widely across the sample of user-generated parody videos, ranging from grainy videos shot using a mobile phone to more elaborate projects filmed using professional grade equipment (see Figure 5.2). The two categories of videos with the highest production values were those which 1) showed evidence of commercial exploitation, either through revenue sharing (partnership) status or calls to action to purchase digital goods or fan paraphernalia; and 2) those which showed no evidence of commercial interest but nevertheless displayed levels of craft skill consistent with a producer used to making videos for the web. The third category of videos, which made up the bulk of our sample, we classify as 'amateur'. These videos use basic editing techniques (often a single shot trained on the action) and mass-market equipment (evidenced by lower resolution video rates and sound quality). Finally, the bottom two categories were reserved for those productions that contained technical faults. There were as many videos that displayed shoddy technical craft, as there were those displaying higher or professional levels of production.

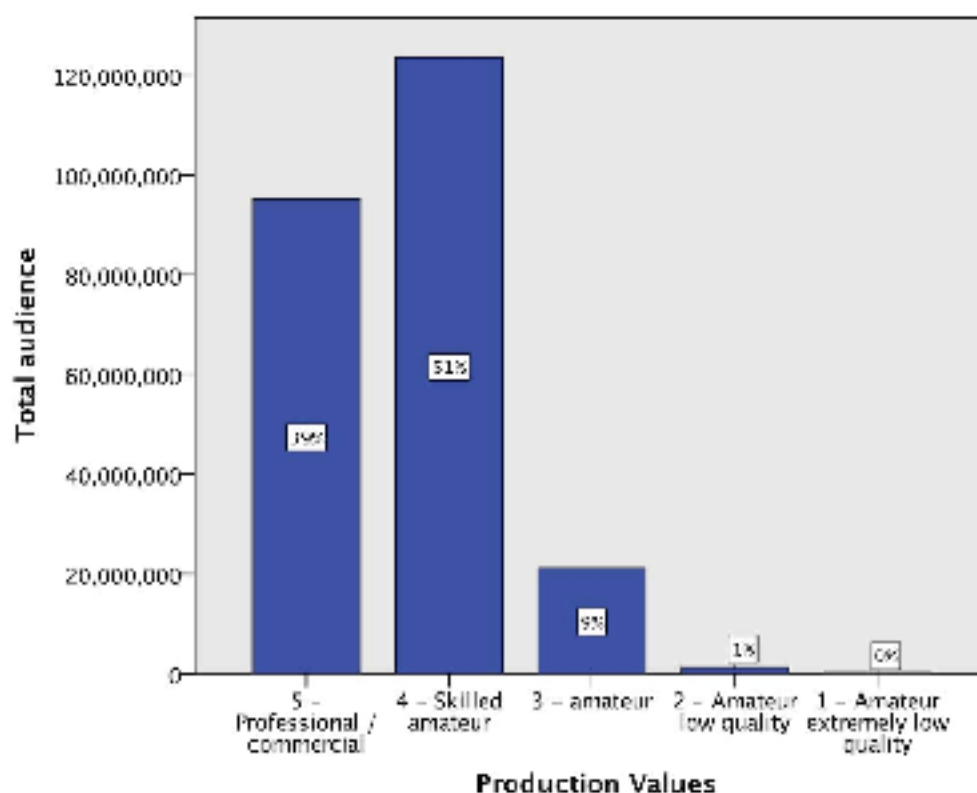
Figure 5.2: Production values across sample of parody videos (n=1845)



Parody videos featuring high production values outperformed their peers in terms of attracting the largest audience. The highest two categories of production values made up 31% of the total sample, but they accounted for more than 90% of the total audience (see Figure 5.3). The very highest category of commercial-quality videos, while making up only 6.5% of the total sample, accounted for 39% of the total audience. Despite making up the bulk of the sample in terms of quantity, amateur and low quality videos captured only 10% of the audience.

Production values alone may not be determinant in predicting audience size on YouTube, but this variable is closely related to other important factors such as the uploader's familiarity with the YouTube platform and the presence of related technical abilities such as search engine optimisation, which helps to increase the visibility of the target content. Many professional and skilled amateur parody video creators included in the sample also maintained their own channels, which serve as a means of showcasing their work. Over time, successful parodists appear to build up significant audiences of channel subscribers, which strongly improves their ability to reach a larger audience with future content.

Figure 5.3: Distribution of total audience by production values



5.2 Types of parody content on YouTube

As discussed in the methodology section above, it was necessary to include additional categories of parody in order to capture the full range of behaviour observed during the qualitative study. An initial pilot exercise revealed that the existing definitions of parody were insufficient to capture the range of video content on YouTube. In addition to target parody, which directs its critique at an original artist or work, and weapon parody, which uses an original work to critique a third party or phenomenon, we added two more classifications of parody. We observed during the pilot study that some content on YouTube described as parody did not contain a critique aimed at either the original work or a recognisable third party. Instead, the primary object of critique in these videos was the performer/uploader herself. These types of videos we labelled 'self-parody', highlighting the fact that the focus of critique was turned against the video maker. These videos often consisted of a parodist drawing attention to an aspect of their physique, their personality, or their social status; other times the focus was on the poor singing or dancing ability of the parody creator.

In a fourth category of video, there was no discernible object of critique. This category included videos in which the performer gave an earnest performance without attempting to mock the original artist or themselves. More recognisable as a cover version or a karaoke, these videos were nevertheless tagged with the word 'parody' by the uploader and were

therefore included in our sample. We refer to this type of content as mislabelled. It should be noted that for the purposes of evaluating the economic impact of parody on commercial works, the researchers filtered from the data those parodies marked as 'mislabelled', but these were found to have no significant outcome on the results. The presence of this category is, however, interesting from the point of view of parodist behaviour, so mislabelled parodies have been retained in this section to provide an additional dimension of comparison.

Despite the presence of at least one new form of parody on YouTube, the traditional types of target and weapon parody remained the most common forms in our sample (Figure 5.4). Critiques of the original artist or work were the dominant type of parody observed on YouTube, followed closely by parodic uses of an original work to target other groups or phenomena. These two traditional forms of target and weapon parody made up two-thirds of the total. Self-parody was a relatively common practice, comprising 21% of all videos observed. The small but notable presence of mislabelled parody warrants consideration due to its uneasy relationship alongside a potential copyright exception for legitimate parody. As discussed in the accompanying legal analysis and synopsis documents, a majority of those parodies lacking a clear focus of critique would likely fall outside of any exception to copyright in those jurisdictions such as France and Australia, where determinations of the target and nature of a parody is important (Mendis & Kretschmer, 2012; Erickson, Ketschmer & Mendis, 2012).

Figure 5.4: Parody videos by type (n=1845)

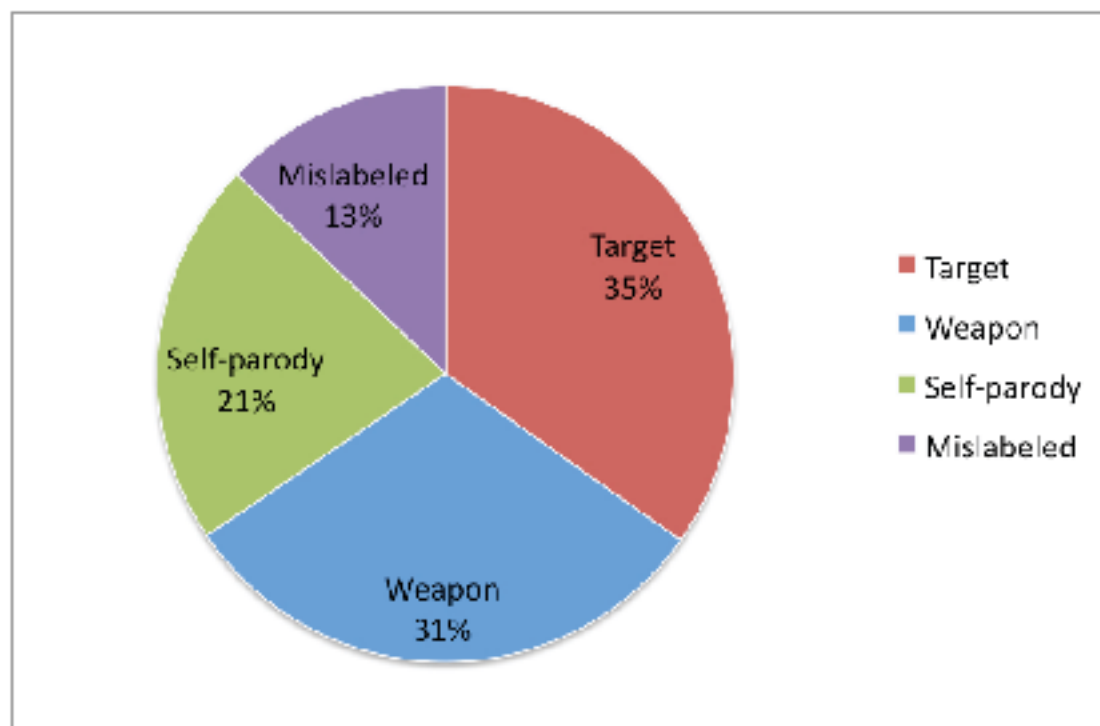
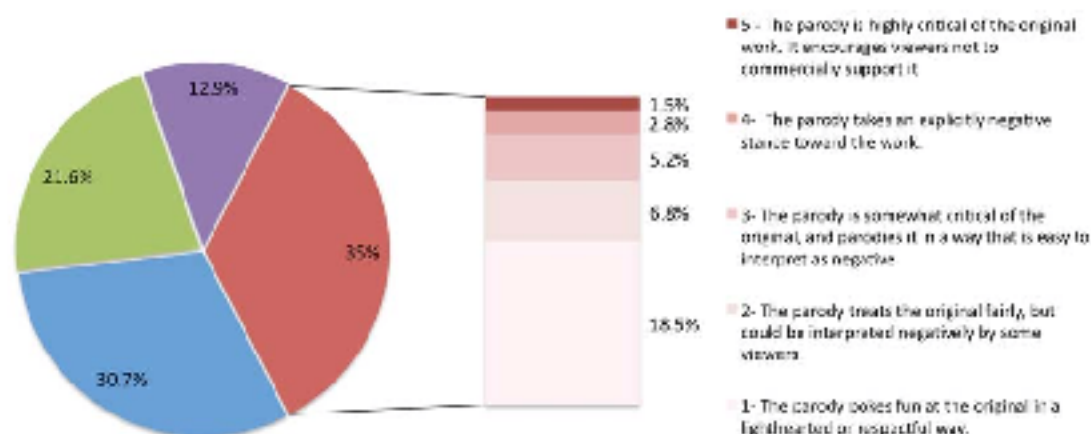


Figure 5.4 notes: type of parody for a sample of 1845 parody videos on YouTube, derived from a primary sample of 343 top-charting music videos for 2011.

In light of the argument that parody content might harm the economic prospects of an original work due to reputational damage, we measured the prevalence of severe critique within the YouTube sample. Somewhat surprisingly, explicitly negative target parody was rare in our sample, with highly negative parodies accounting for only 3.3% of the total sample of 1,845 videos (see Figure 5.5). These videos were those that contained an explicit call not to commercially support an original work. This type of highly critical parody often consisted of drawing attention to negative aspects of an artist's personal life, professional failings, or lack of musical ability.

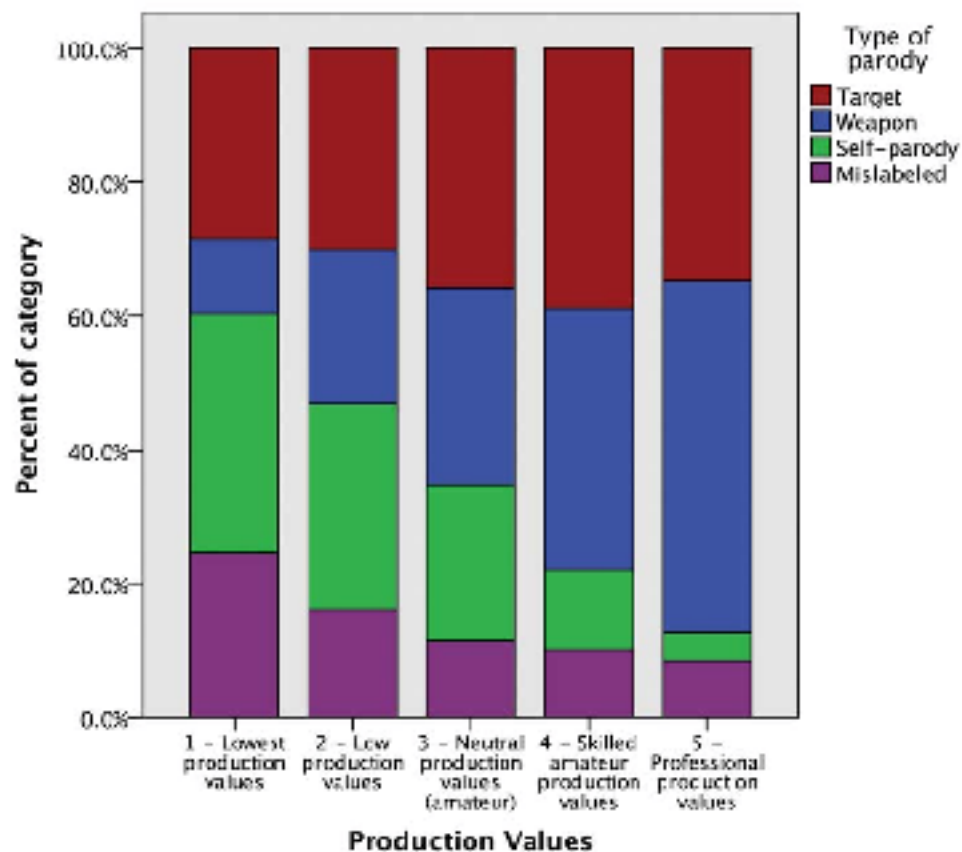
More than half of the target videos studied in the sample adopted a light-hearted approach to the original work, referencing it but not explicitly disparaging the work or its creator. An example of a light-hearted target parody from our sample includes a parodic treatment of Ed Sheeran's *A Team*, in which the parodist altered the lyrics to describe a winter sportsman forlorn because they cannot join the bobsleigh team. In another example, a parodist reworked the lyrics to *Stereo Hearts* by the Gym Class Heroes to profess their love of breakfast cereal. The frivolity of the lyrical alteration barely qualifies these works as target parodies, but it is difficult to imagine a viewer coming away from either parody with an explicitly negative opinion of the artists or their original music videos. These videos may sail closely to definitions other than parody, such as burlesque or persiflage, which is defined as "light banter or railery; a frivolous manner of treating any subject" (OED, 2011).

Figure 5.5: Parody videos by severity of critique (n=1845)



The distribution of parody type is not uniform across the entire sample, varying by both video popularity and production values. In Figure 5.6 we observe that for videos with high production values there is a larger proportion of both weapon and target parody than for videos with amateur production values. This is likely due to increased sophistication about what constitutes parody among skilled video creators, and a corresponding tendency among amateur creators to parody themselves or mislabel their work. Similarly, when we observe the variation of parody type across the range of videos in terms of popularity, we find that videos with less than 100 views predominantly feature mislabelled or self-parody, while more popular videos tend to be either weapon or target parodies, suggesting that the two traditional forms of parody are more appealing to large audiences.

Figure 5.6: Type of parody by video production values



5.3 Copying and transformative use

Central to the legal determination of the legitimacy of a parodic work in a number of territories is the extent to which the derivative work is transformative of the original, as well as the substantiality of the original work that is copied. The survey of parody content on the YouTube platform reveals strong patterns in the extent of copyright elements that are used, as well as new creative elements that are added by parodists. Figure 5.7 presents a summary of the copyright elements re-used by parodists across the sample of 1845 works. The most commonly copied aspect of an original work by a parodist on YouTube was the sound recording (77% of cases) followed by the lyrics of the original (42.3% of cases). In only 1.2% of cases did the parodist reproduce the original video recording from the original work, while in 19% of cases the parodist did not engage in direct copying at all, but used some form of non-literal copying (such as mimicking the musical composition) to reference the original work. The infrequent copying of the original video recording by parodists is somewhat surprising, given that it is a significant aspect of the work that they seek to parody. However, this pattern is consistent with behaviour on the YouTube platform, which invites users to 'broadcast oneself'. Parodists are clearly most interested in expressing their film-making creativity on this platform.

Figure 5.7: Elements copied from original work

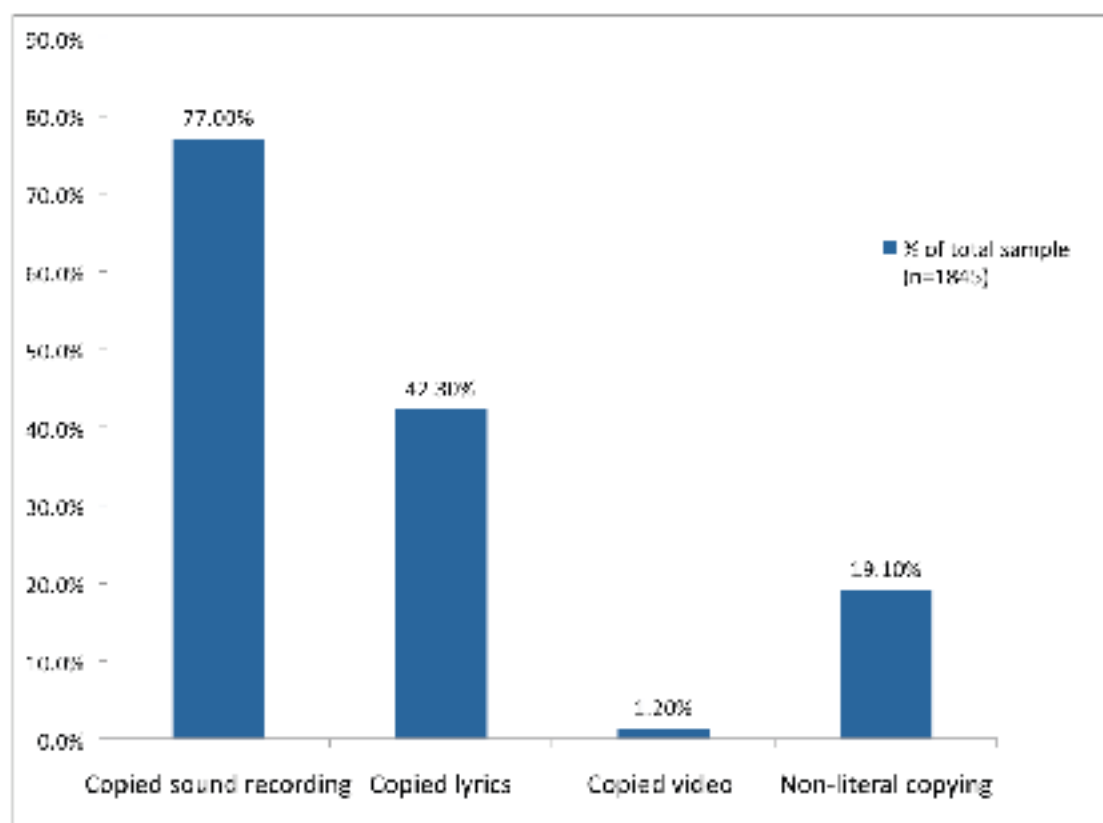


Figure 5.8, which presents data on the new elements added by parodists, offers a near mirror image of the observed copying behaviour. The researchers confirm that in approximately 50% of cases the parodist added new lyrics to the work, and in 86% of cases a new original video recording (often featuring the parodist on camera). The discrepancy between copied and added video recording can be explained by the existence of a second type of video presentation. In nearly 20% of cases, the parodist incorporated third-party copyright video materials in an edited or remixed fashion, sometimes making up the entirety of a new derivative video recording. New music was the least commonly added element in music video parodies, and this activity was slightly more strongly present in videos featuring higher production values, perhaps as a tactic to evade the Content ID matching system and commercially exploit the new parody (see Figure 5.9).

Figure 5.8: New elements added by parodist

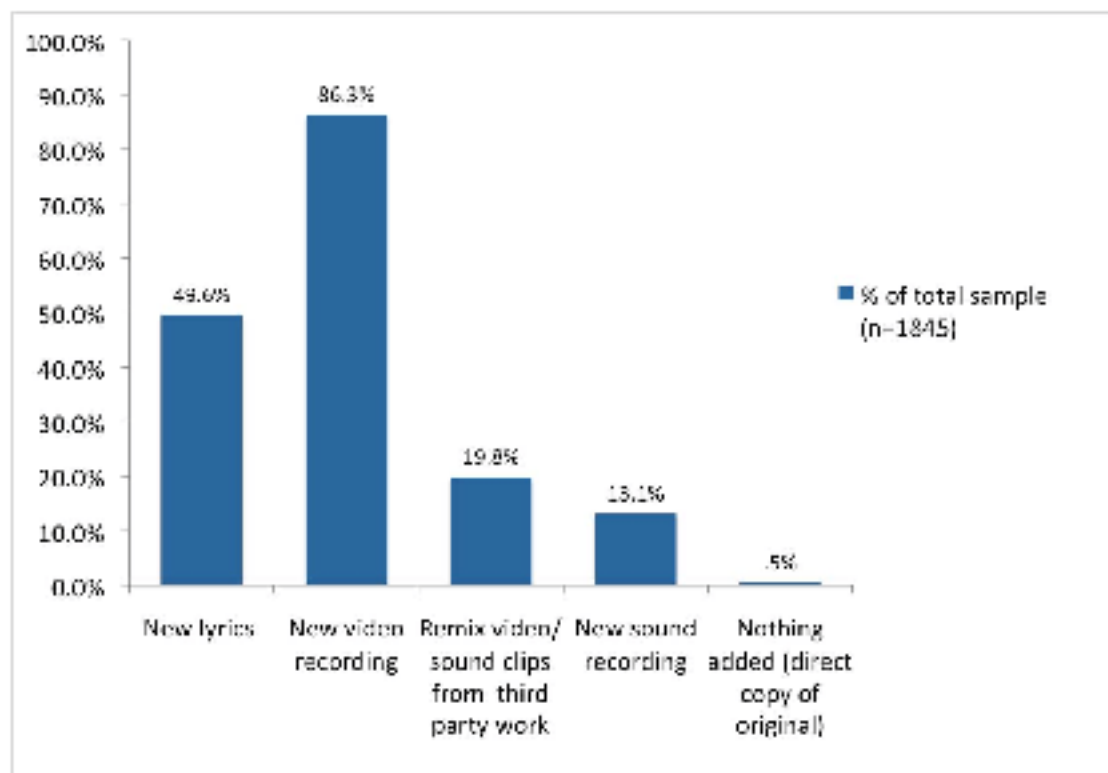
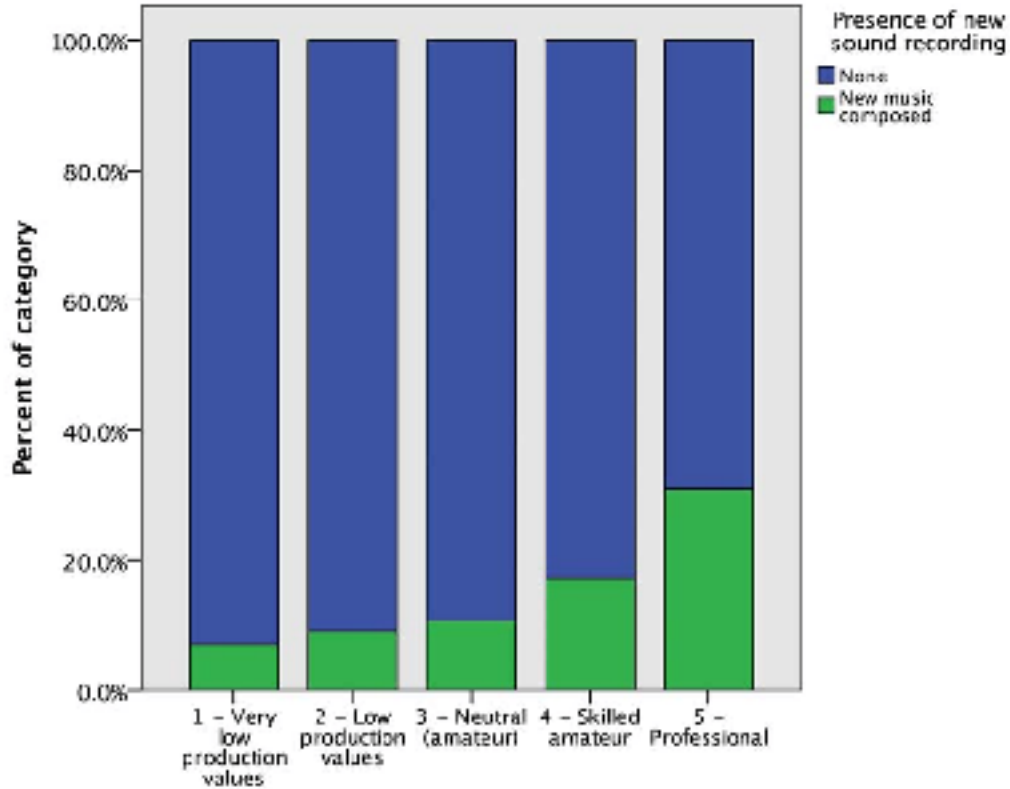


Figure 5.9: Presence of new sound recording by production values



The quantity of elements copied and new elements added varies somewhat across the different categories of video production (see Table 5.1). While most parodists used some aspect of the original, the practice was most significant for videos displaying low production values. For videos with high production values, a larger proportion added new lyrics than their counterparts with lower production values. Similarly, videos with high production values feature a larger proportion of new video recordings and new music than their counterparts with low production values (see Figure 5.9). This suggests that there is a relationship between skill on the part of the parodist and their ability to make successful transformative use of an original. It is likely that the prospect of composing new music to accompany a parody video poses a barrier that is too high for a large number of YouTube content producers to overcome; only those parodists with technical skill and musical talent are able to jettison the original sound recording, create new music and add new lyrics to their work. However, even among the amateur video creators we note that a large proportion do add original or remixed video recordings to their work.

In Table 5.2 we note that in only 29% of cases did videos featuring high production values copy the lyrics from the original work, while videos featuring lower production values were more likely to directly copy the lyrics. Both groups of parodists made significant use of the original sound recordings in their parodies, although professional video makers were less likely to directly copy the sound recording, likely due to the presence of higher skill and a desire to circumvent YouTube rules about copyright infringement as well as the Content ID system. Both groups (amateur and professional) avoided direct copying of the original sound recording, although amateurs were more likely to use an edited collage to replace the original work.

Table 5.1: Elements added to parodic works according to production values

	Amateur / low production values		Professional / High production values	
	Count	% of cases	Count	% of cases
Elements added by parodist:				
New lyrics	539	42.70%	374	64.90%
New original video recording	1064	84.20%	522	90.60%
Edited video/sound clips from a 3rd party work	276	21.90%	90	15.60%
New music (including covers of original)	125	9.90%	116	20.10%
Nothing added	9	0.70%	1	0.20%

Table 5.2: Elements copied from original works according to production values in resultant parody

	Amateur / low production values		Professional / High production values	
	Count	% of cases	Count	% of cases
Elements copied by parodist:				
Copied lyrics	601	48.00%	168	29.70%
Copied video recording	12	1.00%	9	1.60%
Copied sound recording	985	78.60%	417	73.70%
Non-literal copying (musical composition)	219	17.50%	127	22.40%

6. Estimating the Market for Online Music Video Parody

In 2011, YouTube announced that it would invest \$100 million USD (£62 million) in new content commissioned exclusively for the platform. Consistent with its focus on short format, web-friendly material, this investment is expected to target small, independent content producers (Vascellaro et al, 2011). At the same time, Google has acquired a number of video production studios that have successfully leveraged their expertise to draw in large audiences on the platform; the 2010 acquisition of Next New Networks and its subsidiary content channel *Barely Political* is one example of this strategy. Members of the *Barely Political* production team already produce music video parodies under the brand *The Key of Awesome*, and their commercial-quality content frequently appeared in our research sample. Given the privileged position of music video content in YouTube's repertoire, it is likely that music-related content, including parody, is seen as a potential growth area for the video platform.

Google shares some of the revenue generated by advertisements with its most popular and prolific contributors under its 'partner' programme, launched in 2007. This system allows video creators to opt-in to monetisation of their content, by allowing ads to display around and over top of the video as it plays. YouTube reportedly shares 55% of advertising revenue earned with partners. Advertising revenue is calculated on a *cost-per-mille* or CPM basis, and corresponds to the amount paid to the publisher for 1000 impressions (specifically video playbacks). Google does not publicise the CPM rate earned on its videos, and it is likely that the rate varies depending on factors such as the quality of the underlying video, season of year, and region of viewership. However, by taking the publicly available estimates, we can derive the likely CPM range for a typical YouTube partner video:

Reported YouTube Advertising CPM (Source / Amount)

- CitiGroup \$1.43
 - TubeMogul/Social Times \$1.50
 - Digital Music News \$2.00
 - Quora \$4.85
 - Wired \$5.00
-

The publicly reported estimate of advertising revenue earned by Google for one individual YouTube video ranges from \$1.43 - \$5.00 USD per 1000 views. Based on these figures, and knowing the total audience for all music video parodies identified in the sample, we can derive a sense of the total market for user generated or amateur music video parody in 2011 (see Table 6.1).

Table 6.1: Estimated market for music video parody content in 2011

Type	Total Audience*	Google's Monetised revenue **	Potential revenue share to creators***	Potential revenue per parody video
All parody music videos (n=8299)	655,799,670	£810k - £2.02m	£335k - £1.11m	£40 - £133
Skilled amateur or higher (n=2889)	594,154,501	£552k - £1.83m	£467k - £1.00m	£105 - £346
Commercial quality (n=531)	255,958,611	£238k - £786k	£131k - £432k	£246 - £813

The complete sample of 8299 parody videos referencing hit songs from 2011 generated a total aggregate viewership of more than 655 million playbacks. However, based on the CPM rates estimated above, the total advertising revenue generated by this audience likely did not exceed £2.02 million pounds for last year. This amount, when shared with content partners, represents an aggregate high-end revenue estimate of £1.11 million pounds for parody producers. Distributed equally among all parody videos in the sample, this would result in revenue-per-video of less than £130. Because skilled parody producers captured a larger share of the total audience with well-made videos, the revenue earned by skilled amateurs and professional producers is considerably higher at £246 or greater per video. Clearly, the online video market is still in an early phase, and may grow in importance in the coming years. Financial analysts at CitiGroup estimate year-on-year increases in advertising revenue of 15% in 2012, and this may accelerate as more viewers and advertisers move online (Schonfeld, 2011). The above market calculation also excludes indirect benefits that may accrue to independent producers such as merchandising and live performance opportunities.

7. Conclusion

The preceding discussion has presented what is likely the first large-scale study of economic effects of parody on original works in a new media environment. The research has focused on one specific but important site of video content production and consumption. Consequently, the recommendations that follow from this study are most relevant to the treatment of parody in the online video context, although it is hoped that insights can be drawn and applied to other markets. Further research is needed to assess the potential impacts of parody works in other mediums such as TV, print, photography and interactive games. However, the richness of the data available on YouTube has made it an ideal first point of entry to explore the relationship between parody and commercial content. The following considerations are drawn from this research:

7.1 Economic damage

On the balance of evidence, we can assert that the presence of parody content on YouTube does not interfere with the ability of rightsholders to exploit music video content on that platform. We have evaluated two potential sources of economic harm – substitution and reputational effects – finding no compelling evidence in either case that parody is damaging to the original in terms of the latter's ability to attract and monetise an audience via the online platform.

For 88% of the commercial works sampled, the total audience for associated parody was less than 5% of the original audience. In only 7% of cases did the aggregate parody audience exceed 10% of the audience for the original work. In anecdotal cases where the proportion of parody audiences was high, such as with Rebecca Black's *Friday*, there was no negative impact observed. We found no evidence that either the presence of a large number of parody works or a large aggregate parody audience had any negative impact on the performance of an original work. In fact, the presence of parody content is positively correlated with higher YouTube viewership for original works. If parody has a beneficial impact on the audience for an original work it is likely to be small; the presence of user-generated parody may be most beneficial to minor hits that can benefit from discovery via social media word-of-mouth.

Reputational effects are harder to identify and track due to the large number of factors that influence reputation, and the range of channels where such effects could manifest. However, our data does supply some guidance whether such dynamics could be present on the YouTube platform. Only 9.5% of videos sampled were explicitly negative towards the original work. In the remainder of cases the focus of critique was ambiguous or was directed at a third party. Amateur content, which constitutes the majority of the sample, was less likely to take a critical stance toward the original work. The fact that a high rate of parody video creation does not correlate with lower audiences for original works on YouTube is further evidence that any reputational effects are not being felt in terms of viewership and therefore in advertising revenue.

7.2 Transformative use

If YouTube is being used as a platform by music pirates to copy and distribute original works without the permission of the rightsholder, this activity is not being masked by tagging direct copies as parody works. Only 0.5% of our total sample consisted of direct copies of the original. In almost every case the parodist added a new creative element to the original work, transforming it in some way. In 98.8% of cases the parodist jettisoned the original video recording and added a new one, consistent with YouTube as a showcase of amateur video content. A high degree of transformative use was evident in other aspects as well, with many users writing new lyrics to accompany their parodies and in some cases adding new music recordings to mimic the original composition (non-literal copying).

Production values in the majority of parody videos sampled did not approach the level of quality of original commercial works, eliminating the chance of confusion. User-generated videos with amateur production values accounted for 69% of the total sample, while videos with higher production values made up the remaining 31% of our sample. The presence of higher production values was correlated with greater levels of transformative use, suggesting that skilled content creators are making use of their abilities to add more creative layers to new works. Videos with higher production values and greater transformative qualities reached a wider audience than more derivative works. On a highly competitive platform such as YouTube, this suggests that there are clear incentives for video creators to be innovative and offer a substantial creative contribution.

7.3 Economic and cultural benefits

The researchers observed a broad range of cultural practices and communicative acts present in the sample of 1,845 parody videos. For 87% of the parody videos surveyed there was an identifiable target of critique, be it the original pop artist, the parodist themselves, or a third-party social phenomenon or issue. Among the weapon parodies identified in the survey, the topics of critique included the global financial crisis, portrayals of gay and lesbian identity, racial stereotypes, religious messages, health and fitness, famous historical figures, educational subjects like math and physics, romantic relationships and the growing dominance of social media. On the whole, parodists appeared to be more concerned with communicating new ideas to an audience than taking aim at the original commercial artist: Less than 10% of the total sample involved parody that was explicitly negative towards the original work. Interestingly, the parodist themselves appeared on camera in 78% of cases, suggesting a desire by new media audiences to appropriate and personalise media texts. In a society that values free expression, we should be attuned to opportunities for political speech opened up by new media platforms such as YouTube.

In addition to cultural expression, our research suggests that enabling user-generated content such as parody could have positive economic benefits for the UK. Instead of an economic justification for limiting parody content, we find compelling reasons to promote the creation of more parody content based on original UK works. Data reveals a relationship between audience for original works and the presence of parody, indicating that certain types of original content trigger higher levels of user engagement on YouTube and that this dynamic may be beneficial to rightsholders in terms of generating online advertising revenue, particularly in cases when derivative works are monetised via Google's Content ID matching system.

Amateur parodists themselves may be a source of future economic advantage for the UK. While it is unlikely that increasing the number of YouTube parodies would significantly increase the audience for UK music for reasons discussed above, it is troubling that UK works appear to be less frequently parodied on the YouTube platform. This lack of parody suggests a lack of engagement by audiences in this country, a key metric of success in the digital era. As social networking effects become more pronounced in content filtering and discovery, the ability of fans to connect with content online will be increasingly determinant on the commercial success of that content in the global market. We already see a pattern suggesting that US pop music is attracting more parody and a larger audience for those parodies, indicating that those works are more appealing – legally and aesthetically – to reinterpretation and remix by fans.

In addition to assisting the commercial success of original works via word-of-mouth, social networking platforms open up new market opportunities for smaller producers. The prevalence of small-scale, professional sketch comedy groups involved in parodying (mostly US) content is evidence of an emerging market for web videos. The current legal status of parody in the UK will prevent such small-scale exploitation of original works in this country, while enterprising creators in the USA are already pulling ahead in terms of developing the skills needed to reach and monetise online audiences. We therefore concur with the assessment by Professor Hargreaves that 'video parody [...] encourages literacy in multimedia expression in ways that are increasingly essential to the skills base of the economy' (2011: 50).

Appendix I

Survey Instrument Used to Code Parody Videos

Q1: What is the 4-letter ID of the original work referenced in this Parody?

Q2: What is the URL of the parody video?

Q3: How many views has the parody video received?

Q4: Did an advertisement display during the parody video? [Multiple answer]

- Pre-roll
- Mid-roll
- None

Q5: What date was the parody video uploaded to YouTube?

Q6: What type of parody is this?

- Target (focus of critique is the original work)
 - Weapon (focus of critique is some other third party)
 - Self-parody (focus of critique is the parody performer)
 - Mislabelled (uploader has used the term parody to tag this video, but it is not clear that the new work is a parody)
-

Q6b: Rate the severity of criticism towards the original work, on a scale of 1 to 5

- 5) The parody is highly critical of the original work. It encourages viewers not to commercially support the original work
- 4) The parody is critical of the original work and takes an explicitly negative stance towards the work
- 3) The parody is somewhat critical of the original and parodies it in a way that is easy to interpret as negative by most viewers
- 2) The parody treats the original fairly, but could be interpreted negatively by some viewers
- 1) The parody pokes fun of the original in a light-hearted or respectful way

Q7: What aspects of the original work are copied in this parody?

- Copied words (lyrics)
- Copied video recording
- Copied sound recording
- Nothing directly copied from original work

Q8: How else does the parody reference the original?

- Mimicking scenarios or situations portrayed in original work
 - The tune (but not an exact copy of the original sound recording)
 - Fitting words to rhyme with original song
 - Delivery of words (structure)
 - Costume/dress/appearance of performer
 - In the title of the parody video
 - In the description below the video
 - Other (specify)
-

Q9: What new elements has the parodist added to this video?

- New lyrics (words)
- New original video recording
- Edited in video/sound clips from a third-party work
- New music (including covers of original)
- Nothing new added

Q10: Do the parodist(s) appear on camera in the parody video?

- Yes
- No
- Unsure

Q11: On a scale of 1-5, rate the production values of this parody video.

- 5) Video appears to have been produced with professional gear and features trained actors. It could be a commercial parody
- 4) Video shows high levels of polish, uses good camera and audio equipment and was likely produced by somebody used to making videos for the web
- 3) Video has clear sound and video but appears to have been made by an amateur
- 2) Video has either low quality sound or audio and looks amateurish
- 1) Clear problems with production values of video (shaky camera, poor sound quality, low-resolution video)

Q12: What is the gender of the parody performer?

- Female solo
 - Male solo
 - Female group
 - Male group
 - Mixed group
-

Appendix II

Original works with Aggregate Parody Audiences Greater than 5% of Audience for Original Work

Rank	Song Title	Artist	Territory	Original Audience	Aggregate Parody Audience	Proportion of Parody Audience to Original
1	Friday	Rebecca Black	USA	20,665,038	71,020,621	343.6
2	We R Who We R	Kesha	USA	42,151,552	38,542,452	91.4
3	Born This Way	Lady Gaga	USA	86,571,546	43,306,997	48.9
4	Danza Kuduro	Lucento and Qwote	EU	5,068,061	2,280,612	45.0
5	Sexy and I know it	LMFAO	USA	199,494,259	62,013,560	31.1
6	I Need a Dollar	Aloe Blacc	USA	18,665,925	5,529,730	29.6
7	Headlines	Drake	USA	18,835,699	4,341,394	23.3
8	Power	Kanye West	USA	29,967,491	6,793,173	22.7
9	Hold on	Wilson Phillips	USA	2,501,658	556,339	22.2
10	How To Love	Lil Wayne	USA	44,608,014	9,374,706	21.0
11	I Need a Doctor	Dr Dre ft Eminem, Skylar Grey	USA	81,552,544	15,620,239	19.2
12	Blow	Kesha	USA	31,135,008	5,006,858	16.1
13	The Lazy Song	Bruno Mars	USA	265,779,835	41,026,790	15.4
14	Strange Clouds	Bob ft Lil Wayne	USA	5,333,453	745,490	14.0
15	Hello	Solveig & Dragonette	EU	15,396,339	2,066,758	13.4
16	Mr. Saxobeat	Alexandra Stan	EU	43,251,545	5,602,000	12.9
17	We Found Love	Rihanna	USA	121,193,476	15,515,727	12.8

18	ET	Katy Perry ft Kanye West	USA	158,045,175	18,992,974	12.0
19	Last Friday Night	Katy Perry	USA	153,041,576	18,012,700	11.8
20	I'm on one	DJ Khaled	USA	19,437,678	2,234,020	11.5
21	Give Me Everything	Pitbull ft. Ne-Yo, Afrojack, Nayer	USA	208,412,678	23,587,244	11.4
22	Only Girl in the World	Rihanna	USA	205,843,402	23,054,019	11.2
23	Lighters	Bad Meets Evil ft Bruno Mars	USA	35,526,588	3,918,604	11.0
24	Hold It Against Me	Britney Spears	USA	72,752,342	7,969,977	11.0
25	Judas	Lady Gaga	USA	125,077,897	13,023,000	10.4
26	The One that Got Away	Katy Perry	USA	62,114,073	6,253,000	10.1
27	It Will Rain	Bruno Mars	USA	52,448,085	4,904,705	9.4
28	Tonight I'm Lovin You	Enrique Iglesias ft Ludacris	USA	78,819,512	6,404,050	8.1
29	Bottoms Up	Trey Songz ft Nicki Minaj	USA	53,948,349	4,164,810	7.7
30	Grenade	Bruno Mars	USA	237,864,343	18,031,110	7.6
31	Never Say Never	Justin Bieber ft Jaden Smith	USA	296,708,630	22,259,651	7.5
32	Firework	Katy Perry	USA	268,535,562	19,832,663	7.4
33	Black and Yellow	Wiz Kalifa	USA	116,320,622	8,273,681	7.1
34	Backseat	New Boyz Ft. The Cataracts	USA	12,318,036	832,774	6.8
35	Roll Up	Wiz Kalifa	USA	61,649,699	4,045,283	6.6
36	Turn Me On	David Guetta ft Nicki Minaj	EU	6,721,453	440,517	6.6
37	Just Can't Get Enough	Black Eyed Peas	USA	102,601,581	6,713,151	6.5
38	You Da One	Rihanna	USA	32,921,982	2,128,941	6.5
39	Dirty Talk	Wynter Gordon	USA	11,593,253	719,223	6.2
40	Yeah 3X	Chris Brown	USA	83,486,258	4,961,309	5.9
41	Pumped Up Kicks	Foster the People	USA	61,677,545	3,654,192	5.9

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