

Normative Cultural Contracts between Media Owners/Creators and Fan Communities

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Internet users have taken full advantage of video hosting and social networking websites to create and distribute their own entertainment media, often in concert with larger online fan communities, yet often using elements from the intellectual property of others. In response, most large media companies have fought back against "user generated content" by sending legal threats to YouTube and to fan websites. By altering and policing fans' interaction and use of media, media owners are protecting their intellectual property at the expense of the fan communities that support their products.

For example, *The Colbert Report's* actor/faux news commentator Stephen Colbert attempts to foster and rally his fanbase, the "Colbert Nation," through the direct use of participatory media. When fans posted video clips of the show online, Viacom, *The Colbert Report's* corporate owner, sent YouTube and fans takedown notices for fan-posted clips and fan videos, and has subsequently sued Youtube for \$1 billion for copyright infringement. Similarly, though the New Media Department at Cartoon Network decided to place information on YouTube to help fans create their own commercials, the legal department later sent out cease and desist letters to fans who used these clips. If media owners do not have a clear line between acceptable and unacceptable use of IP by fans, why should the public be the ones that pay?

The actions of these fans do violate traditional copyright and trademark norms. However, if media owners are going to continue to foster and encourage fans' belief in quasi-ownership through viral marketing and "harnessing" fans to make money, then fans are invariably participants in the determination of the boundary lines between "acceptable" and "unacceptable" behavior for intellectual property.

Media owners and fan communities are involved in a symbiotic relationship – both relying on each other for their survival. Based on the licensing ideas of Creative Commons and the [Cross-Cultural Partnership](#) template a normative contract should be created between content creators/owners and fans. In this paper, I will discuss how such a contract or license would work and possibly evolve over time, and how this solution could eliminate many of the misunderstandings between content owners and the public.