



copyright
EVIDENCE

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CODER GUIDE

COPYRIGHT EVIDENCE WIKI

INTRODUCTION

Welcome to the Copyright Evidence Wiki Coder Guide!

The Copyright Evidence Wiki (www.copyrightevidence.org) is a digital resource developed by the CREATE Centre at the University of Glasgow.

This guide is to promote continuous, inter-coder consistency throughout the Wiki and to provide transparency for Wiki users on how studies are coded. Please note, whilst anyone can suggest new studies for the Wiki, only accredited coders can create and edit new studies.

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CHOOSING 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.

Once you've found an appropriate study be sure to check that the study is not already available on the Wiki by using the search box. If the study is not already there, you can proceed to "Define a Study". If the study is already there, you can edit this entry.

AND REMEMBER...

Use it, don't lose it! Remember to click "Save and Continue" at the bottom of the screen from time to time to avoid losing any information in the event of unforeseen technical issues. Once you've completed and double-checked all the relevant sections click "Save page" to add the study to the Wiki.

STEP-BY-STEP CODING GUIDE

This section provides in-depth guidance on how information is collected and formatted from selected studies.

BIBLIOGRAPHIC INFORMATION

Name of Study: This should be formatted as author-surname year (e.g. Palin (2015)), or where two or more authors Author-surname-1, Author-surname-2 and Author-surname-3 (year) (e.g. Palin, Jones and Cleese (2015)) and for three or more authors author-surname-1 et al. (year) (e.g. Palin et al. (2015)). Where there is more than one record by those authors in a given year author-surname-1 (year_suffix) (e.g. Palin and Jones (2015a) and Palin and Jones (2015b)).

Authors: Authors names should be formatted as “surname, forename initial.” e.g. “Kretschmer, M.”. Where there are multiple authors names should be separated with a semi-colon (;).

Paper Title: The verbatim title of the study.

Year of Study: The year the study is published, or where a working paper the date of the latest draft.

BIBLIOGRAPHIC INFORMATION (CONT.)

Full Citation: Full citations should be provided APA-style where possible (e.g. Contributors. (Date). *Title*. Publication Information.).

Abstract: This is a verbatim copy of the abstract of the study which should be clearly indicated by the use of quotation marks (“ ”). Where an abstract is not provided with the study, a brief summary in the coder’s own words should be used instead.

Definitive Link(s) to paper: A link to the (often paywalled) journal article home page or for unpublished materials the de facto authentic version.

Open Access Link(s) to paper: Where possible we should provide an open access link to the article (commonly e.g. SSRN, Zenodo etc.).

STUDY FINDINGS

Key Related Studies: Key Related Studies must be referenced in the text of the study and not implied by the coder (i.e., do not infer relationships with studies published subsequently). Relevant studies may be recognised explicitly by the author of the study (e.g. “our work builds on...”) but failing this they may be implied by e.g. frequency of reference. Coders should enter a maximum of five Key Related Studies, entered chronologically and separated by a semi-colon (;) (e.g. Smith and Jones (2015), Palin and Cleese (2016) etc.)

Main results of study: This is a free text section which should contain the coder’s summary, in their own words, of the study’s main results. This may include e.g. statistical findings (e.g. “90% of authors think...”) or conclusions (e.g. “the study finds three emerging themes...”). This section should not replicate the Policy Implications section (detailed below). If quoting directly from the study this should be indicated clearly with quotation marks.

Policy Implications Implied or Stated by the author: Policy implications should only be stated where the author explicitly mentions them, or where the suggestions made by the author could be reasonably interpreted and translated into policy instructions. These should be summarised in the coder’s own words, or where quoting directly from the study should be clearly indicated by the use of quotation marks (“ ”) Where in doubt, coders are advised to err on the side of caution and refrain from inferring any policy recommendations that are not substantiated by the text. Where this is the case, this section should read that “the study does not make any explicit policy recommendations”.

DATA INFORMATION

Description of Data: A brief overview of the data (approx. 50 words), usually including details on the methodology or process through which this was gathered. This may include information on e.g. the number of participants in a study, how they were sourced, which software was used etc. This should usually be supplemented by the information in the datasets section.

Time period of data collection: The time period that the data was gathered. There is no pre-set list of dates so coders may be flexible in how this is inputted, with dates usually separated with a dash (-) (e.g. 2016 – 2017, January 2017 – March 2017).

Data type: Coders can indicate whether the study data is primary, secondary or both.

Secondary Data Sources: If applicable, coders can detail the sources of secondary data, including names or identifiers (e.g. IMDB, Omeba).

Data Collection Method(s) and Data Analysis Method(s): Coders can select up to three types of data collection and analysis methods, which are broadly split into quantitative and qualitative types in a pre-set list. Where the method is not listed explicitly within the list coders should select the “catch-all” label of qualitative/quantitative methods.

Datasets: Remember to add information on the datasets used in the study, where possible. This includes: sample size, units of analysis, and time period under study.

CATEGORIES/THEMES

Related Fundamental Issues and Related Policy Issues

sections: The Wiki is split into two closely related but distinct thematically organised sections: Related Fundamental Issues and Related Policy issues. The full details of what are contained within these themes (with examples) are detailed in the appendix of this guide. Due to considerable overlap and interplay between these thematic issues, many studies exist in more than one category, though only a maximum of three themes can be selected for both sections. More information on the justification for selection of these themes are detailed in the “Methodology” section of the Wiki.

Industries: Select the industries represented by the study (e.g. music, film). Where the study does not explicitly state an industry or uses a range of unspecified industries often the case in e.g. studies of court decisions) coders should endeavour to imply this from the text where possible.

Country(ies): The relevant country or countries where the study takes place. There is no pre-set list of countries, so coders can tailor this section specifically to e.g. Scotland rather than UK. “Global” should be used for global/worldwide (or near-enough global/worldwide) studies and “Unknown” for studies that do not explicitly state the relevant country.

ADDITIONAL INFORMATION

Cross-country study?: Tick-box to identify cross-country studies, usually selected where a study covers more than one country.

Comparative Study?: Tick-box to identify comparative studies, usually in relation to e.g. comparison of countries or industries. This should only be used to identify studies whose substantive part is comparative and not to identify e.g. a brief comparison made in the context of a larger article.

Government/policy report?: Tick-box to identify government or policy reports. These can usually be identified by official markings or sources (e.g. IPO, European Commission) or e.g. a statement that the report has been commissioned by a governmental body.

Literature review?: Tick-box to identify literature reviews, usually a summary of previous studies on a given topic which is synthesised to critically analyse e.g. gaps in current knowledge or limitations of previous studies. This should only be used to identify studies which are wholly literature reviews and not to identify e.g. the literature review section of an article.

Funder: This section is important for transparency, and details of any funders/commissioners should be provided where possible, including grant numbers where known. These are usually indicated in an article in the first footnote, or may elsewhere be found using keyword searches for e.g. “thank” “fund” “grant” etc.

APPENDIX

Related 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, resale and community norms (including negative space).

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, and 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, including licensing schemes and extended collective licensing, and the application of copyright in cultural heritage institutions.

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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, crossborder access, open access/open science and end-user licensing.

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

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, motivations for infringement, technological measures of protection, intermediary liability, graduated responses, notice and takedowns, criminal sanctions, litigation and court data.

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Fundamental Issues about the copyright incentive (n.b. - these themes are a work in progress)

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.

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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.