

QUT Digital Repository:
<http://eprints.qut.edu.au/>



Humphreys, Sal M. (2008) The challenges of intellectual property for users of Social Networking Sites: a case study of Ravelry. In *Proceedings Mind Trek*, Tampere, Finland.

© Copyright 2008 Association for Computing Machinery (ACM)
This is the author's version of the work. It is posted here by permission of ACM for your personal use. Not for redistribution. The definitive version was published in *Proceedings MindTrek 2008*, October 6–9, 2008, Tampere, FINLAND.

The challenges of intellectual property for users of Social Networking Sites: a case study of *Ravelry*.

Dr Sal Humphreys

Queensland University of Technology
Musk Ave, Kelvin Grove, 4059
Brisbane Australia
Ph. 61 7 3138 8175

s.humphreys@qut.edu.au

ABSTRACT

This paper examines how the complexity of motivations and practices found in a specialist social networking site intersect with the institution of intellectual property (IP). IP is a set of conventions and legal practices which evolved in a very different environment of production and distribution. In a co-creative social networking site we find a concatenation of amateurs, semi-professionals and professionals, occupying multiple roles in gifting economies, reputation economies, monetised charitable economies and full commercial economies. People use, buy, sell, give away, and consume in this mixed economy that can be characterised as a 'social network market' [8]. The users of online social networking sites (SNS) find themselves having to come to grips with the complexity of IP law in order to participate fully. This paper uses *Ravelry*, a specialist SNS for knitters and spinners, to analyse the negotiations that take place around IP in a social network market, in particular the way the discourse of copyright is mobilised to negotiate the territory between amateurs and professionals.

Categories and Subject Descriptors

K4.4 [Electronic Commerce] *Intellectual Property* **K.5.2 [Governmental Issues]** *Regulation*

General Terms

Human factors, legal aspects

Keywords

Social networking Sites, Intellectual Property, Social Network Markets

1. INTRODUCTION

"Nobody likes click through agreements and it would be so much easier if we avoided the topic altogether, but I feel like somebody has to do it. Designers need to be able to make their wishes known (and enforceable) and customers need to know what they are really buying."

"...non-legal discussion of copyright, license, etc.[is] such a blithering mess."

Permission to make digital or hard copies of all or part of this work for personal or classroom use is granted without fee provided that copies are not made or distributed for profit or commercial advantage and that copies bear this notice and the full citation on the first page. To copy otherwise, or republish, to post on servers or to redistribute to lists, requires prior specific permission and/or a fee.

MindTrek '08, October 6-9, 2008, Tampere, Finland.

Copyright 2008 ACM 978-1-60558-197-2/08/10...\$5.00.

"Copyright stuff makes my head hurt..."

(comments on the discussion boards of *Ravelry*)

In this paper an analysis of the discourses and practices around intellectual property is carried out on the specialist social networking site *Ravelry*. This site is for knitters, spinners and crocheters and although only in beta at this stage, has attracted over 150 000 users in a little over a year, many of whom are very active contributors to the site. Users have their own profile areas where they are able to upload photos of the items they are knitting, with details of the yarn they used and the patterns they followed and any modifying done for their own purposes. These details are aggregated with other users' project details, and also linked variously to commercial and non-commercial places where the patterns or yarn are available (sometimes for sale, sometimes for free in the case of patterns), both on and off the *Ravelry* site. Local yarn stores and libraries are also linked to (with maps and contact details). Searches allow the user to browse photos of the multiple versions of a pattern that have been knitted by other users, thus allowing them to see how the pattern looks in different yarns, sizes, colours and variations/modifications. Sometimes there are hundreds of finished versions of a particular pattern available for viewing. Comments about patterns and yarns are made, alerting people to their pitfalls or joys, there is a 'favoriting' system which generates searchable popularity metrics in all available categories and so on. Much of the data available about the patterns and yarn has been previously available elsewhere on the net, but the aggregation of the data into one very user-friendly searchable database which draws on user-generated content has proved immensely successful.

Designers are able to upload their patterns to either sell or give away, with a PayPal payment system in operation within the site. They can link to their own websites if they already have an online payment mechanism available there. Advertising is also available on the site, with both commercial retailers and individual designers paying for ads on the site. *Ravelry* also has very active discussion boards about not only all things associated with yarn, knitting and crocheting, but also politics, religion, special interests and so on. These boards are surprisingly well populated. By June 2008, a little over a year after the public beta test began, there were over 6000 groups and there had been over 5 million posts to these boards. Several of the boards maintain a reasonably concentrated focus on intellectual property – one, named 'copyright matters' has numerous threads dedicated to trying to unravel the complexity of intellectual property as it relates to knitting and patterns and cross-jurisdictional confusions. Another

is for the *Ravelry* ‘shopkeepers’ which regularly deals with copyright and licensing issues confronting the designers who sell through the site. The designers’ boards (which have both professional and amateur designers) are also a frequent source of debate about IP. The ease of publication, the ease of copying and the enormous reach of the distribution network have changed the characteristics of the flows of information for this niche community. The role of intellectual property as a commercializing mechanism can be used in the analysis of interactions between sociocultural networks and commercial networks.

Like modding communities in games [2,7] participants have a variety of motivations, rationales and justifications for their decisions to sell or give away patterns, and employ various discourses in their discussions and arguments on IP issues. What becomes clear in the analysis of this site’s discussion boards is that even with highly motivated participants who are trying to ‘do the right thing’, the legal quagmire that is intellectual property law defeats many. Having to go to the expense of seeking legal advice to publish a pattern or figure out licensing across global jurisdictions is a strong disincentive for some. This body of law is clearly inadequate to the task of catering to mixed economies, diverse motivations and the changed distribution channels available. The other effect I want to analyse in this paper is the way the discourses of copyright and licensing are drawn upon to support a valourisation of commerce over gifting. IP can be seen to be used in the service of a shift from gifting to commercial *culture* as the dominant mode of practice. However the success of such a shift is by no means a given, and the outcomes are still emergent. In this paper I give some preliminary analysis derived from the discussion boards of the site.

2. SPECIALIST SOCIAL NETWORKING SITES

Intellectual property is a legal institution built around a particular set of mechanisms for publication and distribution that are quite changed by an online networked production environment. A social networking site gives a concentrated view of these changed processes, with the relations between not only people, but objects, made more explicit and visibly articulated. boyd and Ellison offer the following definition of a social network site:

web-based services that allow individuals to (1) construct a public or semi-public profile within a bounded system, (2) articulate a list of other users with whom they share a connection, and (3) view and traverse their list of connections and those made by others within the system. [5]

To this definition, in the context of a specialist SNS we can add that the environment also makes it possible to view and traverse the connections between objects – to witness the variations, modifications, derivations that emerge, to track the use and reuse of objects.

There are four aspects of SNS sites that intensify more general debates about IP. The efficiencies of aggregation and searchability bring them into sharp relief. The first aspect is that of the lowered barriers to publication. The ability of small scale designers, both amateurs and those who wish to sell their work, to publish into an environment without having to deal with the gate-keeping mechanisms of the large conventional publishing houses has resulted in a flood of self-published content. This also implies a large cohort of authors not literate with copyright or IP more

generally, and not aware of what their rights and obligations as publishers might be. Secondly, while knitting patterns have been available on the internet for some time, the concentration of patterns available within this specialist SNS environment is new. There is a heightened awareness of how easy it is to copy and how little users understand about copyright. Thirdly, the global distribution enabled by the internet means self-publishing designers have easy access to an enormous distribution network. Designers publishing through a publishing house have rarely had to deal with the cross-jurisdictional issues of IP. Now they need to understand what their rights and obligations are in multiple jurisdictions across the globe. There are designers from many countries selling their work to users in many other countries through the site, and each has to come to terms with the variations in law, as well as the variations in cultural practices that emerge through such a site. These three first elements all have as an underlying factor the issue of scale. What was once local and manageable has become large and complicated. The fourth aspect is the co-existence within the same environment of amateur, semi-professional and professional users. While Leadbeater and Miller describe some of this phenomenon in their work on the pro-am revolution, they fail to problematise the friction that the harnessing of amateur inputs into professional contexts creates [6]. Benkler [4] has discussed at length the differing structures, motivations and benefits of market and non-market networks. Social and gift economies rely on motivations quite different from commercial economies. People tend to be motivated by nonfinancial rewards such as social status, the intrinsic reward inherent in creative activities, the idea of giving back to the community to which the user belongs and so on. He also points to the many efficiencies of being able to tap into such a large pool of talent and know-how, and the different organisational structures generated by these arrangements.

What is perhaps more interesting than this non-market/market dichotomy is to consider the *hybrid* market environments where there is no such clear distinction between the social and commercial economies – where instead they co-exist in the same space, and where some people occupy different positions over time within the same markets. It’s possible to identify people who both give away *and* sell their content [2,3]. People negotiate and occupy positions within social, reputational, gifting, and commercial economies – sometimes simultaneously, sometimes sequentially. In this complex environment, the social networks matter as much as the commercial or financial networks and each shapes the other to some extent. Potts *et al* [8] suggest we need to understand creative industries in terms of these ‘social network markets’. Their work provides a useful start in trying to understand the mechanisms at work in social network markets, and how social networks influence both production and consumption within creative industries. Sites like *Ravelry* which rely on user-generated content, that is not necessarily financially remunerated provide a good starting point for analysis.

The strength of the social networks generated within a site, and the willingness with which users will contribute their own content to the databases obviously drives the economic success of these sites for the owners, but also for the users. The mechanisms which coordinate the range of activities within a specialist SNS could be considered emergent, rather than fixed, at this stage. How these emergent forms articulate a relationship with existent forms is of key interest. Attention should be paid to an institution such as

intellectual property and its 'fit' with new practices – how it shapes the practices of users, and whether some new mechanism of coordination may be emerging. If exchange is not all commercial, how can a mechanism of property, designed to signify ownership in a commercial landscape, adapt? If the number of copyright holders has exploded into millions who access distribution without recourse to an established publishing house and legal experts, what is to be done about the behemoth of copyright law that is incomprehensible to all but the most specialised legal minds?

This paper describes the social encounter with a legal institution, rather than the institution itself. It will also become clear from the analysis below that the discourse of intellectual property can be mobilised in the service of various self-interested arguments on the part of users – it can be used in the service of cultural norming, mobilised to enforce a particular ethics and to valorise particular behaviours over others. It is thus important to understand it as not only a series of legal mechanisms, but also as an ideological tool.

3. PARTICULAR CHARACTERISTICS OF RAVELRY

The particularities of each specialist SNS will obviously impinge on the kinds of practices that emerge from it. A specialist SNS taps into pre-existent cultures and networks which bring to the site their own traditions and peculiarities. Some of the characteristics of the knitting, crocheting and spinning culture that exist outside the SNS are brought into the site by users, and these existent forms impinge upon emergent forms. Firstly, knitting and spinning are crafts that have a long history but since the advent of machine looms and knitting machines (Abrams 2006) hand knitting has become less of a stable source of income and more of a craft with a place in a gifting economy. It is mostly women who knit and it is mostly for themselves, their friends and family. The practice of knitting for charity bridges the non-commercial/commercial dichotomy in an interesting way. Motivations may be firmly within the social economy, but outcomes reside in both the social and monetary economies.

Secondly knitting results in 'utilitarian' items – objects which under US law cannot be copyrighted. Thus in the US, patterns – the written instructions for making a garment – are protected by copyright, but the knitted garment usually will not be, and can be legitimately sold in most cases, without reference to the designer. This is not the case in other jurisdictions such as the UK and Australia where three dimensional objects will in some circumstances be protected by copyright and may also be protected by registration as a 'design'. These aspects of the legal complexity are really pretty confusing to the average knitting amateur wanting to participate and contribute to the site and the culture. The constant conflation of the pattern with the object by most knitters is obviously problematic given these legal details. Thirdly, the small-scale practice of breaching copyright in the local paper-based economy becomes visible and problematic in the large-scale digital distribution networks of internet. Fourthly, knitters modify patterns *all the time*. They create derivative works, they amend patterns, and they design their own garments *all the time*. This really only becomes problematic in the online publishing environment, where knitters share their tips on how to modify a pattern, or write down and share the pattern they made

up, based on what they saw somewhere else. Intellectual property and copyright have been mobilised in discussions that seek to prevent people publishing their designs.

4. THE RAVELRY DISCUSSION BOARDS

It looks like you're starting a copyright discussion. You might also enjoy: bashing your head against walls; squeezing lemon juice into your own eyeballs. (Discussion board comment)

I want to turn now to an analysis of the discussion boards on *Ravelry* and how these discussions play out. At some stage it would be good to track the actual use of objects through the site – to trace the lines of inspiration and modification, of use and re-use. This would require a level of access to the database not available for this research. What the discussion boards reveal is a community where there is little consensus over what constitutes legal behaviour, or what constitutes ethical behaviour, in relation to the publication and commercial exploitation of patterns.

The discussions about copyright and intellectual property in *Ravelry* often follow similar trajectories. This is not to say the contributions come from the same people all the time, but the same ideas and arguments arise, and the same lack of consensus emerges in almost all of these threads. People are aware of copyright and also very unsure of how it works. In this analysis I want to use one particular thread as illustrative. I chose this thread because it highlights quite a range of issues within the one discussion, but each of these issues can be found in many other places in other threads as well. The original poster asked a question about the following situation. A local piping band had a woman who knitted their kilt hose for them. She died. She left no pattern for the hose. The band approached the local yarn store and asked if they could work out what it would cost to get someone to knit the same hose. They left a sample. The poster had received the sample and worked out how to knit up a copy for them and what the costing would be. Now she wanted to know whether she could legally publish a pattern that she had written down from this process and if she could sell it.

So the question is...if I wanted to publish the pattern I worked up, does copyright law restrict me from doing so? Anyone have any copyright expertise in the area of publishing **redacted** patterns? And heck, if you want to weigh in on whether you think I'm *morally* corrupt for thinking of doing this, feel free. :)

FYI, I have no idea if the woman used a commercial pattern for these socks, or whether she just made it up as she went along.

There is a recognition here that legal and ethical issues are not necessarily the same, although it is not always acknowledged and some posters will conflate the two. There were many replies, starting with:

I think it makes a difference whether you are trying to sell the pattern or publish it for free.

This initial response is basically probably incorrect but does demonstrate what seems to be a common misconception that many people hold about copyright. This is the idea that as long as you don't make a commercial gain from a copy it's ok to use it however you want. It posits copyright as akin to the CC non-commercial license in its underpinning logic. The reply to this post while correctly addressing some of this, fails to address whether it actually *is* a copy of a pattern (it's not), and in some ways muddies the waters further.

Legally it doesn't make any difference at all. If using the pattern is a copyright infringement, then publishing it for free still impacts the actual copyright holder as it can undercut sales for them, besides which *they* have the right to determine under what conditions their pattern is distributed. If the copyright holder has registered the copyright and sues, then someone posting the pattern for free is still liable for damages.

Registering patterns for copyright is not a requirement in most jurisdictions – it is an automatic right. Following this we get to the 'it's complicated' response.

Did you reconstruct the sock w/o seeing the original pattern? In that case, it is not copyright that is involved at all. Copyright has to do with copying or reproducing the pattern, not the original item.

The answer of whether it is legal depends on where you live and where you are doing the work and maybe where you are selling it.

In the US, it is perfectly legal to re-engineer an item w/o seeing any of the original instructions. ...

In other countries, apparently it is illegal to copy an item that way.

Caveat: I am not a lawyer nor do I play one on the internet.

This answer covers the legal ground reasonably well. It doesn't give a definitive answer (because there isn't one). It raises the cross-jurisdictional issues in play and gives advice about US law. One poster responds to the statements about US copyright law with:

I was responding specifically to "In the US, it is perfectly legal to re-engineer an item w/o seeing any of the original instructions." which just isn't always true.

The original poster is Canadian however and there is no Canadian-specific response forthcoming in this particular discussion. At this point someone raises further complications by introducing design and patent law into the conversation.

Actually, some clothing designers protect even their /designs/ and don't allow imitations to be made.

The conversation continues on this for a few posts, with any clarity rapidly disappearing into the quagmire of different areas of intellectual property law.

That is patent law and is a completely different issue. You can also trademark your design which is yet another set of laws. I was just pointing out that this is not a copyright issue. Patents and trademarks cost a lot of money to file.

The upshot of the discussion is the original poster decides she won't publish the pattern on the site, although legally it would seem she was within her rights to do so. The advice of various posters to go and talk to the family of the dead knitter and find out where the pattern came from, to go and talk to a lawyer and to track down the pipers' regiment and see if they knew where the pattern came from – all so that she could attribute the design if possible – inserted a moral discourse into the discussion that persuaded her not to publish.

At this point another poster joins the conversation by saying she has a similar problem/question, in that she saw a photo of an actress wearing a jacket and developed her own pattern from the

photo. Now she wants to publish it but isn't sure of the legality. She says:

I don't know if it's legal to publish that pattern for free, I don't want to sell it (it will be illegal). What do you think about that?

Yet again we see an indication that people think that selling patterns may cross some legal line, but they are not so sure if sharing for free will. The first response is:

If you developed a pattern solely from seeing a finished garment, that is your pattern, even if it's not all that "original". And if you changed some things, it's definitely yours. You can publish it for free or sale, you would not be breaking any copyright laws.

One of the site mechanisms available on *Ravelry* is the ability to indicate about a post whether you agree, or disagree. In relation to the above response there were an even number of agree and disagree. At this point the conversation swerves into some strong moral discussion and highlights the uneasy co-existence of the social, reputational and financial economies within the same environment.

I know that the flattery of having knitters wanting your patterns can feel really good, but it's wise to step back and take a breath to think things through first before committing. To me the bigger question is why bother spending all the time, effort and sometimes money to put out a complex free pattern? People will be just as demanding that it be accurate, well-photographed, sized from 0-60, test-knit, etc, as if they had paid for it, so you might as well at least have that. ... So sure, go ahead and practice your reverse-engineering skills; those are extremely valuable things to develop. Knit all the things you want for yourself or as gifts while you hone those techniques. And then put the time into creating something really original, something that you don't have these worries about.

There are a number of interesting aspects to this post. Firstly it highlights the amount of work that goes into developing a pattern. The conversation in later posts picks up on this and mounts the argument that designers who give their work away are undervaluing themselves and their time. There is indeed a long-standing line of thought that creative workers constantly undervalue their work and time and should push harder for proper remuneration for their creative endeavours. In this discourse, value is couched in monetary terms. There is very little challenge made to this assumption – it specifically pours scorn on the idea that a designer might find flattery (a form of social reward) enough incentive or reward for publishing. No-one comments in this particular thread although in another, similar, thread someone says:

I've been knitting for a long time, ... The "I made this and wanted to share it with you" feeling, especially during the holiday pattern exchanges, is great. But there's a different feeling in the air now, less of a share, more of a "mine!"

Another aspect touched upon here and further elaborated upon in other threads is that self-publishing comes with some disadvantages, one of which is the requests for support from users of the pattern, who are apparently quite demanding. The final interesting aspect to the post is the reference to designing 'something really original' as if that were an unproblematic concept around which there was a measure of consensus. The incredibly long threads debating what constitutes a modification and what constitutes an original piece of design attest to this lack of consensus. A later post in response to the opinion that

publishing this pattern would be entirely legal also wheels in a strong piece of cultural norming:

This is not a good habit for serious designers to get into. I don't know if you (the poster of the original thread) have intentions of going professional or not, but if you are or think you might ever, steer clear of this. As has been mentioned before, what is legal and what is ethical are not always the same.

This industry is not a large one, and the choices you make now will affect how your work is seen.

The reputational economy and its power to determine future success is mobilised here. The original poster is well aware of this economy as she posts:

I wanted to distinguish between the “can” and the “should” because I didn't want a situation where it turned out I was *legally* okay to publish the pattern, and did, and then discovered after the fact that people thought I was kinda scummy to have done so.

The thread then moves briefly to the idea of originality and the use of ‘stitch dictionaries’. Again, there is little consensus here as to whether it is ok to copy the basic formula from a stitch dictionary into a pattern, and the following comment closes the discussion on this issue:

I think it's good when we have these discussions so that in the cases when someone wishes to do something entirely acceptable, they don't limit themselves unnecessarily.

Here is some acknowledgement that the moralising of some posters may be having an undesirable effect on new designers, discouraging them from publishing. Others are less flexible. This post from a different thread typifies a particular strand of the proprietorial discourse:

Copyright “rights” are unable, at present, to prevent people from “misappropriating” the design elements of another; they do exist to protect the “written words”.

There is an ethical element which obviously the law does not, at least in the US, address yet. I think it would behoove people to consider this: *If I do “take” the design of someone else and rewrite it in my own words, and simply change a stitch pattern, then publish it, HOW WOULD I REACT if someone did the same thing to me? Would I be happy about it? Or would I scream and holler and be upset that someone “took” my design?*

The use of heavily loaded terms like ‘misappropriating’ makes clear the judgement being passed on people seen to be ‘copying’ designs. This sentiment is echoed in various other threads as well. The original thread discussion moves into a short consideration of what constitutes a ‘professional’ designer, in which the idea of ‘professional standards’ is raised and where it is implied that the ‘professional ethics’ would mean publishing a pattern made from a copy made up from seeing someone else's work should not be contemplated. Asked for a definition of professional, this reply is offered:

As you are selling designs ... you probably fill the bill at least by practice. There are however designers that are at the same capacity that pretty much do it just for the fun of it. It is a hobby for them. There are behaviors that are common to “real professionals”, (some of which “real professionals” do not execute well). This is where ethical standards and so on kick in.

More broadly this issue of professionalism is at the core of some of the biggest clashes that occur around expectations and behaviours within this SNS. Prior to internet environments, and prior to aggregation sites such as this SNS, professional designers operated within a reasonably well defined sphere of interaction with publishing houses with standard practices. The advent of easy self-publishing and the creation of this SNS which allows for easy access and the capacity for users to find those self-publications, has meant that the number of ‘professionals’ (people who make money from their designs) has significantly increased, but also that professionals now operate in a mixed environment with amateurs. And in fact it is possible to further differentiate, as the last poster did, between those who are trying to make a living from their designs and those who are only supplementing their income and who either are supported by partners or have their own day jobs. The competition for attention and for money just got much bigger.

For amateurs this specialist SNS offers a valuable expansion of resources at their fingertips. However some professionals see the self-publishing free pattern market as direct competition and as undermining their ability to make money. They mount a strong argument for valuing designers' work through monetary payment. What's more, they sometimes exert pressure on other designers to stop giving away patterns. In this post from a different thread a professional urges amateurs to stop giving away patterns:

Where is the respect for your selves as a designer! ...

I hope I don't offend anyone, but hey designers, please respect the work you're doing, you are doing a hell of a job and you deserve to get compensated for your work.

In particular some designers see the posting of free patterns that look similar to their own as a threat and this engenders many long debates attempting to define originality and who can claim it. The legal framework does not help in this argument very much, as the law is unclear, cumbersome, and inconsistent across jurisdictions. Thus we get the twinning of legal discourse with a moral discourse about what *should* be done, which works heavily on the assumption that the monetary economy should trump the social and gifting economies. Occasionally a counter discourse emerges such as this interchange:

IMO, there are many people who think they have rights they simply aren't allowed under US law and it leads to bullying which really ticks me off.

Bingo. It's one thing to assert your legal rights. It's another thing to use misunderstanding of copyright to drive competitors out of business.

A complicating aspect to these observations is that many of the designers who sell patterns also share some patterns for free. Some have a rationale of sharing free patterns as a marketing strategy, drawing people into a familiarity with their work that will build their reputation and lead to financial rewards in the longer term. Others have followed a trajectory of starting out by publishing their novice designs for free, but beginning to charge money as they become more confident, and again, as their reputation is built. Interestingly some experienced designers publish ‘simple’ patterns for free and charge for their more complex patterns. Thus even some of the ‘professional’ designers straddle the social, gifting and financial economies. Similarly, while many consumers of patterns will gratefully take the free

patterns, many state a desire to pay designers for their hard work as well.

The important thing to finally point out is that despite these very long, very thoughtful explorations of the intellectual property and copyright issues, the reach or audience of the discussions is limited. Thus in a site with over 150 thousand users, most of these threads are read by a maximum of about 400 readers. While designers are nutting out the issues among themselves, the vast majority of users are probably mostly oblivious to such conversations. Copyright comes up as a peripheral issue in various other forums, so it is not completely off the radar, but it is possibly only a major concern for a small percentage of the *Ravelry* users. As to the competition between free and pay-for patterns, a search of most popular patterns is revealing in that there is a spread of free and pay-for patterns. In a scan of the top 10 'new and recent' patterns, 7 of the 10 were free. In the 'most popular' in different categories of patterns (not based on recency) again there is a spread. Eight of the top 20 'baby' patterns are free, 11 of the top 20 bags are free, 11 of the top 20 blankets, 6 of the top 20 cardigans, 6 of the top 20 pullovers and so on. The users do not seem to be primarily basing their decisions on price. Other mechanisms are driving their choices. Potts *et al* [8] would suggest it is not just taste, but the choices of others that influence an individual's choices in a social network market and this would seem to be one explanation for how users make decisions about patterns to knit. Reputation comes into play alongside taste and design, as does the ability to gain attention in this space. Sorting mechanisms such as the 'most recent and popular' and the ordering of search results by popularity contribute to a snowball effect around particular patterns. If indeed users are not price-sensitive about patterns, then the worry of professional designers about being undercut by what they perceive to be 'knock-off' copies of their patterns offered for free might be ill-founded. However more research is needed to tease apart the particular mechanisms of choice in play.

Reputation is extremely important here, and can be built through a number of means. Some of these are derived from older publishing environments. Hence, a designer who has published in one of the big knitting magazines has an easier time establishing credibility and legitimacy in this environment. However the pathways for new designers to build reputation have just been opened up considerably through the SNS environment. If the incentives and rewards for both consumption and production in this space do indeed span the different economies, in some ways it points to the increasing irrelevancy of copyright as an incentive and reward mechanism.

5. CONCLUSION

Copyright and intellectual property are not completely irrelevant as mechanisms of regulation, but there is a problem if a regulatory mechanism is in play that most people have very poor literacy with, and in fact even most trained legal people admit to uncertainty over. If a simple request for clarification generates a thread with over 80 posts and almost inevitably ends with "you need to consult an attorney", then there is a problem. While discussion leads to some literacy, in fact the general effect seems to be off-putting rather than encouraging of people learning more. In the resulting confusions moral rather than legal discourses seem to drive some of the decisions made to publish or not, even

though negotiations are couched around copyright. The frictions between amateurs and professionals, or the social and financial economies of a social network market, are played out on the field of IP. The *Ravelry* site owners are in the process of designing some standard Creative Commons style licenses for designers to use if they choose, but acknowledge that these will not fulfill the needs of all designers in all jurisdictions. They are partly hoping that the licenses will serve an educational function for buyers by making clear what they are able to do with the patterns they are either purchasing or being given for free. The *Ravelry* standard licenses, if they eventuate, will serve some different purposes to the CC licenses. CC licenses are designed to give users a larger set of permissions than copyright, in advance, thus obviating the need for a user to contact the owner for those permissions. *Ravelry* licenses may serve a similar function but some classes will serve to limit rather than expand the permissions, and will thus require a click through style of consent to the contractual arrangement. Without such a procedure the contracts would not be considered valid by a court. The broader issues implied through this case study are about the need both for simplification and flexibility in intellectual property law and the need for developing new literacies in legal matters in communities of users. The use of IP as an ideological tool in the service of creating a largely commercial environment is interesting, but the success of this strategy is not by any means a foregone conclusion.

6. ACKNOWLEDGMENTS

Thanks to Dr Mary Heath, Flinders University Law School, for valuable insights.

7. REFERENCES

- [1] Abrams, L. 2006. "Knitting, Autonomy and Identity: The Role of Hand-Knitting in the Construction of Women's Sense of Self in an Island Community, Shetland, c. 1850–2000." *Textile History* 37(2): 149–165.
- [2] Banks, J. 2007. "Opening the production pipeline: unruly creators" in S. de Castell and J. Jenson, eds. *Worlds in Play: International Perspectives on Digital Games Research*. New York, Peter Lang Press.
- [3] Banks, J. and S. Humphreys (2008). "The Labour of User Co-Creation: Emerging Social Network Markets?" *Convergence* 14(4): 401-418.
- [4] Benkler, Y. 2006. *Wealth of Networks: how social production transforms markets and freedom*. New Haven, Connecticut, Yale University Press.
- [5] boyd, d. and N. B. Ellison 2008. "Social Network Sites: definition, history and scholarship." *Journal of Computer-Mediated Communication* 13: 210-230.
- [6] Leadbeater, C. and P. Miller. 2004. *The Pro-Am Revolution. How enthusiasts are changing our economy and society*. London, Demos.
- [7] Postigo, H. (forthcoming). 'Of Mods and Modders: Chasing Down the Value of Fan Based Digital Game Modifications' in. J. Rutter, Ed. *Digital Games Industries: Work, Knowledge and Consumption*. UK, Ashgate Publishing.
- [8] Potts, J., S. Cunningham, J. Hartley, P. Omerod (forthcoming). "Social network markets: a new definition of the creative industries." *Journal of Cultural Economics*.