CREATe (November 2016)

A Guide to using the Copyright Evidence Wiki

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The Copyright Evidence Wiki Manual introduces and identifies the aims and founding principles of the Wiki. In addition to this the Manual provides a step-by-step guide for those seeking to add or edit studies on the resource.

1. Introducing the *Copyright Evidence Wiki*

The Copyright Evidence Wiki is a digital resource developed by CREATe that categorises empirical studies on copyright in an attempt to inform policy interventions based on rigorous evidence. The evidence is catalogued by country, industry, research method and a number of other criteria in order to provide a robust, in-depth exposition of the existing findings.

The Wiki project establishes a body of evidence that facilitates better decision-making in a contested policy field. The approaches and findings of empirical studies are carefully collected, transparently categorised and available here for all to reference. To that end, the Wiki is a unique form of dynamic literature review, equipped for a constantly changing and volatile technological, business and socio-legal landscape.

The evidence from the empirical studies found in the Wiki can be complemented with new results from CREATe databases related to online media behaviour (**OMeBa**), litigation cases (**Litigation Explorer**) and real-time infringement (**IPWatchr**).

2. Structure of the Copyright Evidence Wiki

As this is a fiercely contested policy field in a rapidly changing technological landscape, a Wiki format was chosen as the most transparent and effective basis for this dynamic literature review. This format provides a robust yet accessible and interactive framework for categorising and analysing the existing evidence base while identifying areas for future research.

In order to ensure it supports its stated aims and principles, the Wiki is divided into two closely related but distinct thematically organised sections. The themes in each section allow the user to navigate to a dedicated page where the studies can be found. Of course, due to the considerable overlap and interplay between thematic issues, many studies exist in more than one category.

Section 1 looks at: **fundamental issues about the copyright incentive**. In this section there are five thematic categories: *1) Relationship between protection and economic performance; 2) Relationship between creative process, incentives and legal rules; 3) Contracts, harmony and conflict of interests between creators and investors; 4) Effects of protection on industry structure; 5) Understanding consumption and use*.

Section 2 organises studies in relation to relevant: **policy issues**. In this section there are six themes: *A) Nature and scope of exclusive rights; B) Exceptions; C) Mass digitisation/orphan works; D) Licensing and business models; E) Fair remuneration; F) Enforcement*.

See Appendix for a detailed description of the fundamental issues and the policy issues.

In addition to these thematically organised sections there is also a section dedicated to **Editorial Information,** including an in-depth articulation and justification of the methodology employed in the selection of the initial 500 studies for the Wiki.

3. Visualising the Evidence

The total number of studies in each category is clearly stated on the Wiki home page, revealing something of the character of the evidence base. However, the **Semantic Drilldown** feature and the **Visualisation Tools** allow the user to tailor their searches and generate visualisations according to their own requirements. This provides a high-level of interactivity not found in conventional literature reviews.

Figures 1-3 are selected examples of the types of visualisations that can be generated by Wiki users. These provide valuable insights into the nature of the existing empirical literature. Figures 1 reveals the distribution of studies featured on the Wiki categorised by industry.[1] From this it may be possible to identify potentially under-researched sectors of the industries or observe a preponderance of research activity in others.
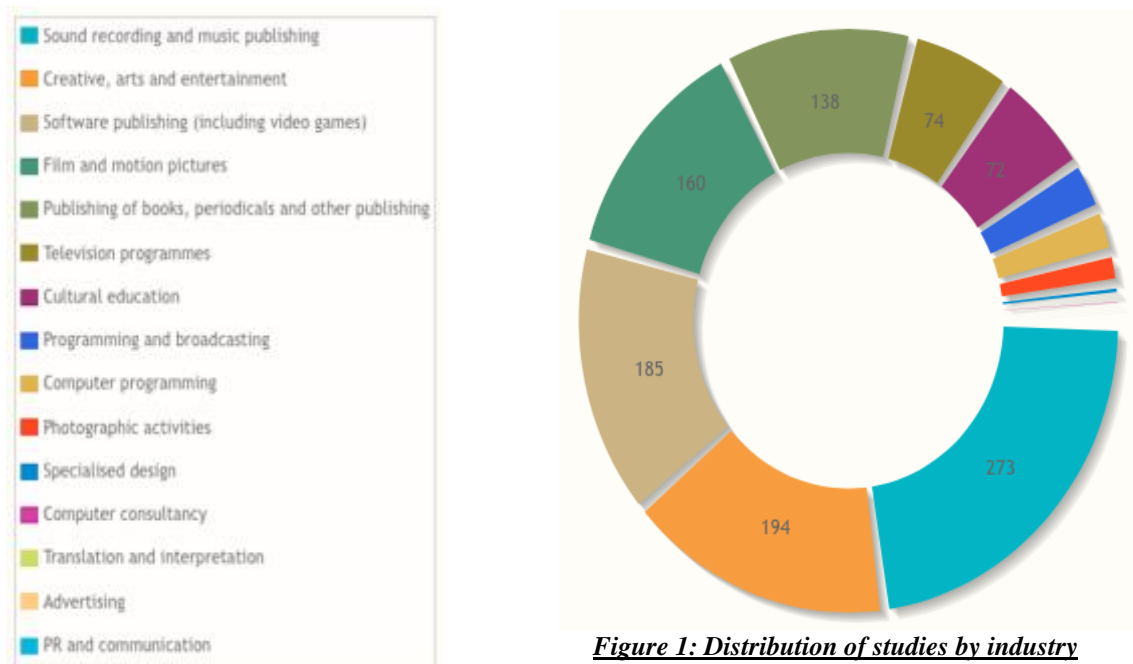

- Sound recording and music publishing
- Creative, arts and entertainment
- Software publishing (including video games)
- Film and motion pictures
- Publishing of books, periodicals and other publishing
- Television programmes
- Cultural education
- Programming and broadcasting
- Computer programming
- Photographic activities
- Specialised design
- Computer consultancy
- Translation and interpretation
- Advertising
- PR and communication

Figure 1: Distribution of studies by industry

Figure 2. shows the total number of studies featured in the Wiki by year of study. A visualisation of this this type may allow academics and policymakers to observe, subsequently analyse and potentially account for concentrations of activity in the empirical study of copyright in the creative industries.
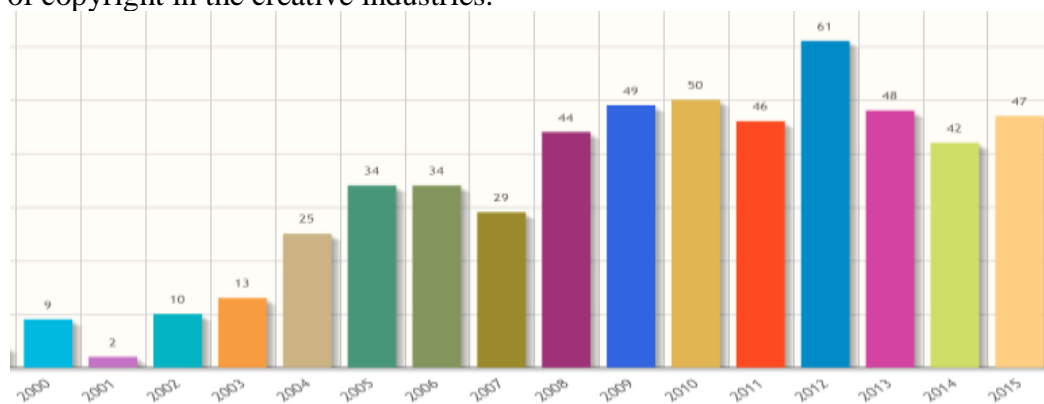

Figure 2: Distribution of studies by year (from 2000 to 2015)

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[1] This taxonomy of creative industries has been proposed by the Department for Culture Media and Sport (DCMS 2013) and has been defined at the 2007 UK Standard Industrial Classification of economic activities by the Office of National Statistics (ONS 2007).

Where figures 1 and 2 present valuable numerical data about the studies, the network graph in Figure 3 demonstrates ways in which the visualisation tool facilitates better understandings of how the studies relate to each other. In particular, Figure 3 illustrates citation connections between 'key related studies' which are catalogued in the Wiki.[2]
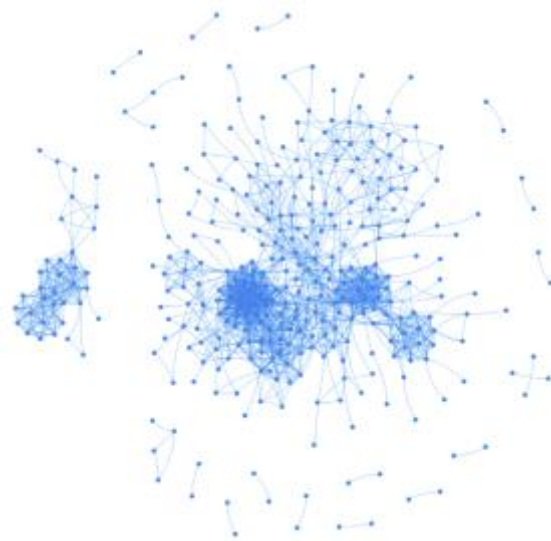

Figure 3: Network graph with citation links between key related studies

The examples of Figures 1-3 reveal the potential of Wiki as a means of interactively reviewing the literature. For example, a follow-on user of the Wiki could use the Visualisation Tools to build on the trends revealed in Figures 1-3 in order to determine the evolution of connections among studies and their distribution by year or industry, capturing shifts over time. Citing the Wiki as the source with reference to the date of access, users could utilise the visualisations in their own work. For instance, you can refer to the Wiki database as "Source: Koutmeridis, Erickson & Kretschmer (2015). Accessed 10/11/2016." and offer details in the bibliography or references.

Moreover, as new studies with varying approaches and findings are added to the resource, the emergent evidentiary narrative and visualisations thereof will, in all likelihood, change, overcoming initial selection biases and representing more accurately the literature. Indeed, the potential for such dynamic fluidity is the core strength of the Copyright Evidence Wiki.

4. Methodology and Categorisation

Guidelines for the cataloguing of copyright evidence where developed at an expert workshop in October 2014, organised by CREATe and attended by number of senior academics from a diverse range of disciplinary backgrounds and research specialisms. The first wave of around 500 studies that feature on the Wiki are drawn from four main sources:

- Watson, Zizzo & Fleming (2014), a scoping review of the piracy literature from 50,000 academic sources that were potentially relevant to unlawful file sharing, covering: music, film, television, video games, software and books. During the review process, the sources were narrowed down to 206 articles examining behaviour related to piracy.
- A survey of 710 working papers and pre-prints published in the SSRN e-journal *Intellectual Property: Empirical Studies* (edited by Christopher J. Buccafusco and David L. Schwartz) published between November 1996 and July 2015. From this

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[2] Detailed information regarding the method used to determine the 'key related studies' appears below.

source, a total of 103 studies containing quantitative and qualitative empirical material were selected by the editors.

- Expert literature reviews conducted by Handke (2011), Kretschmer (2012) and Kheria (2013) were used to fill some of the gaps left by the piracy review, in particular relating to creator perspectives. A total of 81 studies were catalogued under this method.
- 50 governmental reports on intellectual property/copyright policy were selected and catalogued. These studies were proposed by CREATe doctoral candidates and reviewed by the editors.

A fuller account of the selection process for these works can be found in the Methodology section of the Wiki.

Building on this foundational selection of studies the resource is designed to incorporate new empirical work as it is published. The Wiki format is designed to enable interactive user participation. Therefore, gaps in the evidence can be filled by interested parties who may submit studies as candidates for coding, and/or volunteer to code these according to the template developed by the Wiki team.

While the evidence base grows and evolves, each study in the Wiki is categorised and catalogued according to a carefully selected set of objective criteria drawn from a number of sources. Among these is the Department for Culture Media and Sport proposed taxonomy of creative industries (DCMS, 2013). Another important source is the American Economic Association's *Journal of Economic Literature* classification codes (AEA, 2016). Employing this robust, systematic and transparent approach to categorising studies facilitates a hitherto unseen depth of scrutiny of the copyright evidence base.

In doing so the Wiki makes connections between studies employing analogous data-collection methods and/or areas of inquiry. Crucially, however, the Wiki does not compartmentalise studies according to broad disciplines, such as economics or law. As such it reveals an often hidden interplay between sources that may otherwise tend to operate discretely. In this regard, 'key related studies' (as these are stated by the author or highlighted in the abstract) is one of the most valuable and revealing dimensions of the resource.

5. A *Dynamic* Literature Review

While 500 carefully selected studies form the foundations of the Wiki, the wider aim is to establish a highly dynamic literature review. By definition, and by design, the Wiki resource is neither fixed nor finite. Rather, it grows in scope and scale, constantly evolving as new studies are added, following the nature of copyright research and policy, which also change rapidly due to digital innovation and technological advancements. In turn, it follows that the evidentiary trajectories of Wiki may develop in unforeseen directions. In this respect the Wiki is a truly 'organic' resource.

To ensure the Wiki grows and evolves it requires new studies to be proposed and entered onto the web resource in a consistent and transparent way. To that end, a 10-step guide has been devised for those wishing to propose and enter new studies or edit existing entries.

6. The Wiki User Manual in 10 Steps

The Wiki makes use of established, intuitive and user-friendly software that can be navigated even by the uninitiated. At each step of the process assistance is provided in the form of the clickable **?** icon on the left of the screen.

Below is a step-by-step coding guide that assists contributors to this unique online resource.

STEP 1: CHOOSE A STUDY

Choose an empirical study that interrogates some aspect of copyright as it effects the creative industries. Familiarise yourself with the key elements of the study including: subject, method/s, dataset etc. and consider the main policy implications. If it is not possible to do all, or at least some, of these things it suggests it may not be an appropriate study for the Wiki.

Upon selecting an appropriate empirical study there are two options available: **Propose a Study** and **Define a Study**. Anybody can propose a study for inclusion in the Wiki but to enter and edit studies contributors must register for accreditation (see Step 3).

The first step in the coding process is to check whether this study is already on the Wiki by using the search box. If the study is not already there, you can propose or create a new entry. If the study has already been entered into the Wiki, you can edit this entry.

STEP 2: 'PROPOSE' A STUDY

To suggest a study that might make a good addition to the Wiki simply click on the **Propose a Study** icon and enter the 4 simple pieces of information requested. Then save your suggested study on the database. Alternatively, to fully enter a study click on the **'Define a Study'** icon and move to Step 3.

STEP 3: 'DEFINE' A STUDY

In order to enter a study on the Wiki first create an account. To do this, go to the top right hand corner of the home page. Once the account is approved, you will be emailed a notification message and the account will be usable at login. You will now be able to enter and edit studies on the Wiki.

STEP 4: USE IT, BUT DON'T LOSE IT!

Much of the Wiki is self-explanatory as each box details the information required and in many instances the text will autocomplete. Most of the boxes also have the **?** icon for additional assistance. From time to time be sure to click **Save & Continue** at the bottom of the screen to avoid losing any information in the event of any unforeseen technical issues.

STEP 5: DATASETS

As the Wiki focuses on empirical studies, the first main information to enter is the dataset/s used in the study. Three pieces of information are required for each dataset: 1) sample size; 2) units of analysis for data; 3) time period under study. This is a key step and completing it offers a useful way of double-checking whether the study is appropriate for the Wiki.

STEP 6: BIOGRAPHICAL & BIBLIOGRAPHICAL DETAILS

Entering the author/s, year/title of the study and abstract, among others, is straightforward and guidance is provided at the side of each box. Nevertheless, maintaining consistency here

is very important so take some time to familiarise yourself with the style and conventions used. Consult another entry where necessary.

STEP 7: KEY RELATED STUDIES.

Key related studies are limited to a maximum of five pre-existing texts cited by the author (as opposed to studies that were published later than the one being entered). In many instances autocomplete will assist you in filling in the details of studies that are already on the Wiki.

Look at studies cited in the paper you are coding. In some instances the author will explicitly state which they consider to be key related studies. They may even do this very clearly in the abstract or early in the introduction of their papers, so look out for phrases such as, "this study relates closely to/builds on/criticises/challenges the work of…" These are the studies that should be categorised as key related studies. However, in instances where such information is not provided clearly, it may be necessary to judge the key related studies from the actual text.

STEP 8: JEL CODES

JEL classification codes are crucial elements of the function and effectiveness of the Wiki as a multidisciplinary, cross-industry dynamic literature review. It is here that the database will make many previously unseen connections between studies. In some cases the JEL codes will be stated in the study itself. In this case simply transpose these codes to the Wiki.

In other instances it will be necessary to identify and add these independently. Looking at key related studies may provide some fruitful guidance here. If the author has an earlier related paper containing JEL codes, or a key related study by another author has JEL codes, these may be appropriate.

STEP 9: DATA COLLECTION AND ANALYSIS

It is equally important that the Wiki categorises studies according to data collection and data analysis methods used. Just as with Key Related Studies and JEL codes, methods of data collection and analysis may be explicitly stated in the study. In these instances, simply match these with the most appropriate descriptor on the menu.

However, in the event that they are not explicitly stated, it is still necessary to select three methods of data collection and analysis in each category. Again looking at related or similar studies should provide guidance in the identification of appropriate categories.

STEP 10: REVIEW, SAVE AND ENTER YOUR WIKI ENTRY

Take some time to ensure all of the boxes and check boxes have been populated with entries. Once you are happy with your entry, click 'save' at the bottom of the page.

Well done and thanks! You have successfully entered a study into the Copyright Evidence Wiki… the world's first and only interactive, dynamic and organic literature review, which fully catalogues almost all the empirical studies related to copyright in the creative industries.

In doing so, you have become a participant in an international interdisciplinary discourse that promotes knowledge exchange among academics, industries and policymakers, thus contributing to an environment where evidence-based policymaking can flourish.

Appendix: Description of Fundamental Issues and Policy Issues

I. Fundamental issues about the copyright incentive

1. Relationship between protection and economic performance

This field includes studies that examine the connection between copyright protection (e.g. subject matter, term, scope) and economic performance (e.g. supply, economic growth, welfare). Papers in this category often link different legal and institutional settings to economic performance (e.g. through historical counterfactuals) and also may examine non-IP markets (e.g. recipes, jokes, formats, fashion).

2. Relationship between creative process, incentives and legal rules

This field includes studies that focus on what motivates creators (e.g. attribution, control, remuneration, time allocation, intrinsic and extrinsic motivation). Among others, the papers included under this category connect to the literature on labour markets and earnings, and the production of culture literature (e.g. linking rules on adaptation, sampling, co-authorship to aesthetic outcomes).

3. Contracts, harmony and conflict of interests between creators and investors

This field includes studies that examine the common assumption of a harmony of interests between creators (e.g. authors, performers) and investors (e.g. publishers, producers), a simplifying hypothesis that facilitates analytical solutions, which however finds weak empirical support. Papers included under this category also examine collecting societies and relate to the area of contract theory.

4. Effects of protection on industry structure

This field includes studies that examine the connection between copyright protection, competition and industry structure. Among others, the papers included under this category focus on monopolies, oligopolies, the economics of superstars, new business models, technology adoption and relate to the fields of industrial organisation and competition law.

5. Understanding consumption and use

This field includes studies that examine human behaviour and in particular consumption and use. Among others, the papers included under this category focus on the determinants of unlawful behaviour and changing forms of consumption and use (e.g. user-generated content, social media, streaming) and relate to the areas of behavioural economics and consumer theory.

II. Policy issues

A. Nature and scope of exclusive rights

This field includes papers that examine policy issues related to the types of works that are eligible for copyright protection and the extent of the protection offered by exclusive rights and moral rights. Among others, the papers included under this category focus on the originality threshold, derivative works, hyperlinking, news aggregation, retransmission and resale.

B. Exceptions

This field includes papers that examine policy issues related to whether materials which otherwise are subject to exclusive copyright protection should be available for justifiable use without seeking permission and whether existing exceptions and limitations facilitate creative and scientific progress. Among others, the papers included under this category distinguish exceptions and limitations for the purposes of innovation or public policy, open-ended provisions from closed lists, commercial and non-commercial uses.

C. Mass digitisation / orphan works

This field includes papers that examine policy issues related to the process that enable mass digitisation of copyright protected content. Among others, the papers included under this category focus on potential solutions for orphan works and non-use of cultural works (e.g. exceptions, licensing schemes and extended collective licensing).

D. Licensing and business models

This field includes papers that examine policy issues related to strategies and licensing solutions in the exploitation of copyright protected materials, and how legal markets attempt to match production to consumption. Among others, the papers included under this category examine collecting societies, metadata, copyright exchanges and hubs, windowing and crossborder access.

E. Fair remuneration

This field includes papers that examine policy issues related to creators' earnings. Among others, the papers included under this category focus on the sources of artistic income, royalty flows, copyright contracts and levies.

F. Enforcement

This field includes papers that examine policy issues related to the optimal way to enforce the private right of copyright. Among others, the papers included under this category focus on quantifying infringement, technological measures of protection, intermediary liability, graduated responses, notice and takedowns, criminal sanctions, litigation and court data, copyright education and awareness.

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