Noncommercial Use Study Interim Report:

U.S. Content Creators Online

Netpop® Research, LLC

May 2009

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Introduction

Background

- In December 2007, Creative Commons secured a grant from The Andrew W. Mellon Foundation to study variations in understandings of “noncommercial use”

- The grant proposal highlighted two main goals:

    1. To undertake an empirical study that will survey variations in the understanding of the terms ‘commercial’ and ‘noncommercial,’ when used in the context of content made available on the Web.

    2. To provide information and analysis that will be useful to Creative Commons in clarifying and refining the scope and increasing the distribution of its free copyright licenses, particularly its ‘noncommercial’ licenses’.

Background

- A three-phased program of research was launched in early 2008:
  - Phase 1 – review of existing research materials and project coordination (completed)
  - Phase 2 and 3 – empirical research including qualitative and quantitative components (Phase 2 completed, Phase 3 underway)
    - Phase 2 explored differences between commercial and noncommercial uses of content as understood by content creators (licensors or potential licensors) from a range of communities and industries, working a with a wide variety of content
    - Phase 3 will explore differences between commercial and noncommercial uses of content as understood by content users (licensees or potential licensees), also representative of a range of communities and industries, working with a wide variety of content

Background

- The primary objective of the Phase 2 quantitative research was to:
  - Confirm and measure the relative importance of factors identified in the qualitative research phase that content creators consider when determining whether a use should be considered commercial or noncommercial

Background

- Research design, management, and analysis provided by Netpop Research LLC, a San Francisco-based market research company with expertise in online media and technology
- Project oversight provided by Virginia Rutledge, Special Counsel, Creative Commons
- Additional project expertise provided by senior Creative Commons staff including Mike Linksvayer, Vice President, and Diane Peters, General Counsel
- Additional assistance provided by the NC Study Working Group, composed of leaders from the Creative Commons International community who have volunteered their expertise

Background

- Advisors on the project include distinguished academicians
  - Christine L. Borgman, Ph.D., Professor and Presidential Chair in Information Studies, Graduate School of Education and Information Studies, University of California, Los Angeles
  - William H. Dutton, Ph.D., Director of the Oxford Internet Institute, Professor of Internet Studies, University of Oxford, Fellow of Balliol College
  - Deborah R. Hensler, Ph.D., Judge John W. Ford Professor of Dispute Resolution and Associate Dean, Graduate Studies, Stanford Law School
  - Daniel E. Ho, Ph.D., Assistant Professor of Law and Robert E. Paradise Faculty Fellow for Excellence in Teaching and Research, Stanford Law School

Background

- “Noncommercial” or “NC” is 1 of 4 different license terms that creators may choose to apply to their Creative Commons-licensed content

- Works distributed under a Creative Commons license including the NC term may be used by anyone for any purpose that is not “primarily intended for or directed towards commercial advantage or private monetary compensation”

Methodology

- An online survey, representative of content creators age 18+ in the United States, was fielded in November/December 2008
  - 1000 completed surveys were collected from respondents who had created copyrightable content within the past 12 months
  - The survey was distributed to a sample drawn randomly from an online market research panel
  - Respondents who entered the study were monitored using Market Mirror™ sampling methodology to make sure the composition of the individuals who started the survey was representative of the Internet population based on age and gender

Methodology

- Although the survey was fielded online, the survey is representative of those creators who use online technologies, regardless of whether they create or share works online
- Sample is representative of many important demographics:
  - Creators who work with multiple content types (e.g., videos, text, blogs, games)
  - Creators who work within a variety of communities and industries (e.g., education, entertainment)
  - Creators who share their works online and those who do not share online
  - Creators who are amateurs and those who are professionals
  - Creators who have legal experience and those who do not
  - Creators who generate revenues from their works and those who do not

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Methodology

- The same basic questionnaire (with some additional questions) was fielded simultaneously to Creative Commons Friends and Family ("CCFF") worldwide as an open access poll

- The goal of this poll was to:
  - Collect more information relevant to understanding the CC-NC license term
  - Provide valuable information on global interpretations of the CC-NC license term
  - Compare attitudes, perceptions and behaviors of CCFF to general U.S. online content creators, including individuals who are knowledgeable about copyright and copyright licensing but not affiliated with CCFF per se

Methodology

- The poll was promoted openly and virally through the Creative Commons homepage and blog
  - Additional promotion occurred through Creative Commons email lists, personal contacts and postings on blogs of Creative Commons international affiliates and other organizations and individuals
  - The poll remained active for three weeks
  - The poll was fielded in English only
  - Because this was an open access poll, the findings cannot be considered scientifically representative
  - 3337 completed surveys were collected from respondents who had created copyrightable content within the past 12 months

Report Overview

- This interim report focuses on the profile, attitudes and behaviors of Content Creators in the U.S.
  - Profile of Content Creators
  - Content Types and Sharing Works Online
  - Revenues and Licensing Works

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Report Overview

- Differences between the following subgroups are noted if statistically significant (95% confidence)
  - Content types (e.g., videos, songs, photos, texts, images, podcasts)
  - Industry categories (e.g., education, entertainment)
  - Creators who share online (versus) do not share online
  - Creators with legal experience (versus) no legal experience*
  - Has copyrighted works (versus) does not have copyrighted works
  - Earns revenues from works (versus) does not earn revenues
  - Earns <$2K annually (versus) earns $2K+ annually
  - Amateurs (versus) professional
  - Age and gender

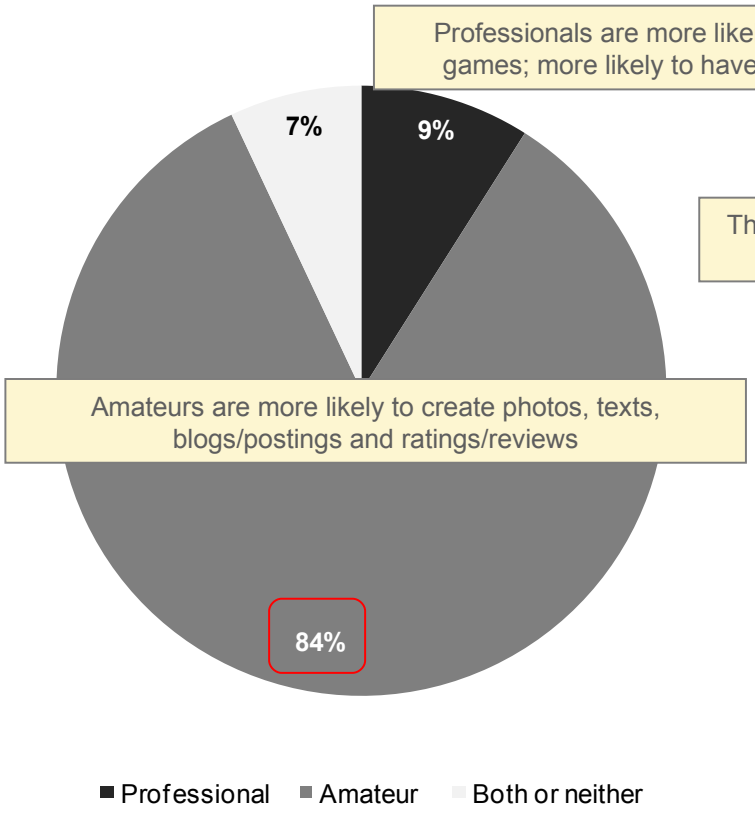
*Sample size is small (n=63) for those who have legal experience. Differences are noted for this group because patterns are often consistent even if not statistically significant.

Profile of Content Creators

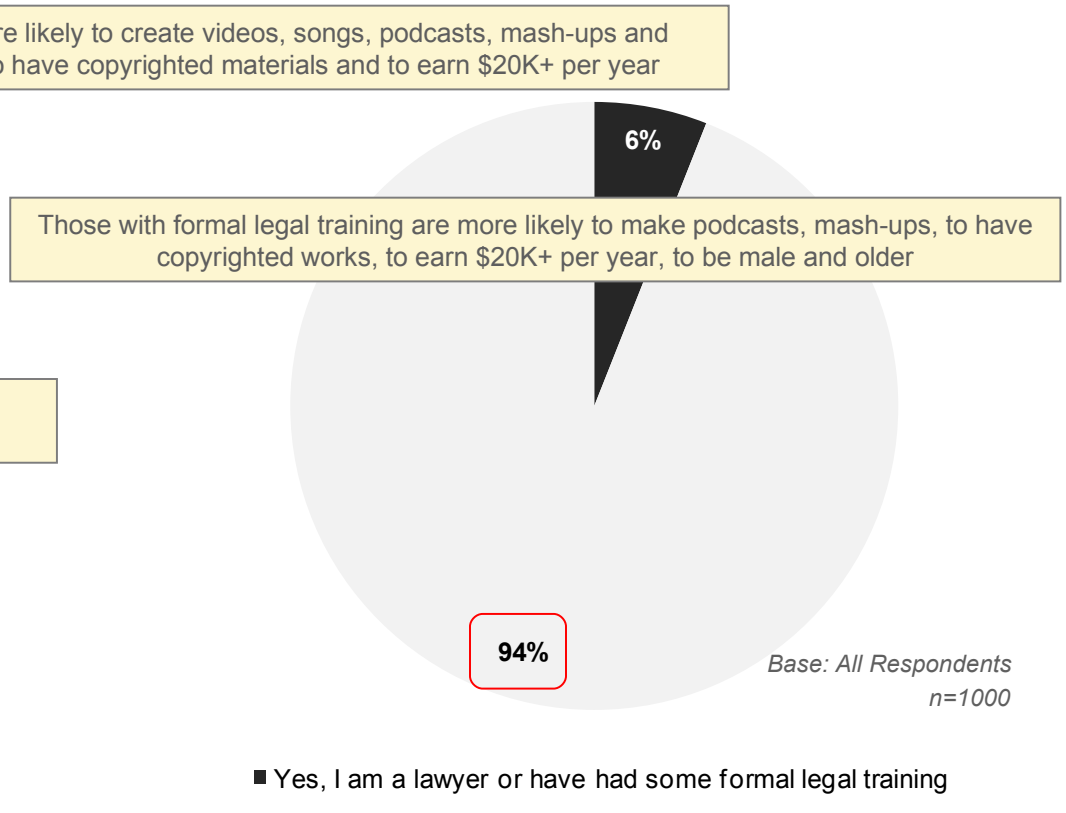
Profile of Content Creators

- Over 8 in 10 U.S. Content Creators say they are amateurs and very few have any formal legal training

Q: Do you generally consider yourself an amateur or professional creator?



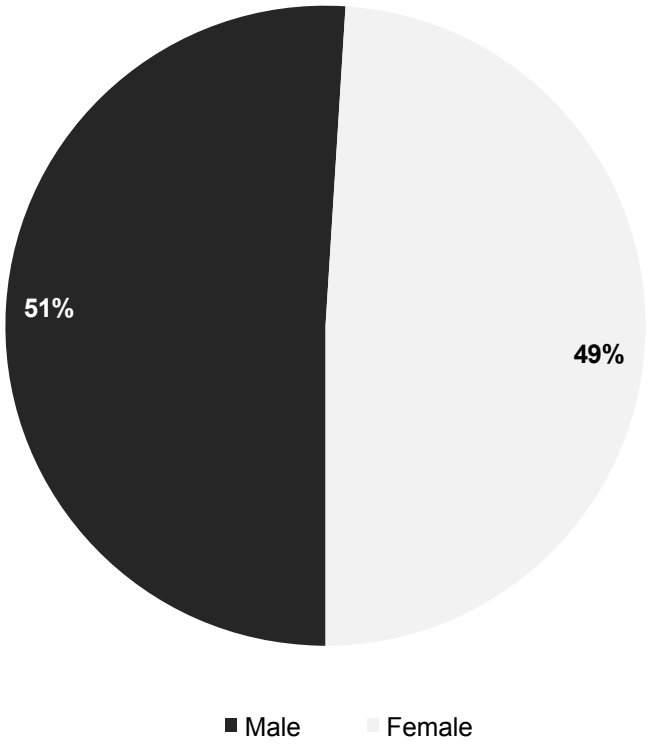
Q: Are you a lawyer or have you had any formal legal training?



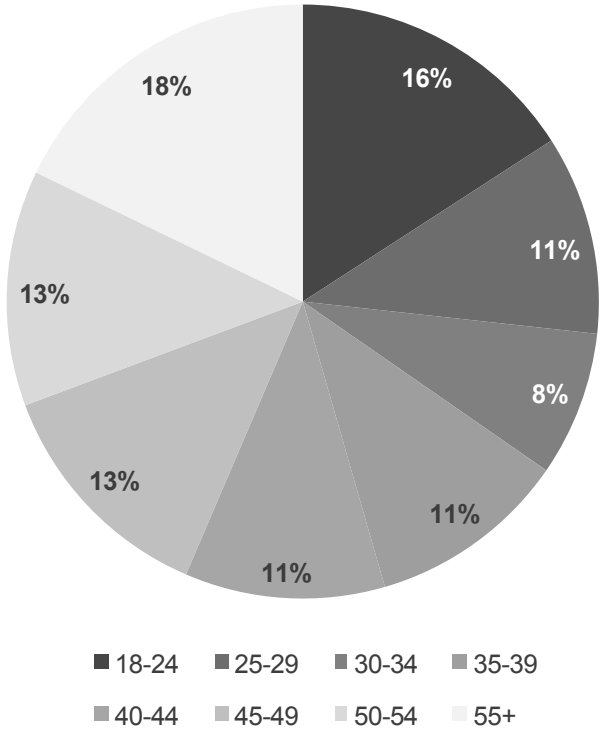
Profile of Content Creators

- Creators are male, female, young and old

Q: Please indicate your gender.



Q: Please indicate your age.

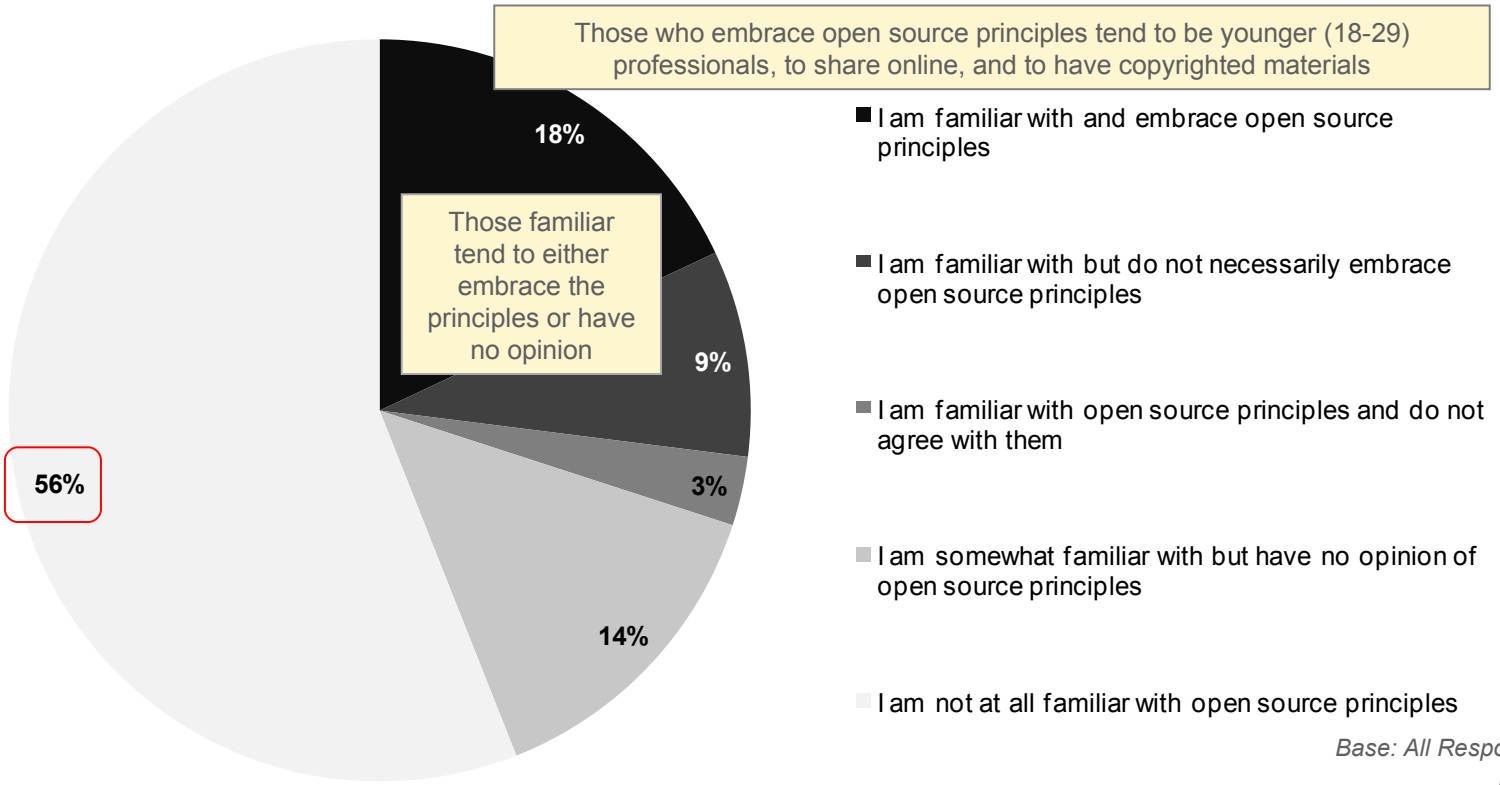


Base: All Respondents
n=1000

Profile of Content Creators

- Most creators are not familiar with open source principles

Q: Which of the following best describes your familiarity with and attitude toward the principles of "open source" – that is, the principles associated with the open source software movement?



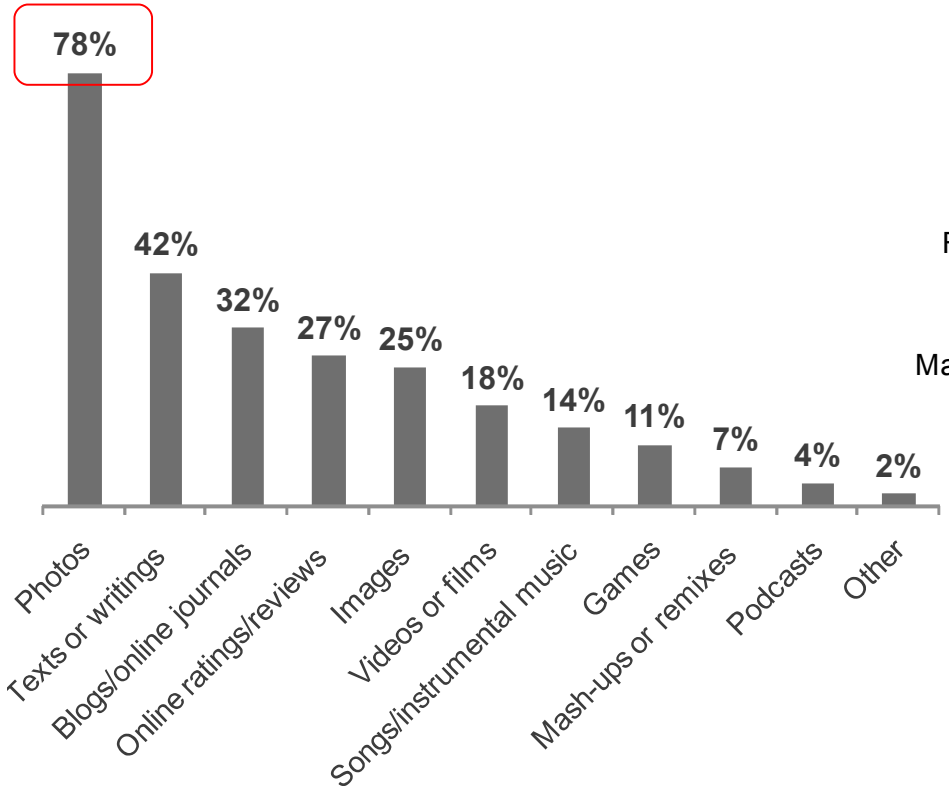
Base: All Respondents
n=1000

Content Types and Sharing Works Online

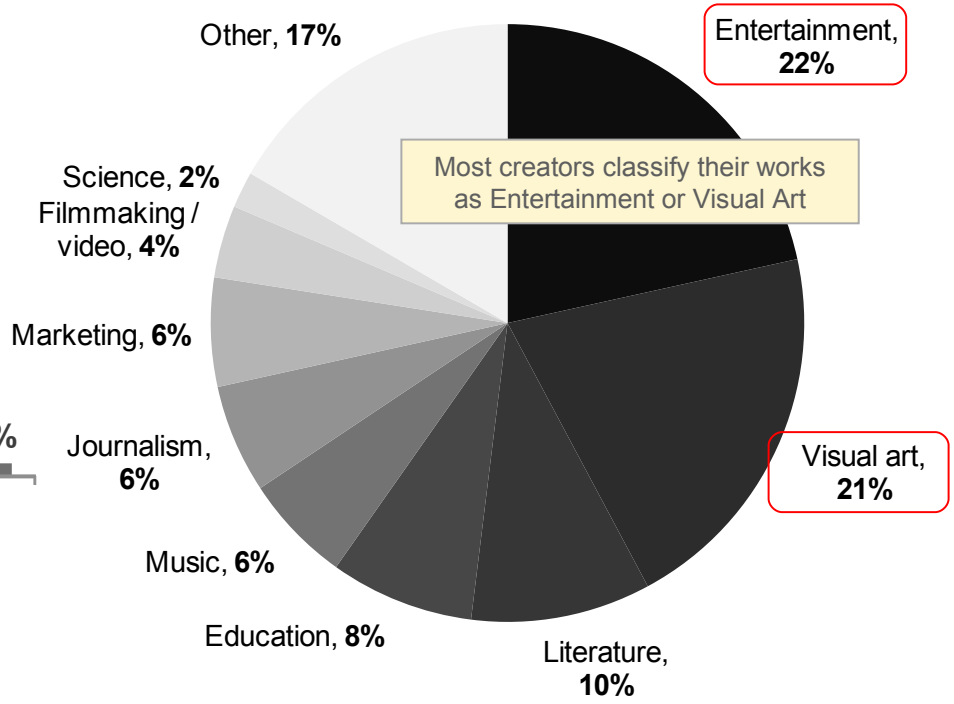
Content Types and Sharing Works Online

- Photos are the most common type of work created by content creators

Q: In the last 12 months, have you created any of the following types of works or content?



Q: If you were to categorize your works, which one of the following categories would best describe the majority of them?.

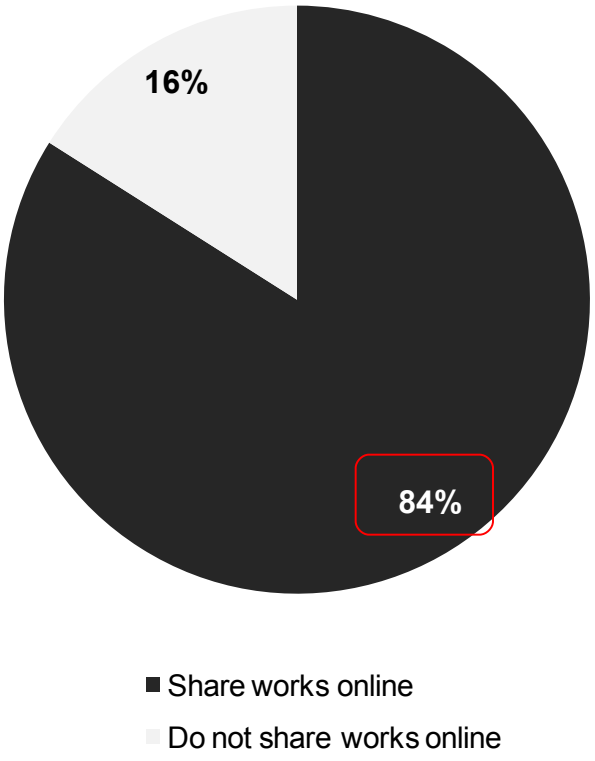


Base: All Respondents
n=1000

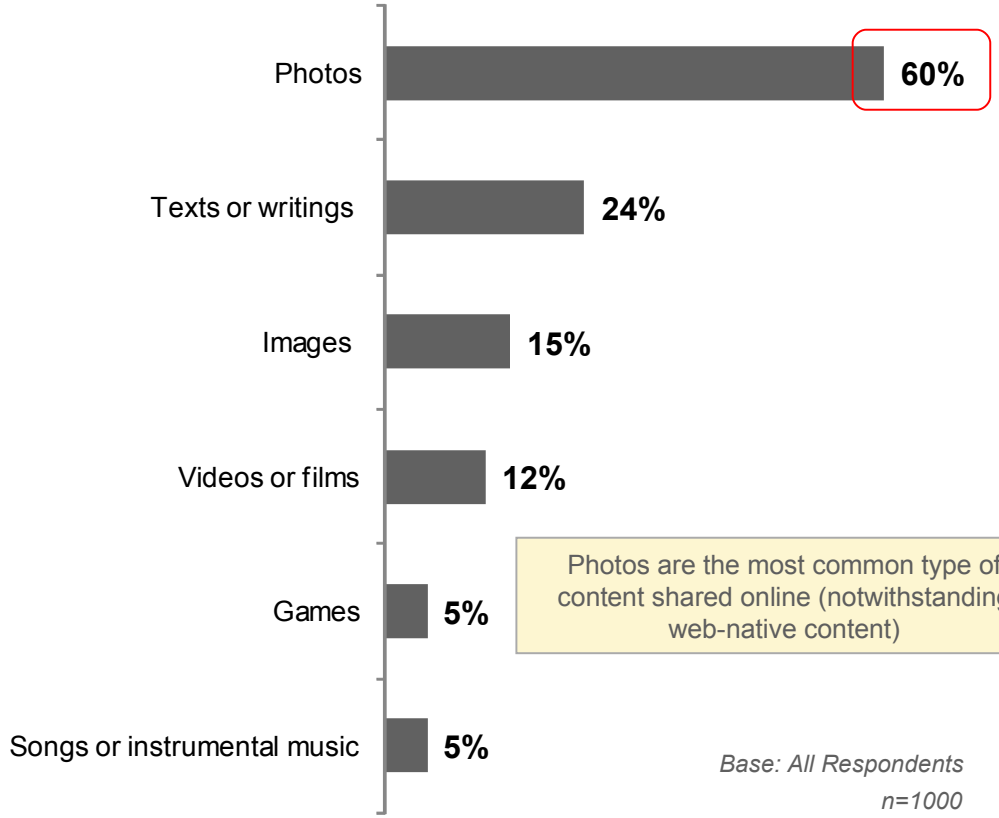
Content Types and Sharing Works Online

- Over 8 in 10 creators have shared their works online

Q: Have you shared any of the following works online?



Non-Web Native Content Types



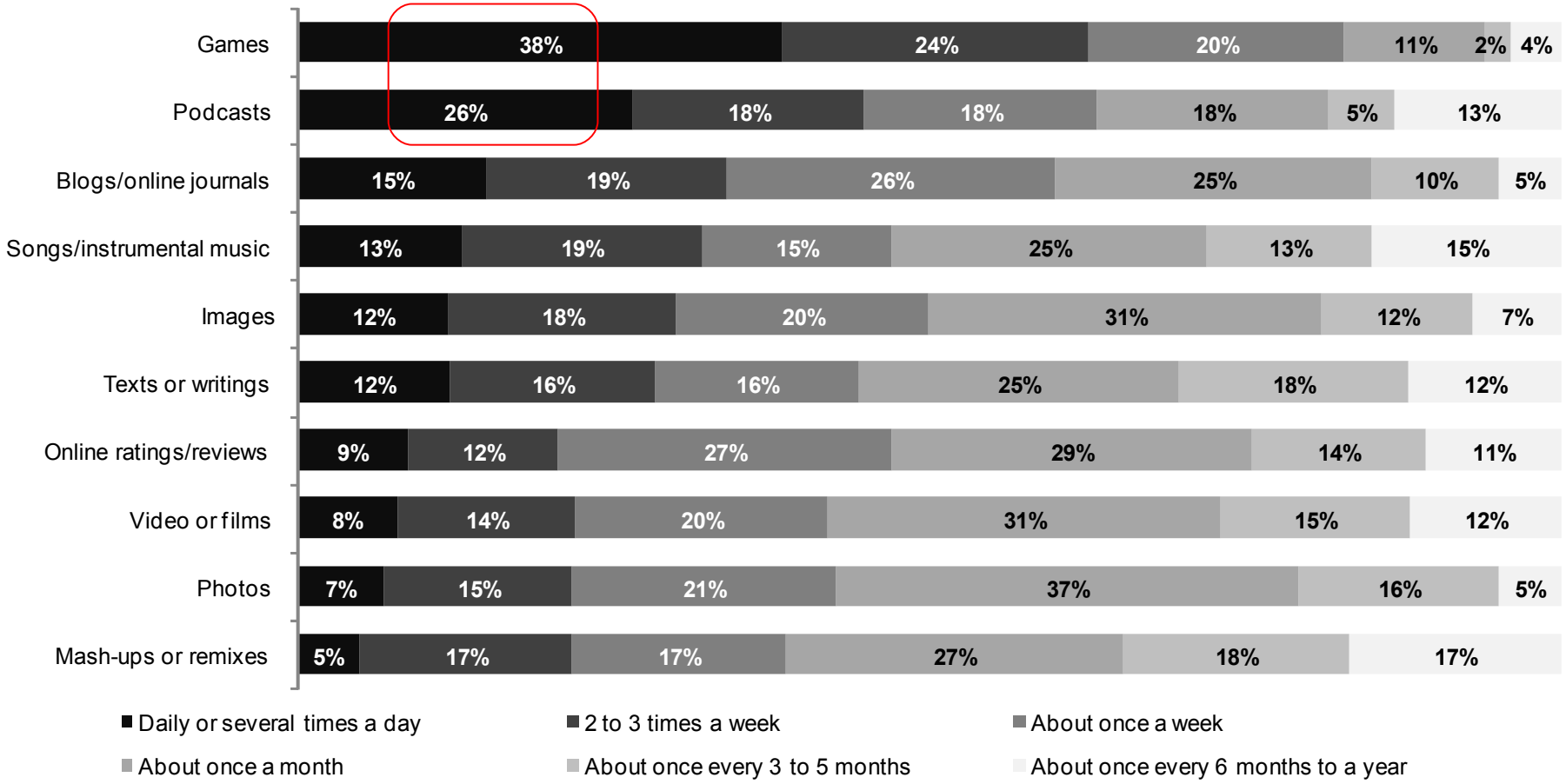
Photos are the most common type of content shared online (notwithstanding web-native content)

Base: All Respondents
n=1000

Content Types and Sharing Works Online

- Game-makers and podcasters share online most frequently

Q: Approximately how often do you share each type of work online?

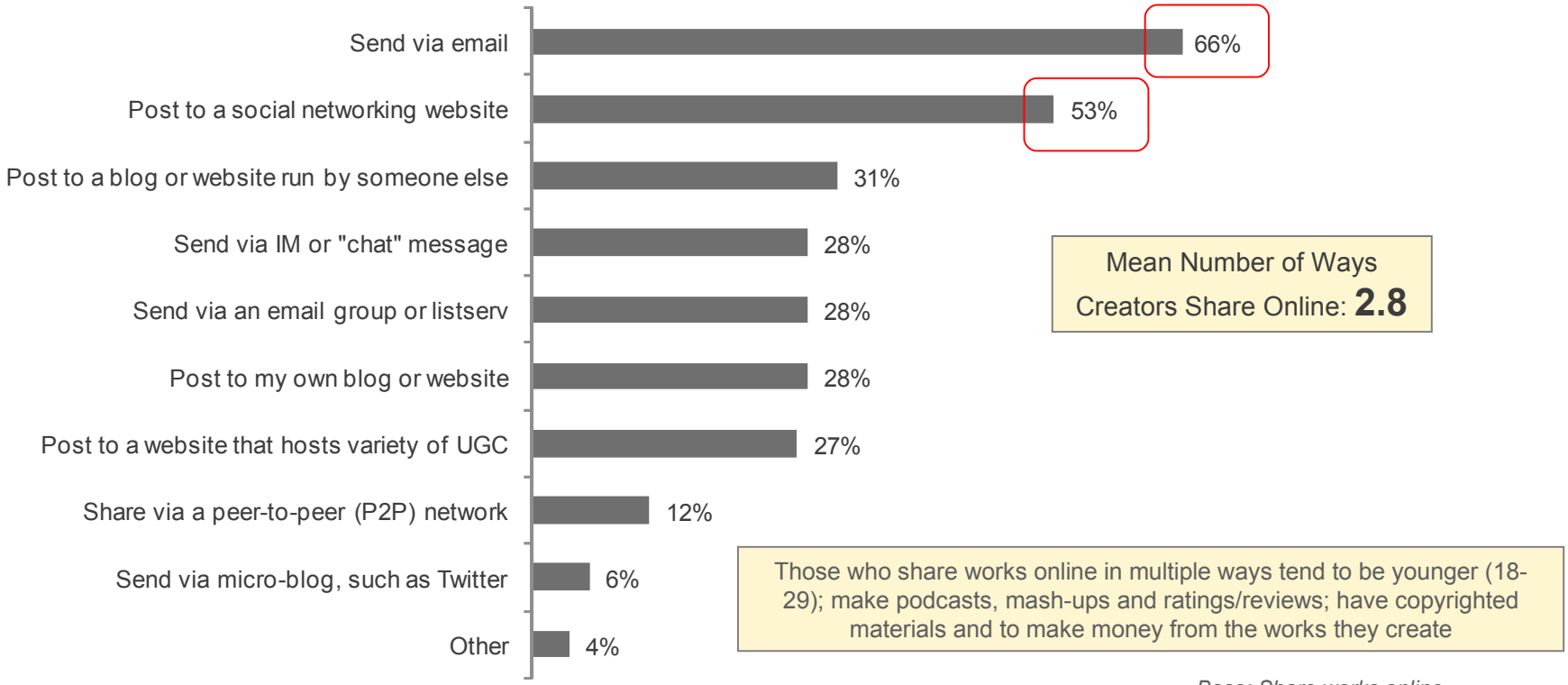


Base: Share works online
n varies (38 to 597)

Content Types and Sharing Works Online

- Email and social networking sites are the most common ways creators share their works online

Q: When you share your works online, how do you typically do that?



Mean Number of Ways Creators Share Online: **2.8**

Those who share works online in multiple ways tend to be younger (18-29); make podcasts, mash-ups and ratings/reviews; have copyrighted materials and to make money from the works they create

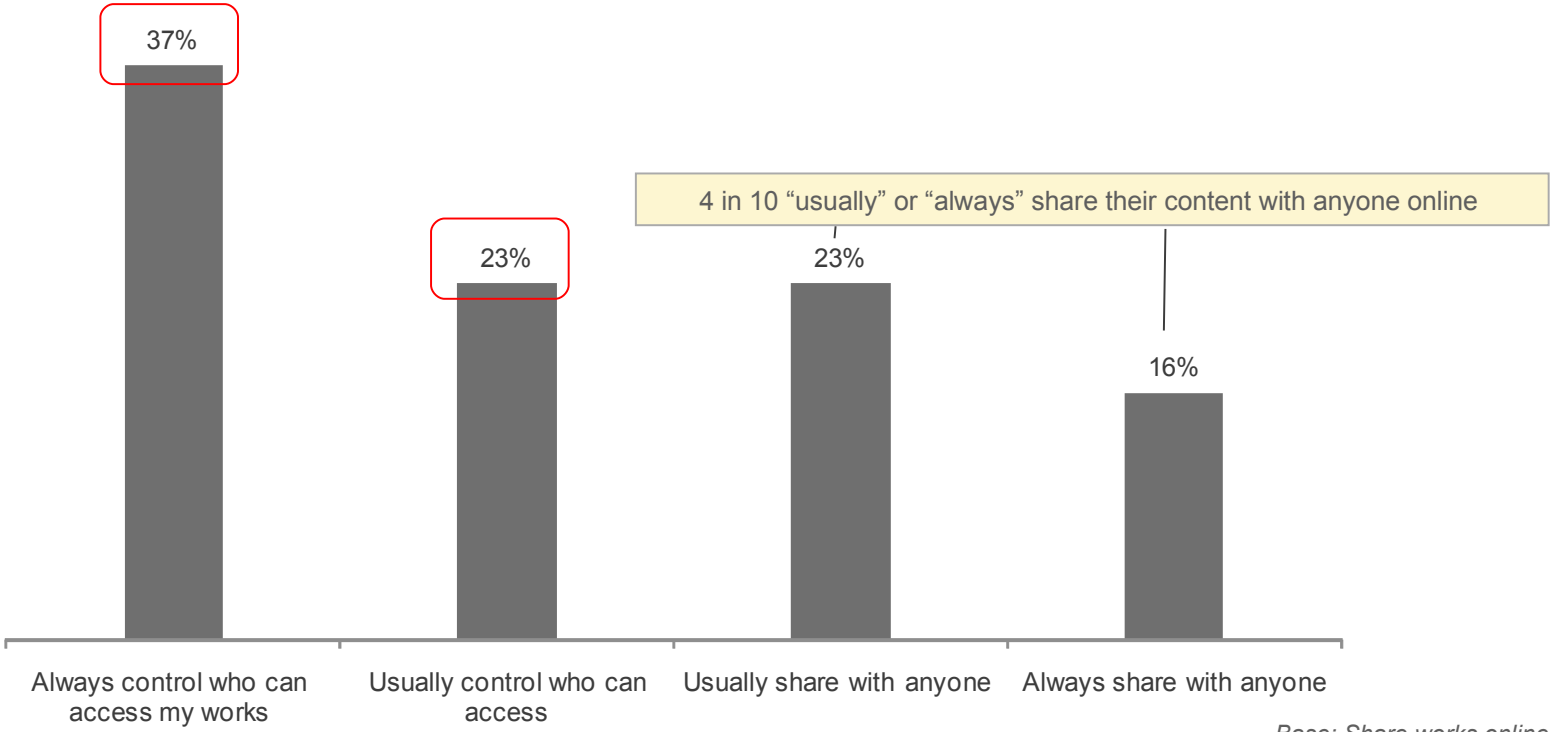
Base: Share works online

n=824

Content Types and Sharing Works Online

- 6 in 10 creators “always” or “usually” control who can access the content they share online

Q: Which of the following best describes how, if at all, you control who can access your works when you share them online?



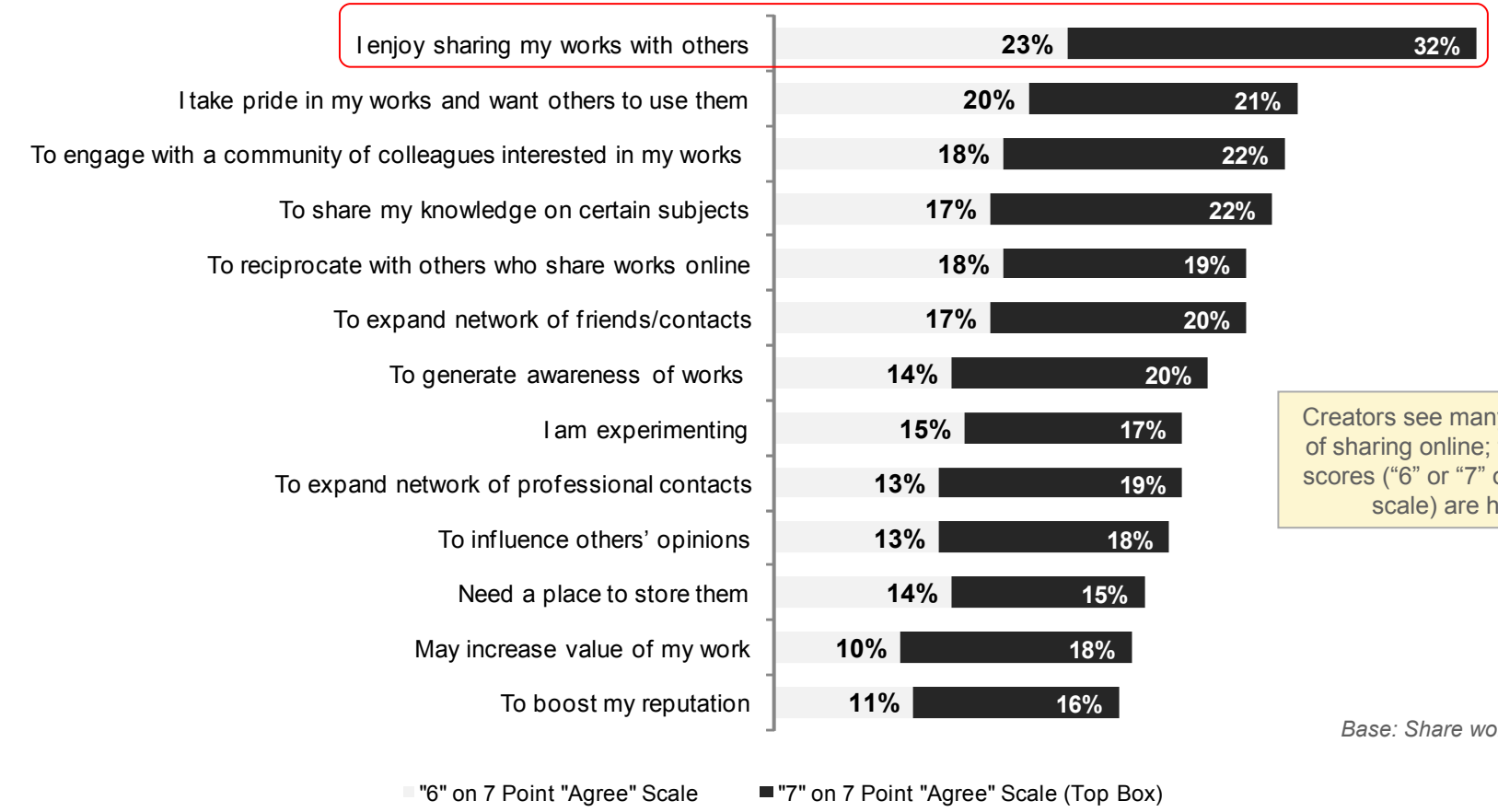
Base: Share works online

n=824

Content Types and Sharing Works Online

- The primary reason creators share their works online is that they “enjoy sharing their works with others”

Q: Why do you share the works you create online?



Creators see many benefits of sharing online; top 2 box scores (“6” or “7” on 7-point scale) are high

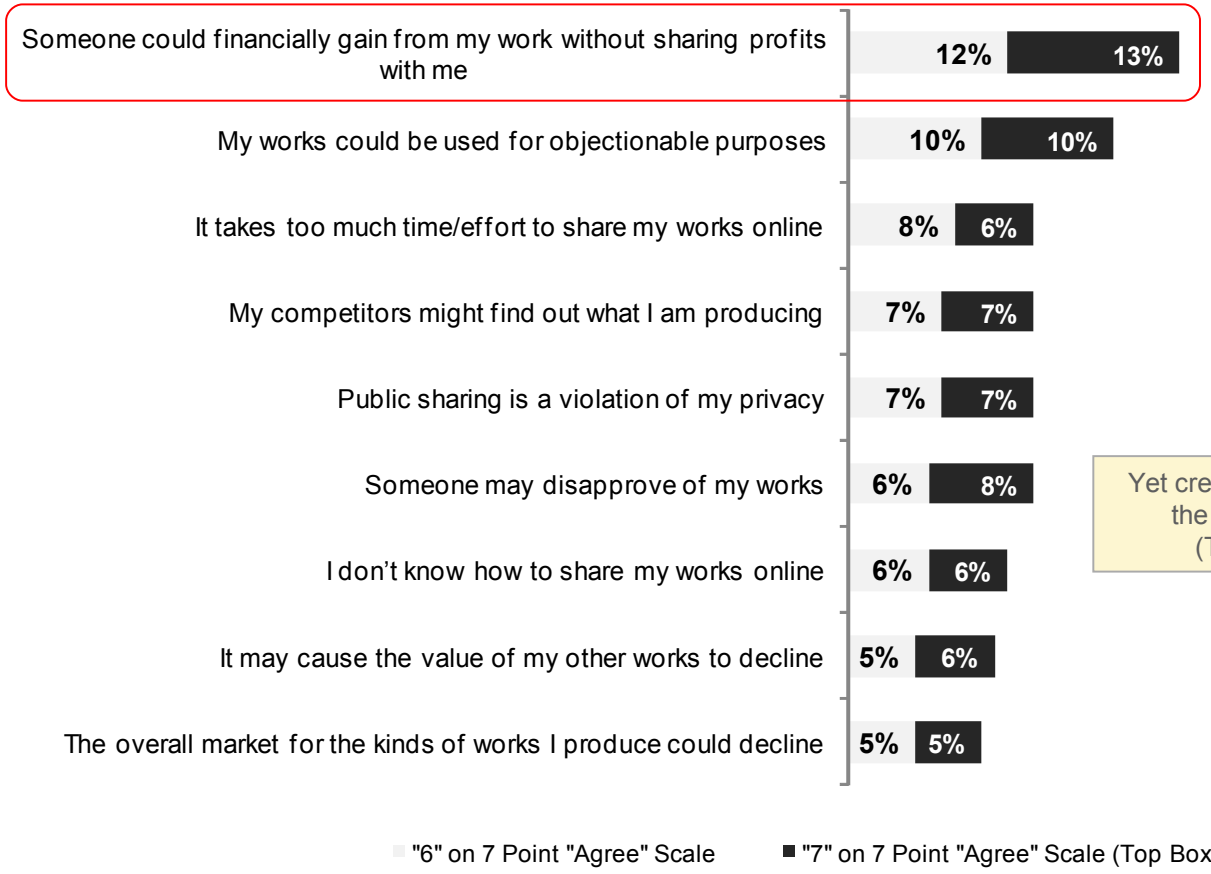
Base: Share works online

n=824

Content Types and Sharing Works Online

- That someone could "gain financially without sharing profits" is the biggest concern U.S. Content Creators have

Q: Do you have any concerns about sharing your works online?



Yet creators express low concern overall for *any* the potential drawbacks of sharing online (Top 2 Box scores are generally low)

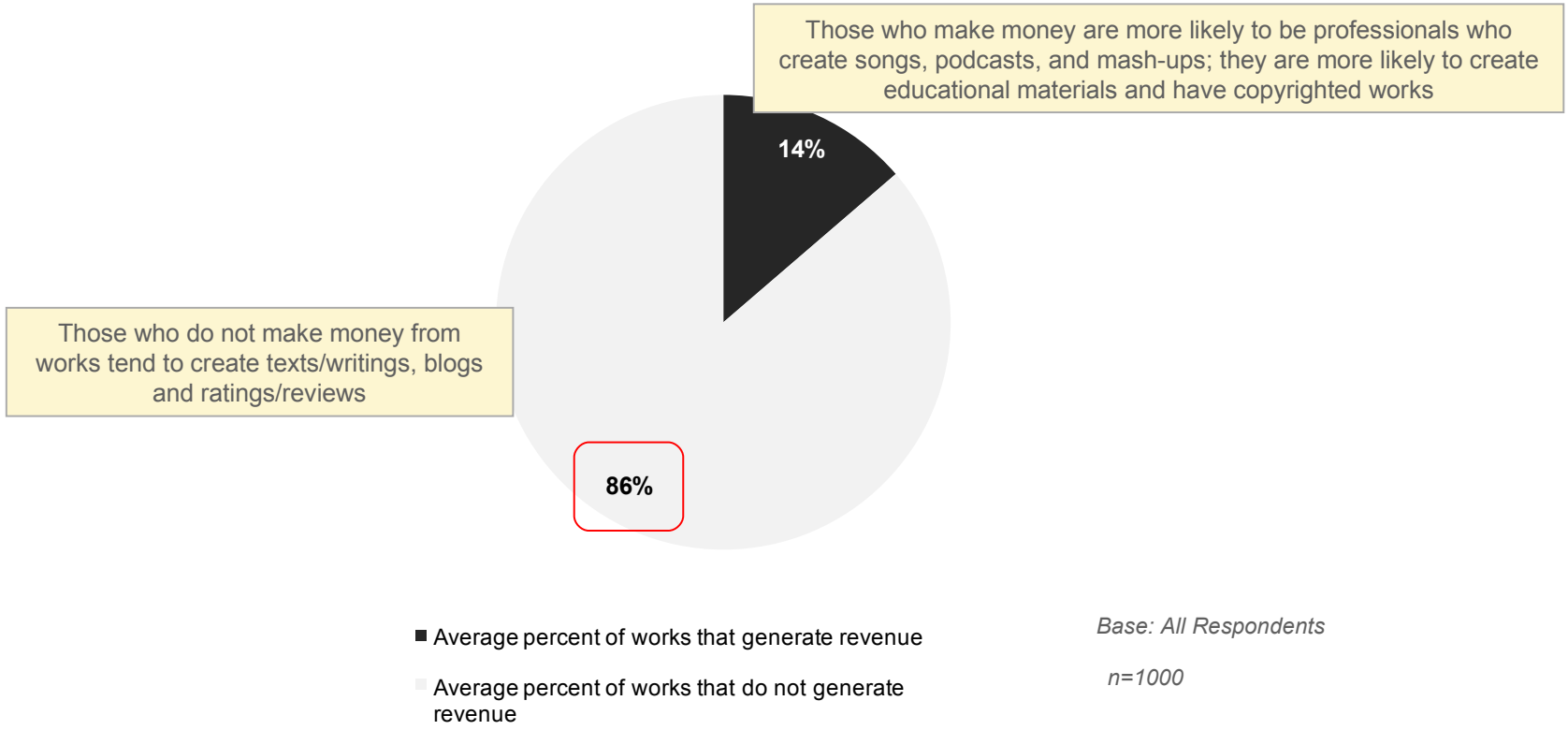
Base: All Respondents
n=1000

Revenues and Licensing Works

Revenues and Licensing of Works

- Most works (86%) by content creators do not earn the creator any money

Q: Thinking of all the works you create as 100%, approximately what percent of these works generate revenue -- that is, what percent of your works earn you money?



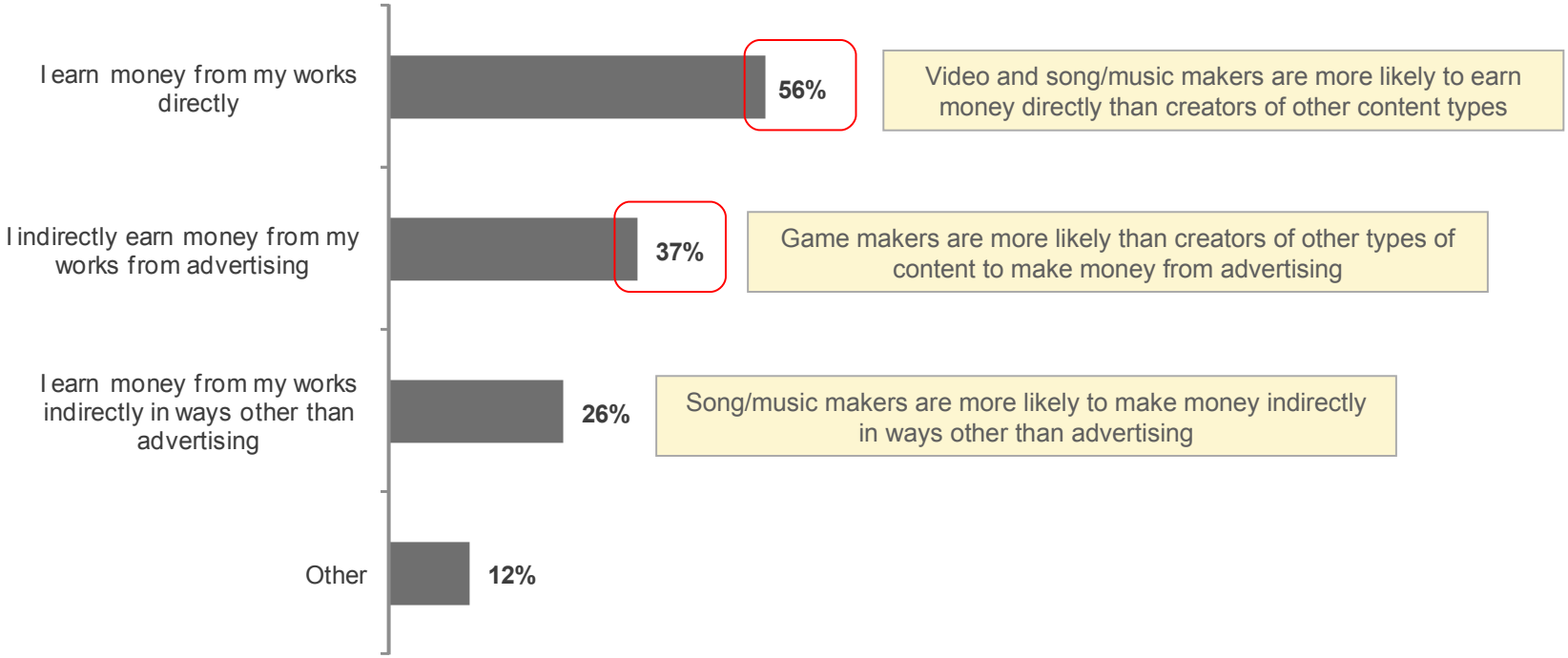
Base: All Respondents

n=1000

Revenues and Licensing of Works

- Creators who make money from their works do so primarily through direct sales or advertising

Q: You indicated that some or all of your works generate revenue. How do you earn money from these works?



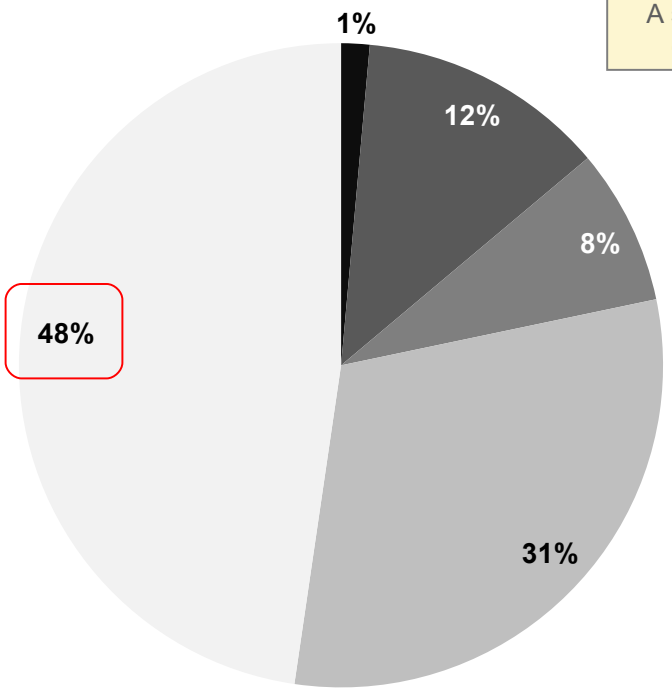
Base: At least 1% of works generate revenue

n=311

Revenues and Licensing of Works

- Creators who earn money from their works typically earn less than $500 a year

Q: Approximately how much money do you earn from your works on an annual basis, whether directly, indirectly or a combination of both?



A small percentage (13%) earn $25,000 or more

Higher earners tend to be younger (18-29) and make videos, songs/music, mash-ups and games

Mean Amount Earned by Creators Annually from their Works:
$12.6K

- $500,000 or more
- $25,000 to $499,999
- $10,000 to $24,999
- $500 to $9,999
- Less than $500 annually

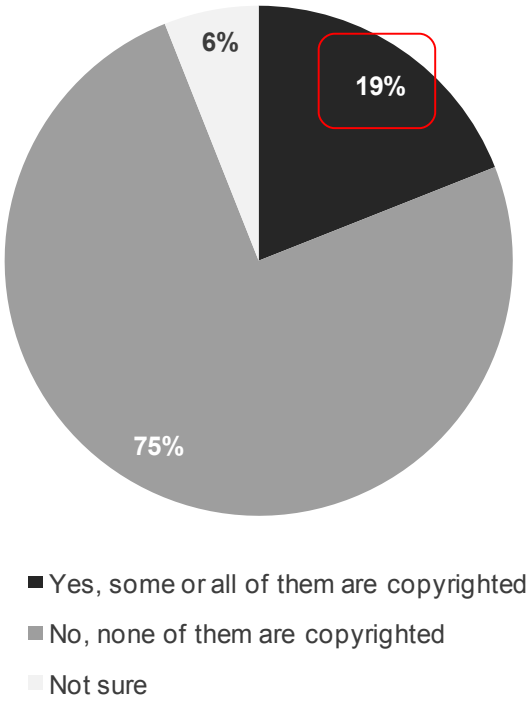
Base: At least 1% of works generate revenue, excluding those who "prefer not to answer"

n=281

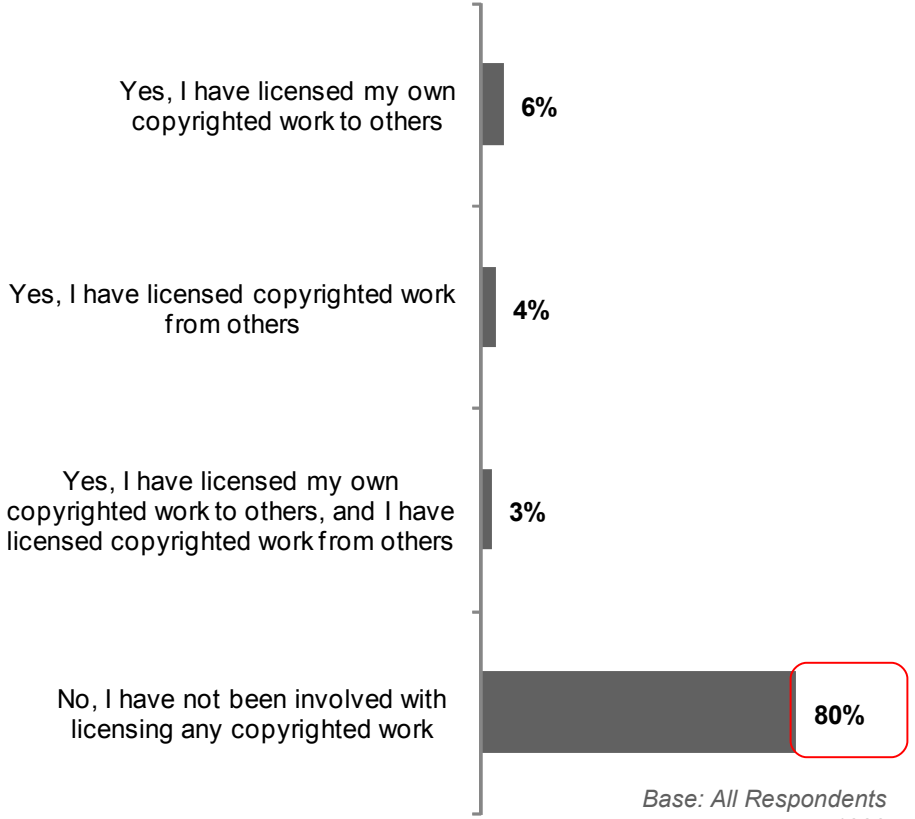
Revenues and Licensing of Works

- Only 1 in 5 creators say they have copyrighted works or have been involved in licensing copyrighted works

Q: Are any of the works you created in the last 12 months copyrighted?



Q: Have you ever been involved with licensing copyrighted works?



Base: All Respondents n=1000

Revenues and Licensing of Works

- The profile of those who say they have copyrighted works is quite different from those who say they do not

	Some or All Works Copyrighted (n=192)	Has No Copyrighted Works (n=747)
Male	64%	48%
Professionals	23%	5%
Average number of content types created	3.5	2.4
Percent who share non web-native works online	81%	69%
Average number of ways of sharing	3.6	2.6
Avg. estimated people share with	284	146
Percent of works that generate revenue	31%	9%
Avg. amount earned annually from works	$41.8K	$12.0K
Reasons for sharing: To generate awareness of works To increase value of works	 51% 44%	 27% 23%
Have licensed the works they share online	54%	7%

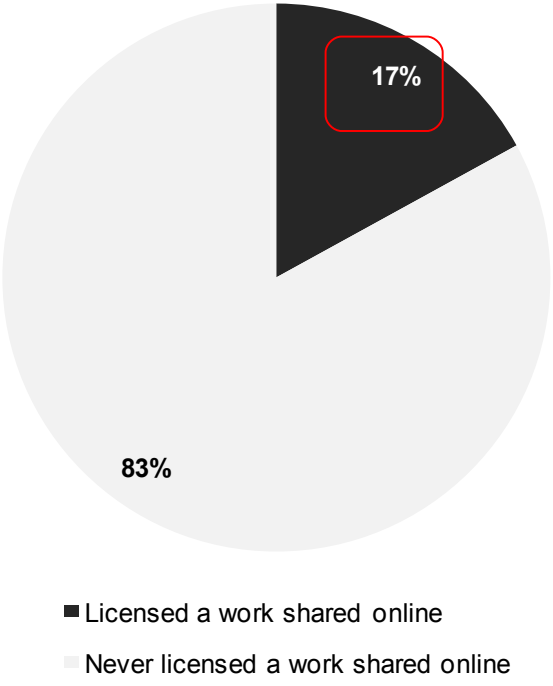
*All differences are statistically significant at a 95% confidence level

Revenues and Licensing of Works

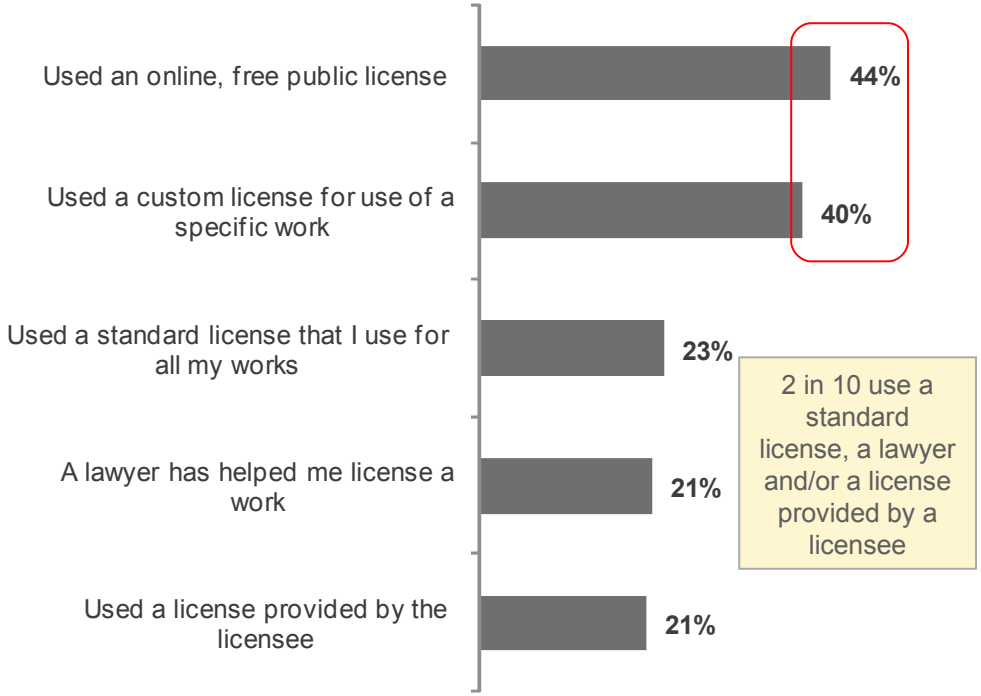
- Only 17% of creators license the works they share online

Among those who license the works they share online, 4 in 10 have used free public licenses and/or custom licenses

Q: Do you ever license the works that you share online? If so, how do you license these works?



Base: Share works online
n=824



Base: Licensed a work shared online
n=140

Results and Initial Conclusions

Results and Initial Conclusions

- Content Creators represent a broad cross-section of Internet users in the United States – evenly men and women, young and old
  - Most are amateurs who earn no money from the works they create, have no formal legal training, and have not been involved in licensing copyrighted works
  - Photographs are the most common type of content created

Results and Initial Conclusions

- Online content sharing is also widespread, with over 8 in 10 sharing their content online
  - Photographs are typically shared online on a weekly basis (several times a week by some)
  - Email and social networking sites are the most common ways to share online, but other methods (such as blogs and Instant Messaging) are also popular among younger creators
- Creators share their works for a variety of reasons, primarily for the sense of pride, community and enjoyment it affords

Results and Initial Conclusions

- Yet most creators say they do not have copyrighted works and never license the works they share online
  - Only 1 in 5 creators say they have copyrighted works and/or have been involved in licensing them
- This finding suggests that some creators may be unaware that current US law grants copyright upon creation of a work

Results and Initial Conclusions

- Creative Commons licenses are most typically used by a small and unique group of creators:
  - Professional males who create a wider variety of content and share that content via more channels online
  - Earn money from a greater percentage of works, and make more money from those works
  - Are motivated to share online by a desire to generate awareness for their works and potentially increase their value

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Results and Initial Conclusions

- Attitudes towards noncommercial use must be understood and compared between those who recognize and care about copyrighted materials and those who do not

- Future releases of the Noncommercial Use Study will address understandings of noncommercial use generally, and explore differences between this and other important subgroups of content creators

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Future Report Releases

Future Report Releases

- Check the Creative Commons Blog at http://creativecommons.org/weblog or the project home page http://creativecommons.org/projects/NC to stay abreast of future developments in the CC Noncommercial Use Study

- You may also send an email to noncommercial@creativecommons.org to receive communications about upcoming reports

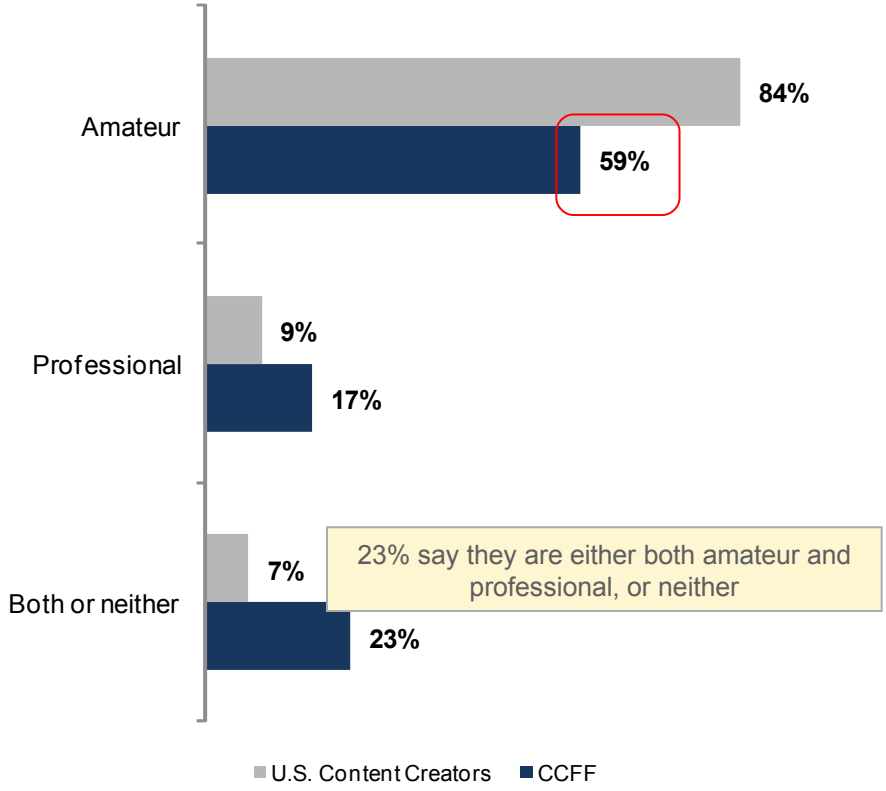
Appendix Part 1

Comparison of Content Creators in the U.S. to CCFF

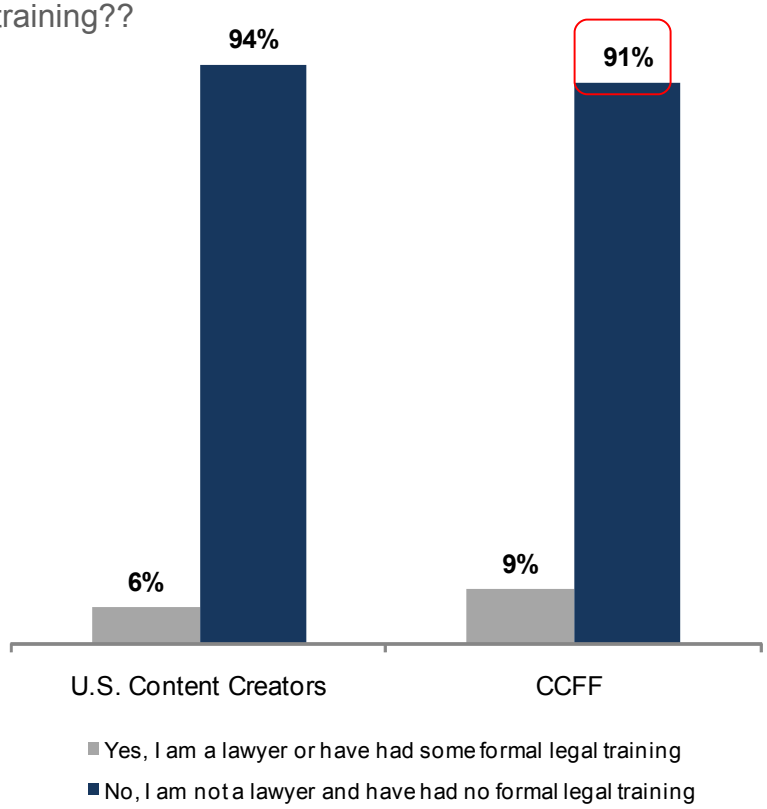
Profile of Content Creators

- Like U.S. Content Creators, CCFF are predominantly amateurs and unlikely to have any formal legal training

Q: Do you generally consider yourself an amateur or professional creator?



Q: Are you a lawyer or have you had any formal legal training??

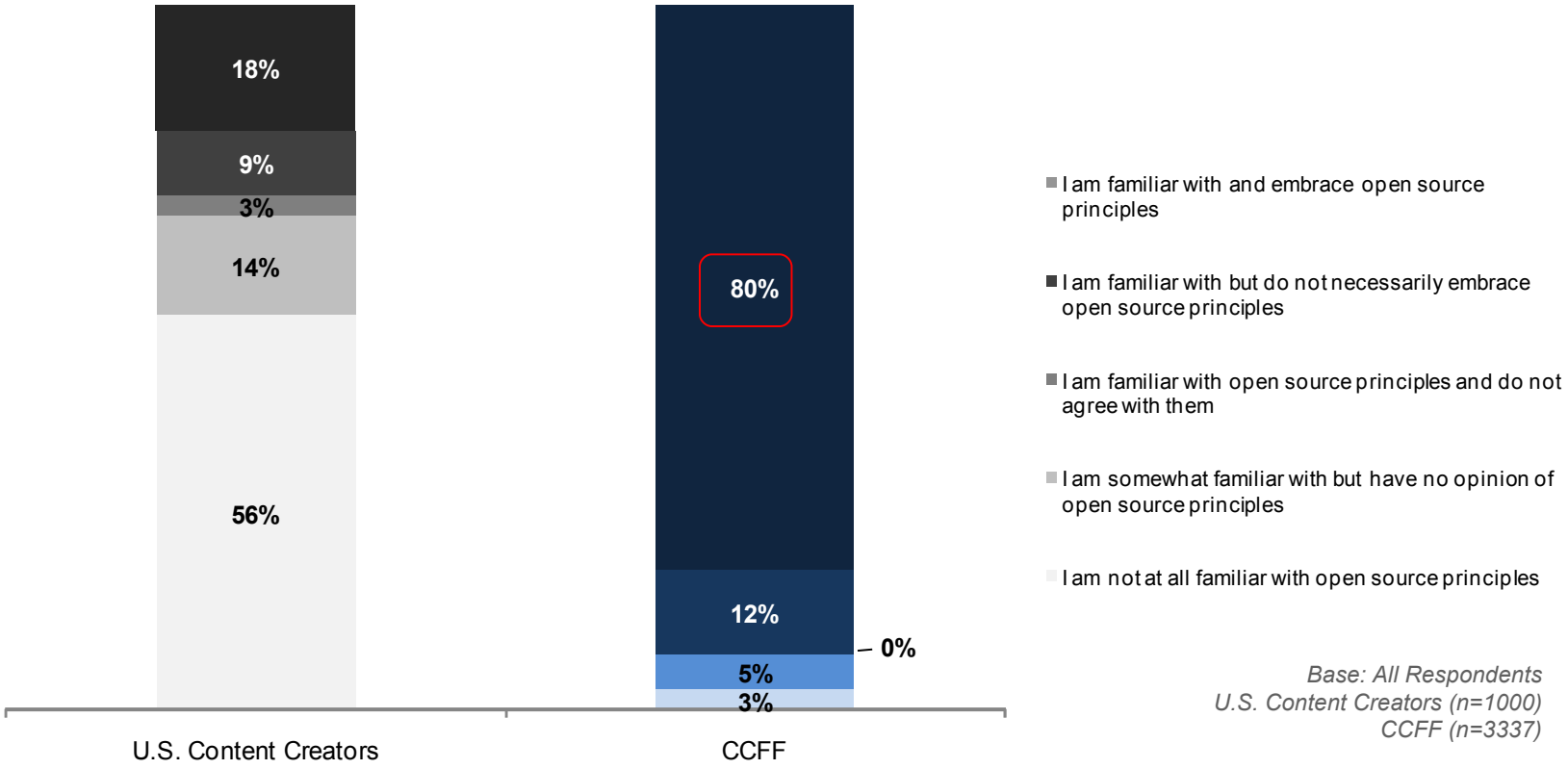


Base: All Respondents
U.S. Content Creators (n=1000)
CCFF (n=3337)

Profile of Content Creators

- CCFF are far more likely to be familiar with and *embrace* open source principles

Q: Which of the following best describes your familiarity with and attitude toward the principles of "open source" – that is, the principles associated with the open source software movement?



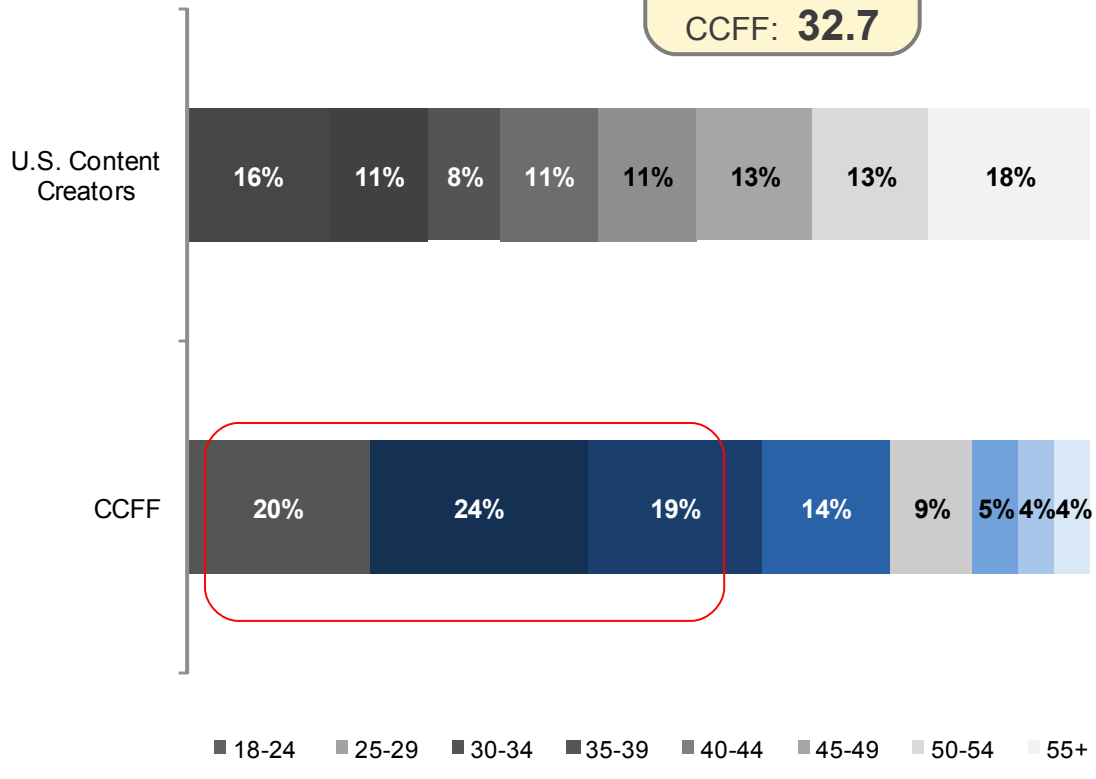
Base: All Respondents
U.S. Content Creators (n=1000)
CCFF (n=3337)

Profile of Content Creators

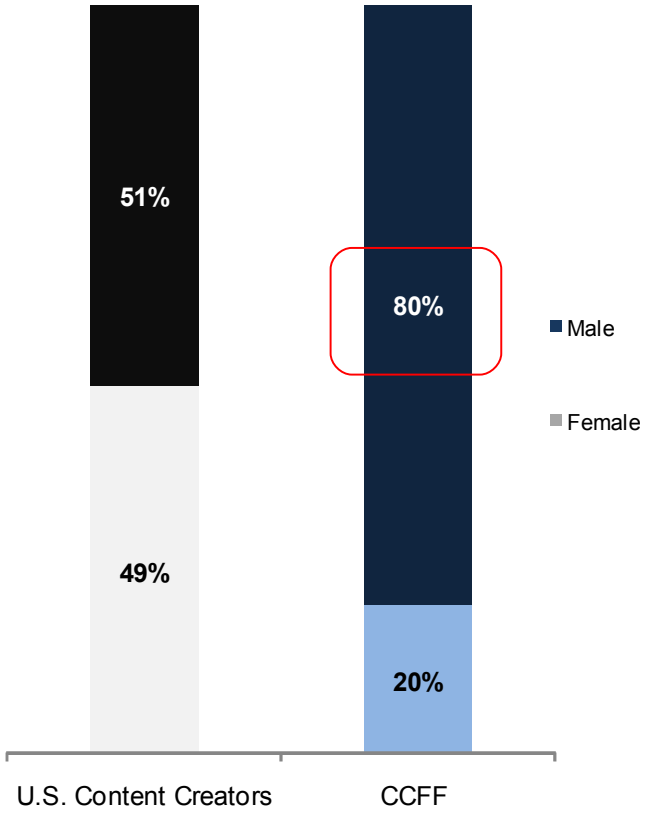
- CCFF are younger and more male than U.S. Content Creators

Q: Please indicate your age.

Mean Ages
USCC: **40.0**
CCFF: **32.7**



Q: Please indicate your gender.

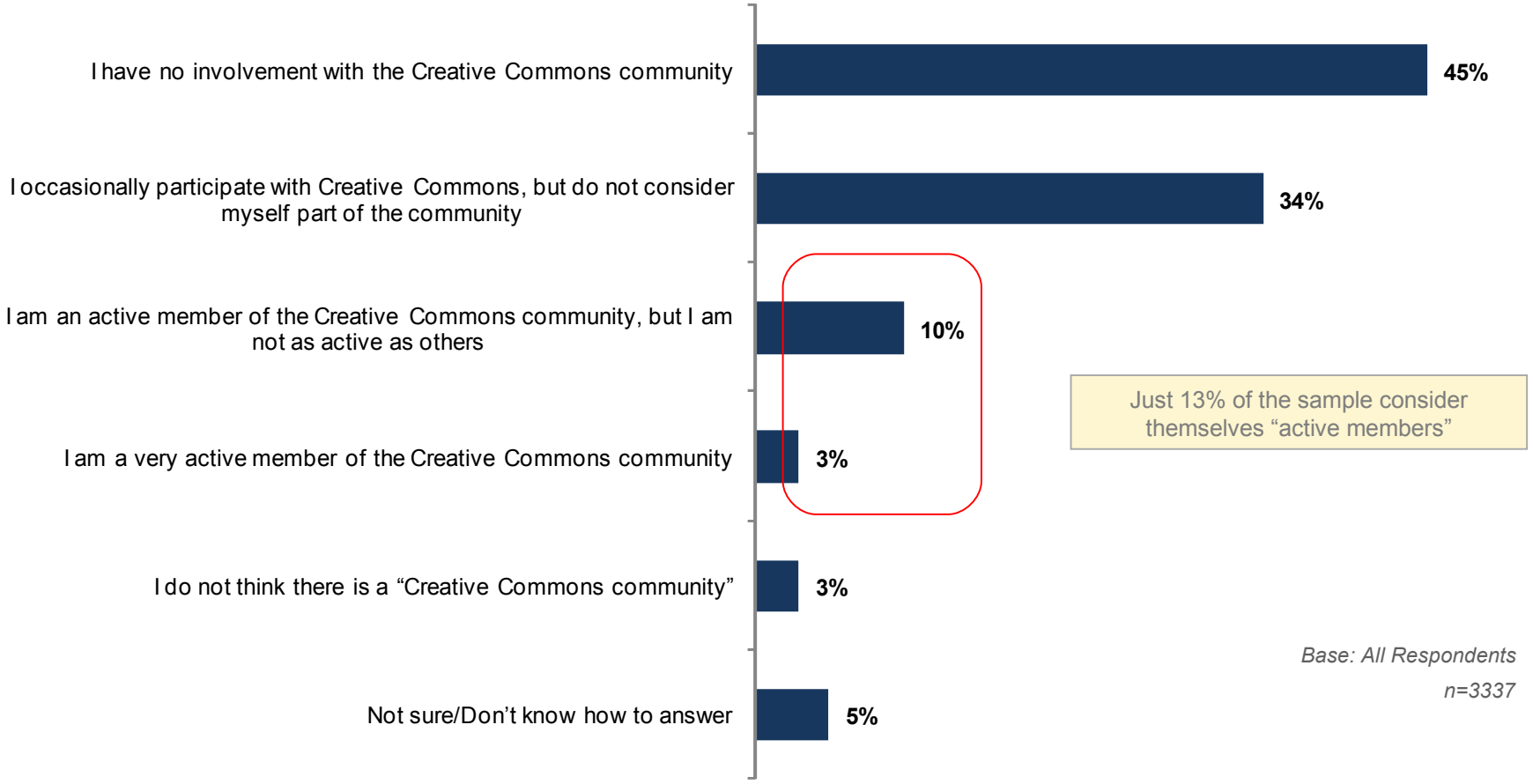


Base: All Respondents
U.S. Content Creators (n=1000)
CCFF (n=3337)

Profile of Content Creators

- 79% of respondents from the CCFF survey are *not* members of the Creative Commons community

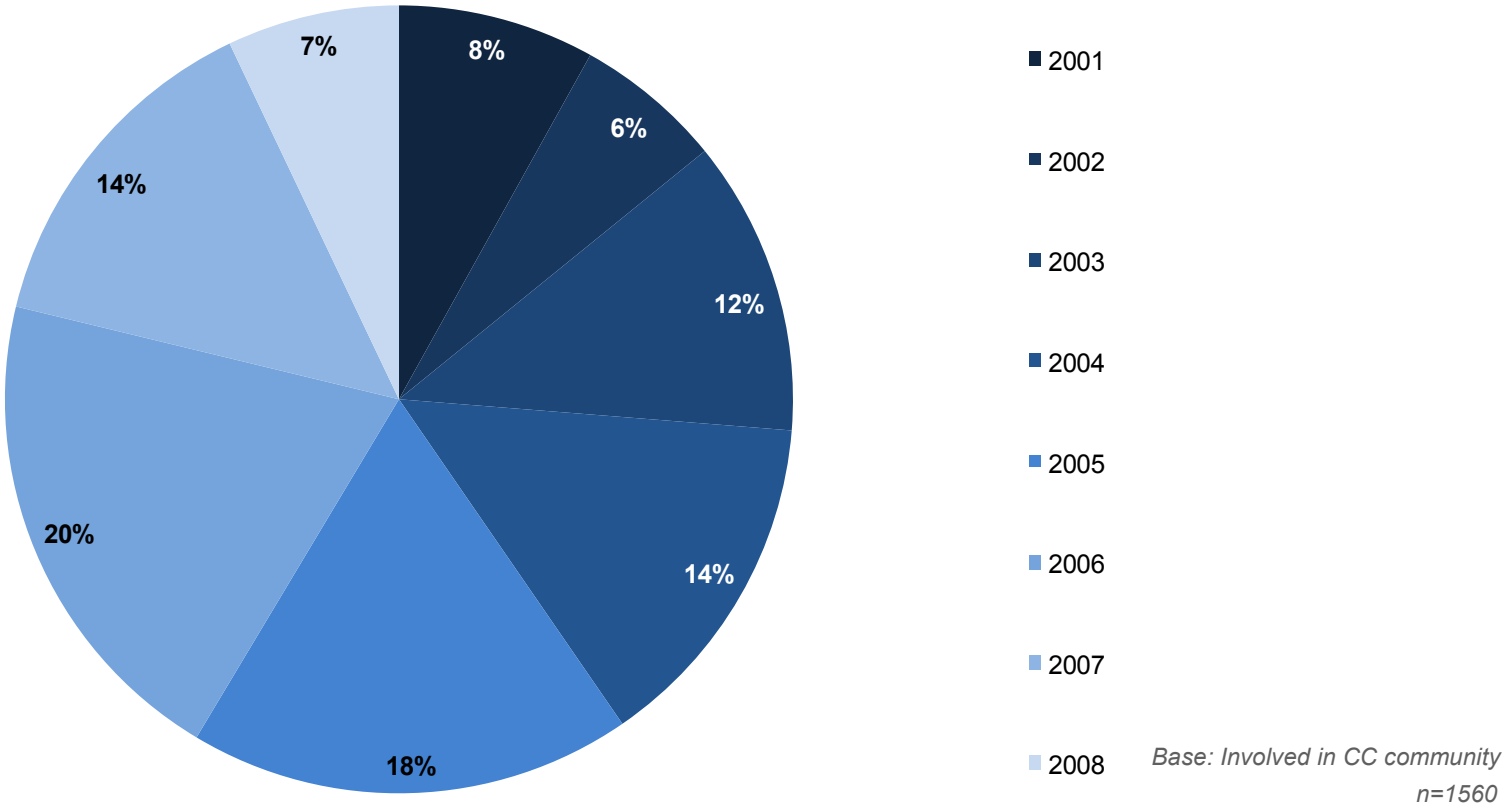
Q: Which of the following best describes your involvement, if any, in the "Creative Commons community"?



Profile of Content Creators

- CCFF sample includes those very new to the organization and many “old-timers”

Q: In what year did your involvement with the Creative Commons community begin?

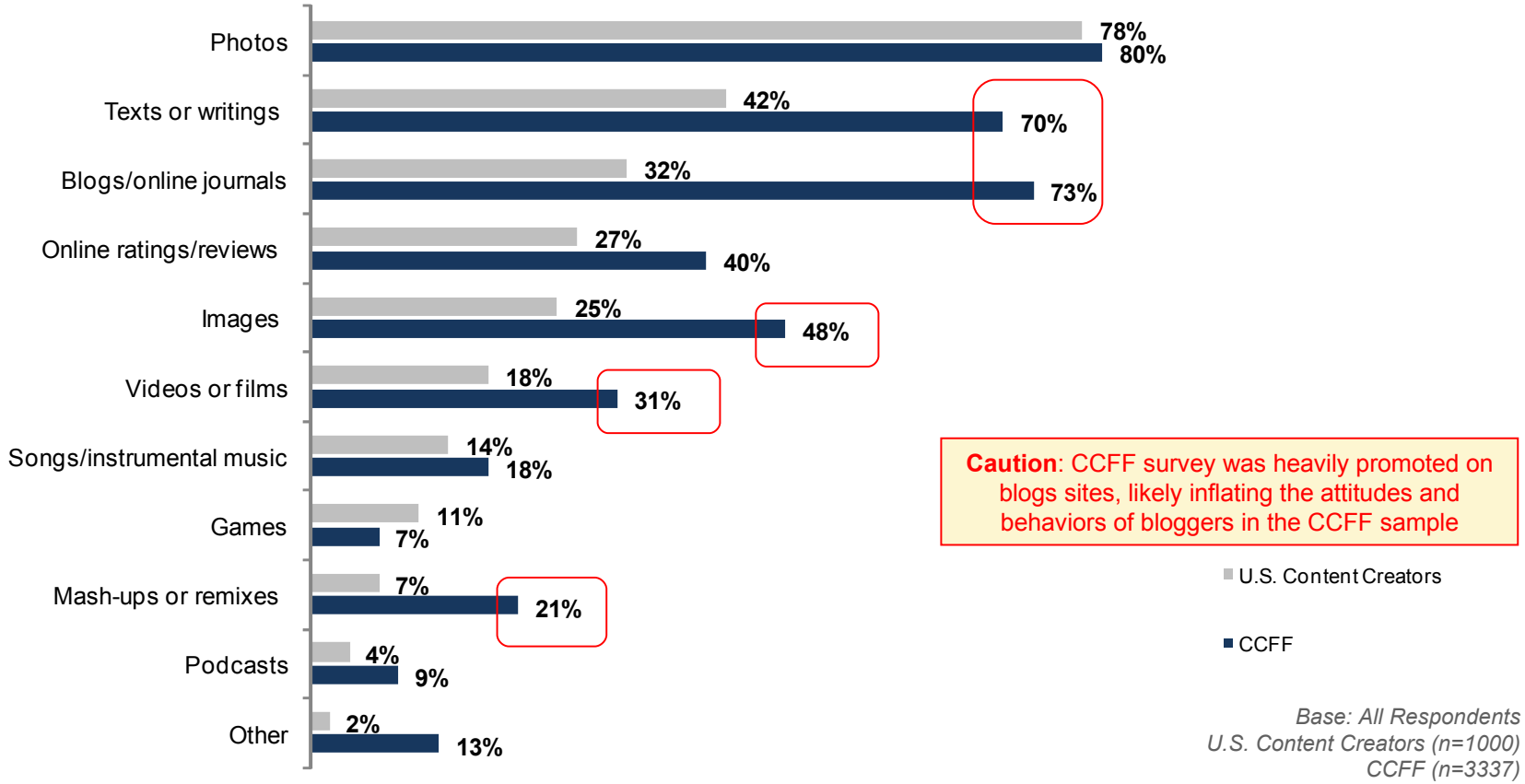


Base: Involved in CC community
n=1560

Content Types and Sharing Works Online

- Compared to creators, CCFF create a wider variety of works, particularly texts, blogs, images, videos and mash-ups

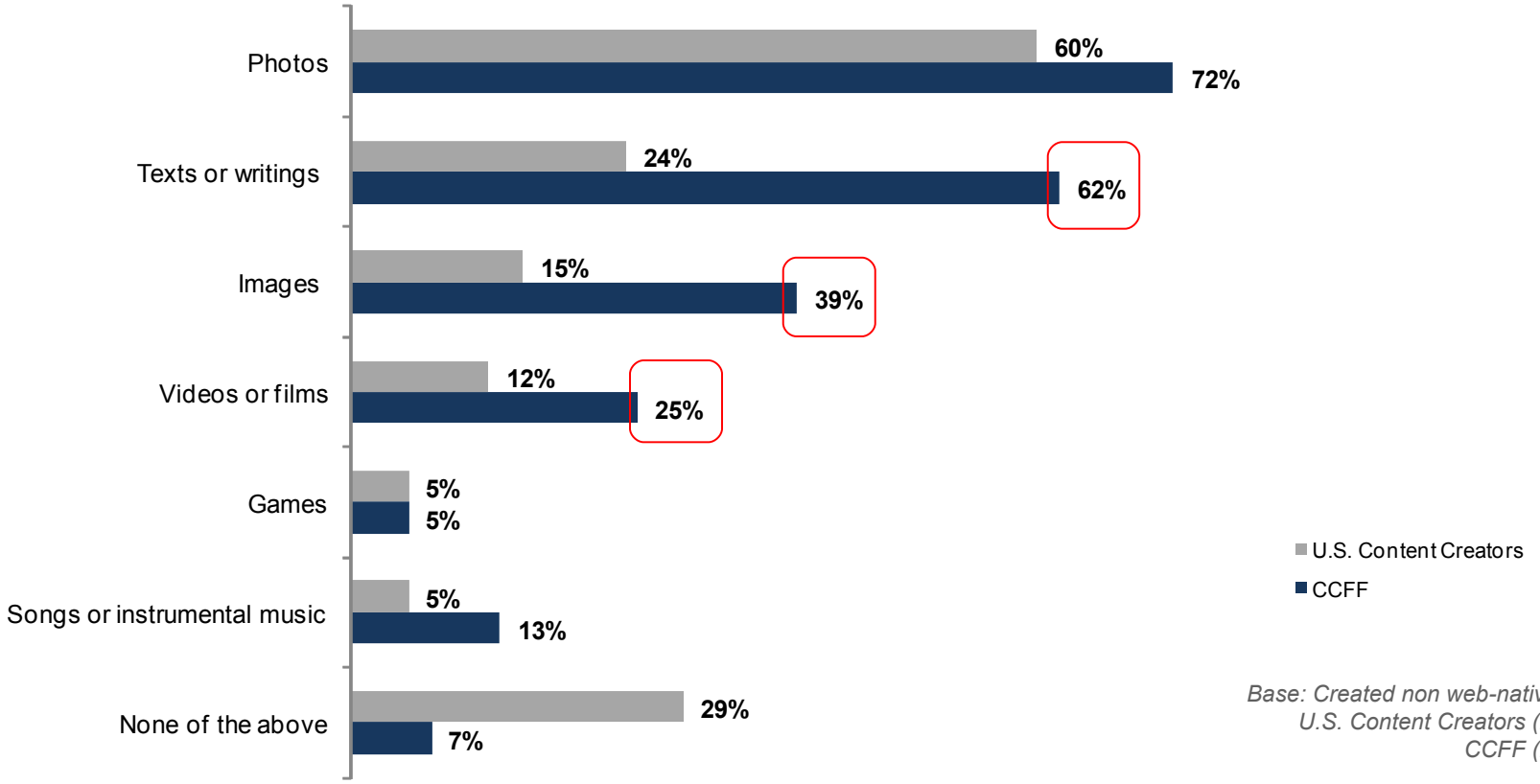
Q: In the last 12 months, have you created any of the following types of works or content?



Content Types and Sharing Works Online

- CCFF share more works that are not native to the web *online*, particularly text, images and videos

Q: Have you shared any of the following works online?



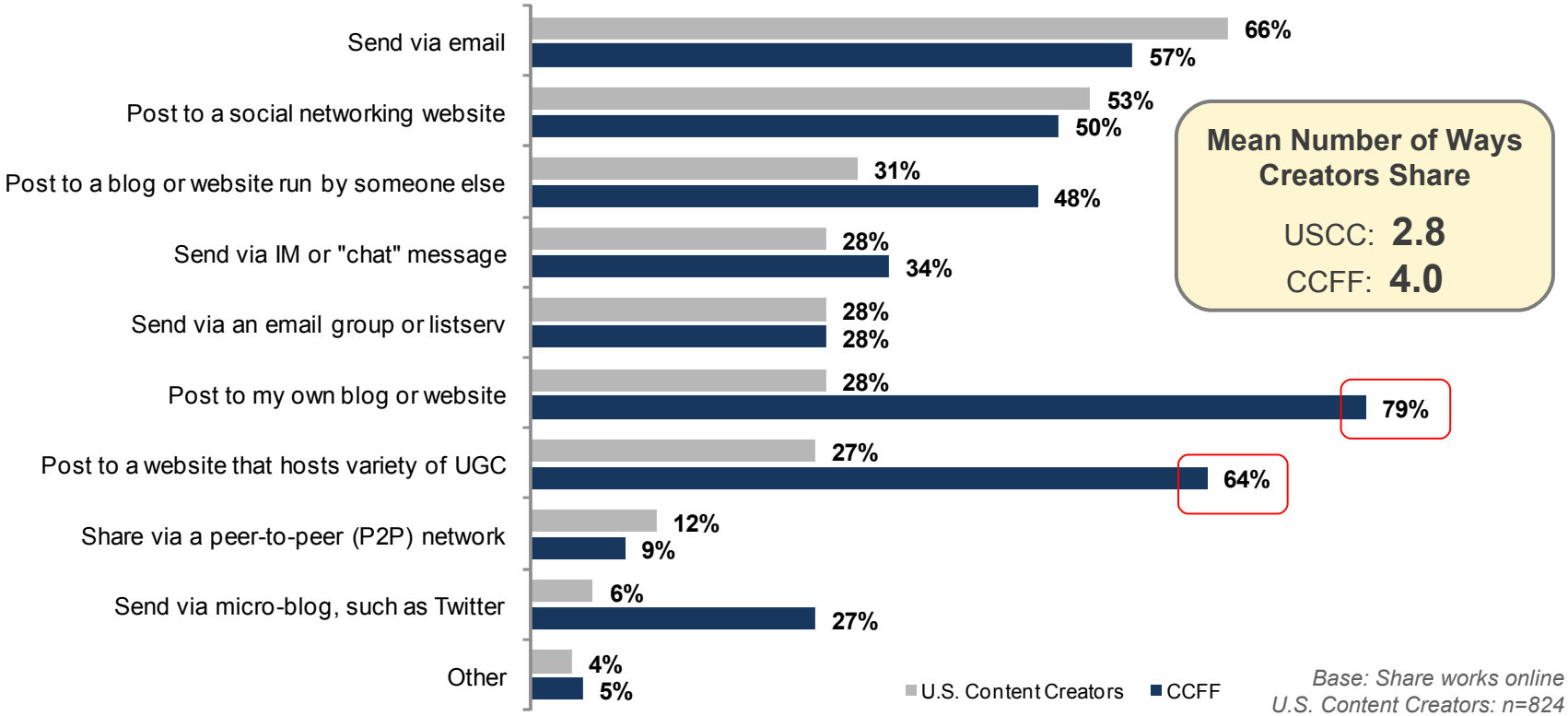
Base: Created non web-native works
U.S. Content Creators (n=1000)
CCFF (n=3337)

Content Types and Sharing Works Online

- CCFF are much more likely to share their content via blogs and general UGC websites

Caution: CCFF survey was heavily promoted on blogs sites, potentially skewing sample

Q: When you share your works online, how do you typically do that?



Mean Number of Ways Creators Share

USCC: **2.8**

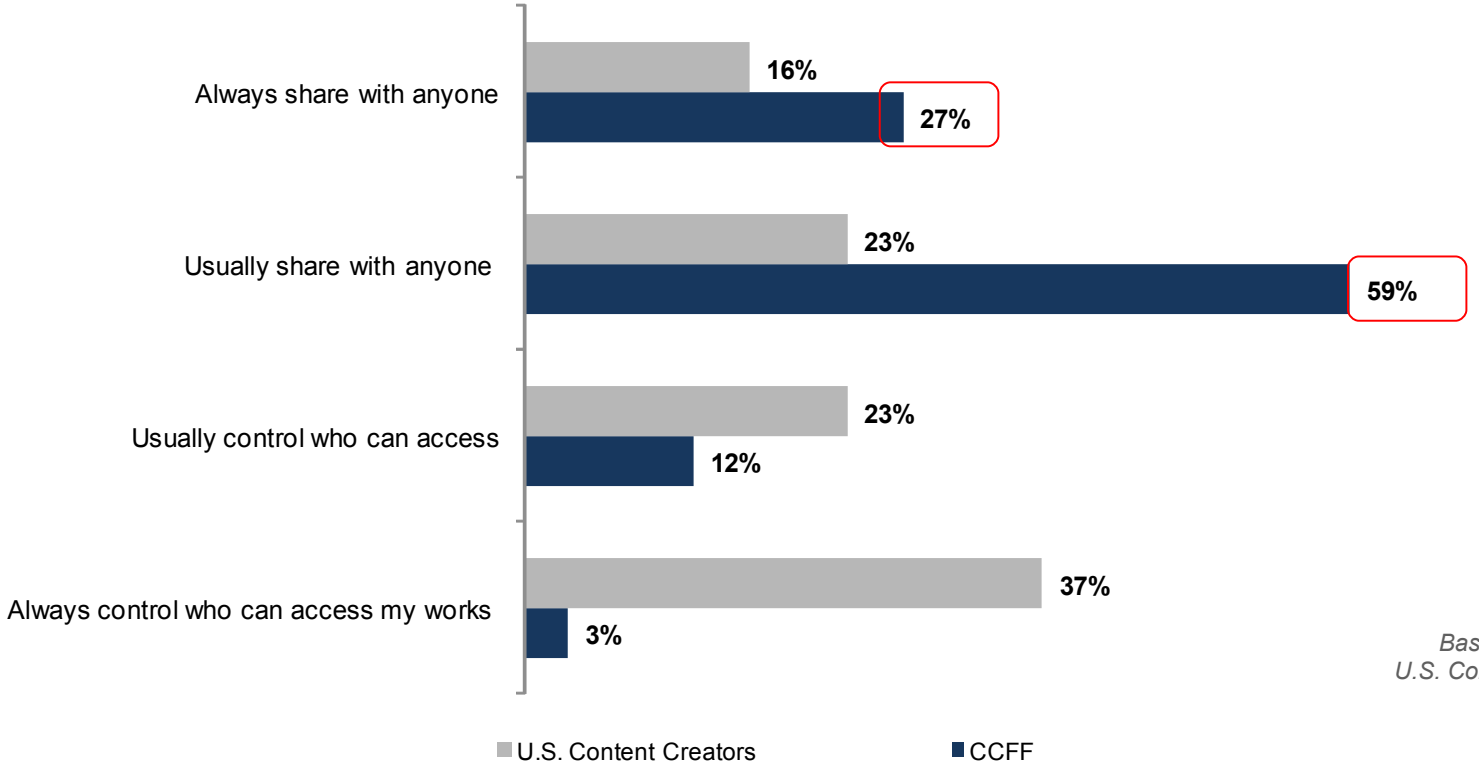
CCFF: **4.0**

Base: Share works online
U.S. Content Creators: n=824
CCFF: n =3230

Content Types and Sharing Works Online

- CCFF are far more likely to “always” or “usually” share their works with anyone online

Q: Which of the following best describes how, if at all, you control who can access your works when you share them online?

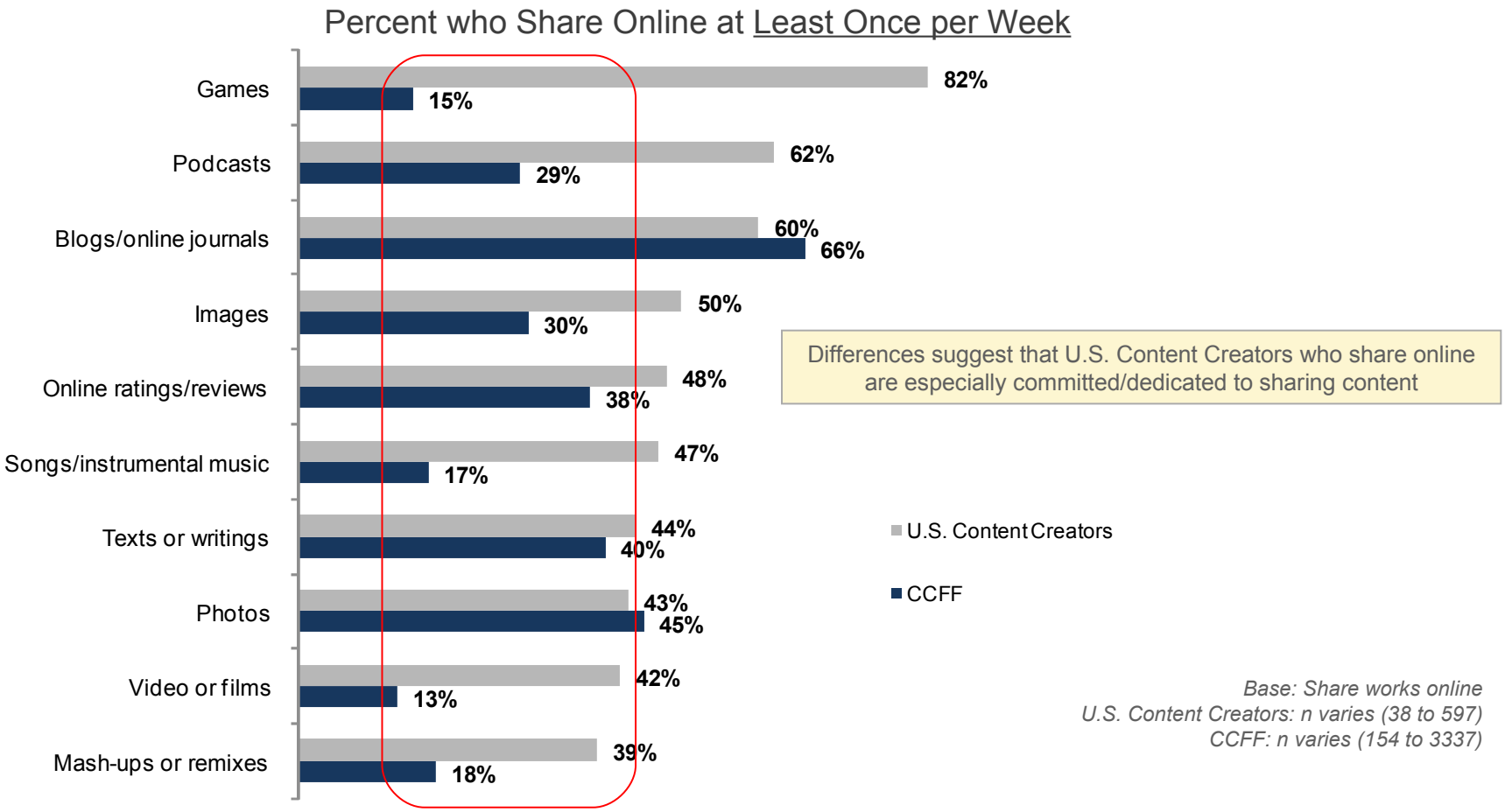


Base: Share works online
U.S. Content Creators: n=824
CCFF: n =3230

Content Types and Sharing Works Online

- CCFF actually shares certain kinds of works *less* frequently, namely games, podcasts, images, songs, videos and mash-ups

Q: Approximately how often do you share each type of work online?

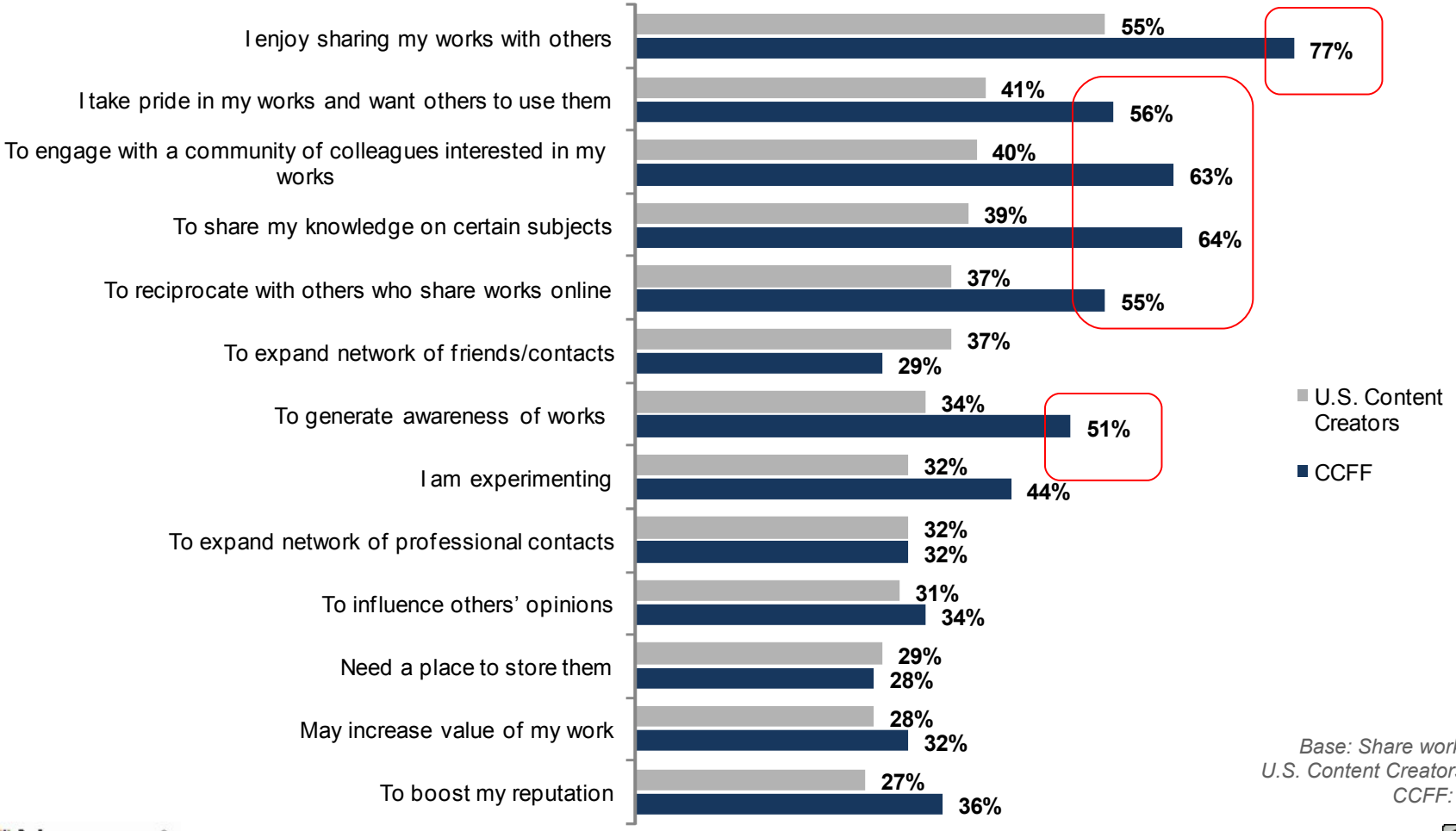


Base: Share works online
U.S. Content Creators: n varies (38 to 597)
CCFF: n varies (154 to 3337)

Content Types and Sharing Works Online

- Many factors drive CCFF to share online: enjoyment, pride, community, eagerness to share expertise, and self-promotion

Q: Why do you share the works you create online?

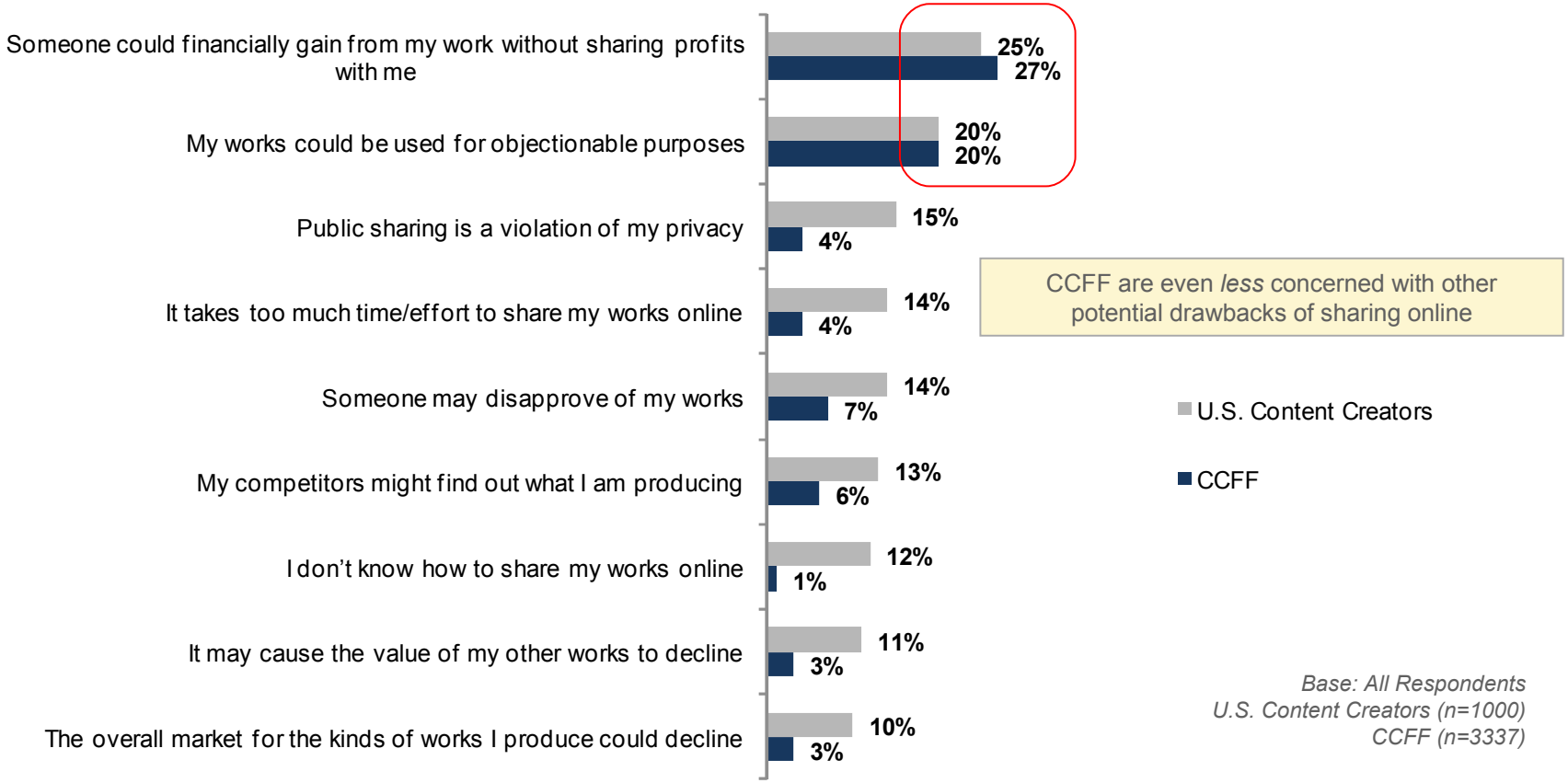


Base: Share works online
U.S. Content Creators: n=824
CCFF: n =3230

Content Types and Sharing Works Online

- Like U.S. Content Creators, 1 in 4 CCFF are concerned with untoward financial gain, 1 in 5 with objectionable purposes

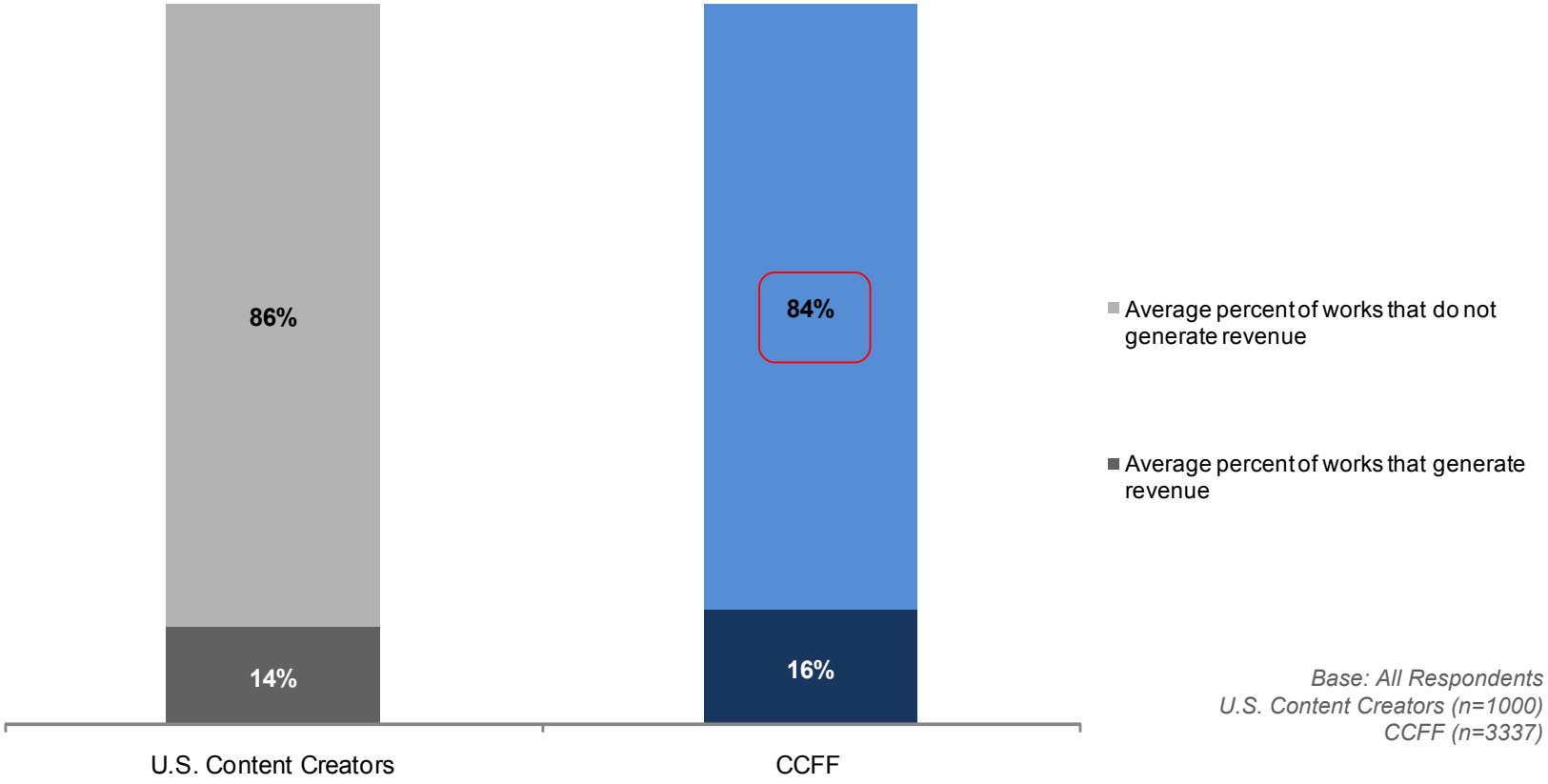
Q: Do you have any concerns about sharing your works online?



Revenues and Licensing of Works

- Like U.S. Content Creators, the vast majority of works created by CCFF *do not* generate revenues

Q: Thinking of all the works you create as 100%, approximately what percent of these works generate revenue -- that is, what percent of your works earn you money

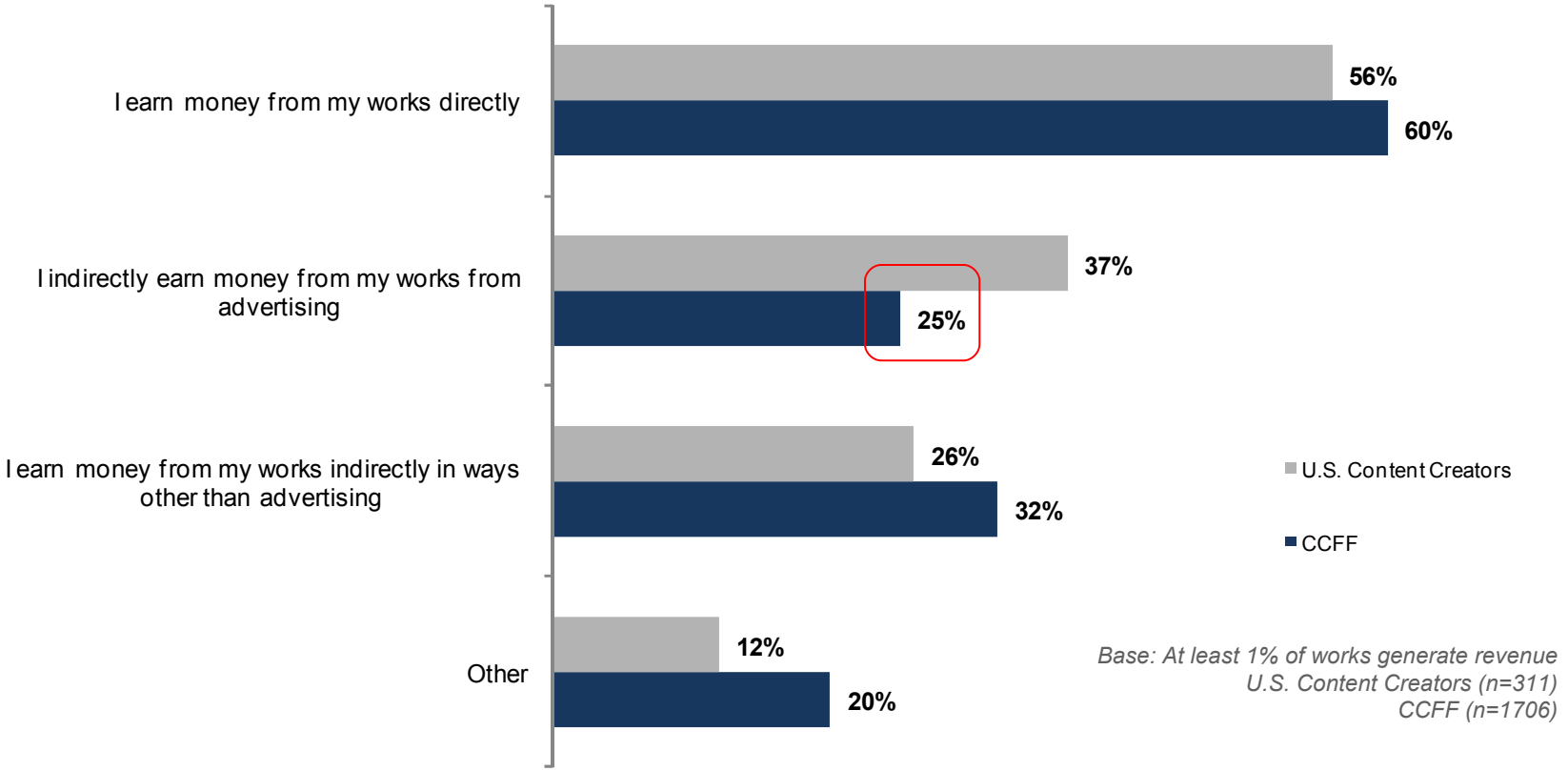


Base: All Respondents
U.S. Content Creators (n=1000)
CCFF (n=3337)

Revenues and Licensing of Works

- CCFF are less likely to earn money indirectly from *advertising*

Q: You indicated that some or all of your works generate revenue. How do you earn money from these works?

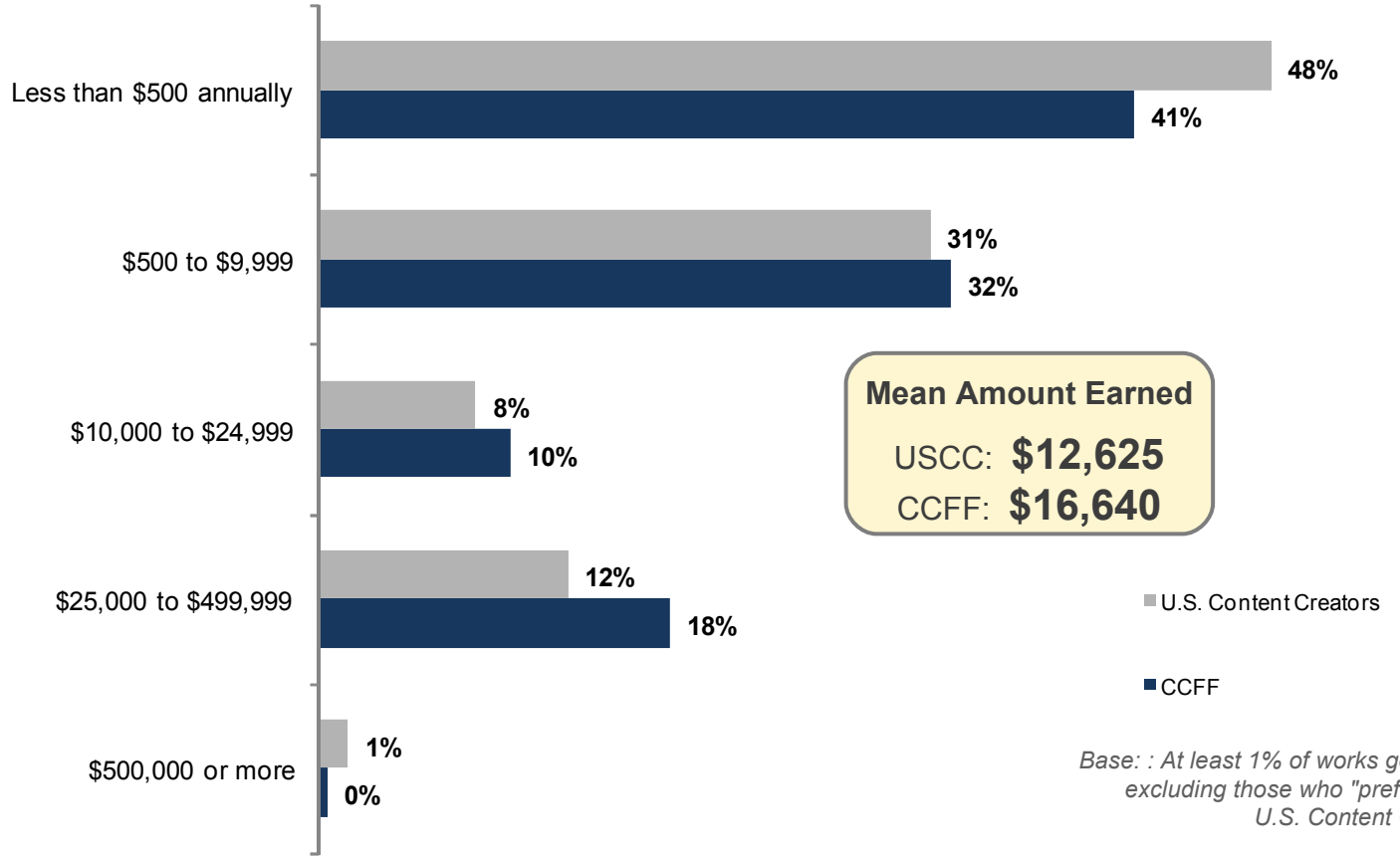


Base: At least 1% of works generate revenue
U.S. Content Creators (n=311)
CCFF (n=1706)

Revenues and Licensing of Works

- CCFF earn more on average than U.S. Content Creators

Q: Approximately how much money do you earn from your works on an annual basis, whether directly, indirectly or a combination of both?

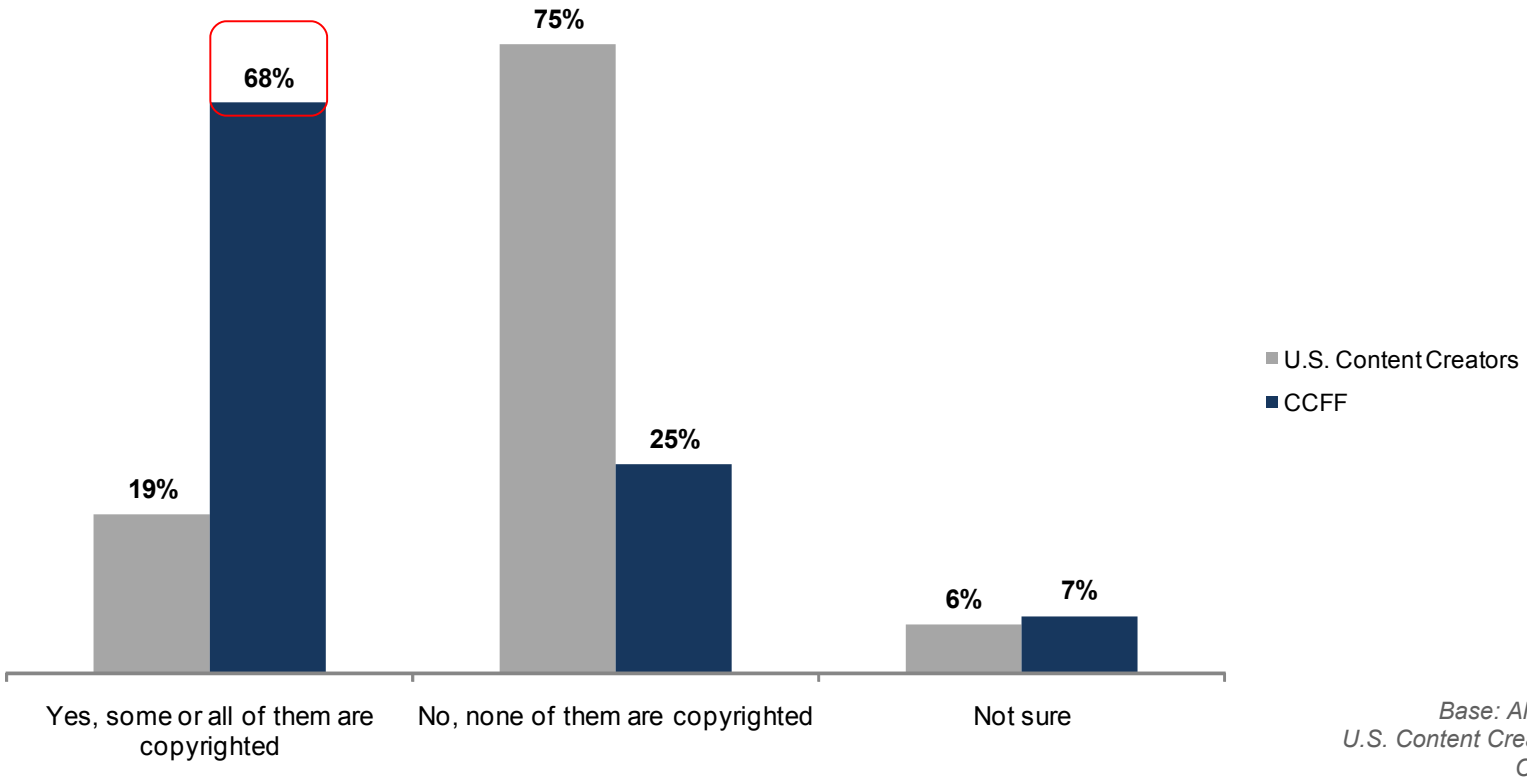


Base: : At least 1% of works generate revenue, excluding those who "prefer not to answer"
U.S. Content Creators (n=281)
CCFF (n=1422)

Revenues and Licensing of Works

- CCFF is much more likely to say some or all of their works are copyrighted

Q: Are any of the works you created in the last 12 months copyrighted?

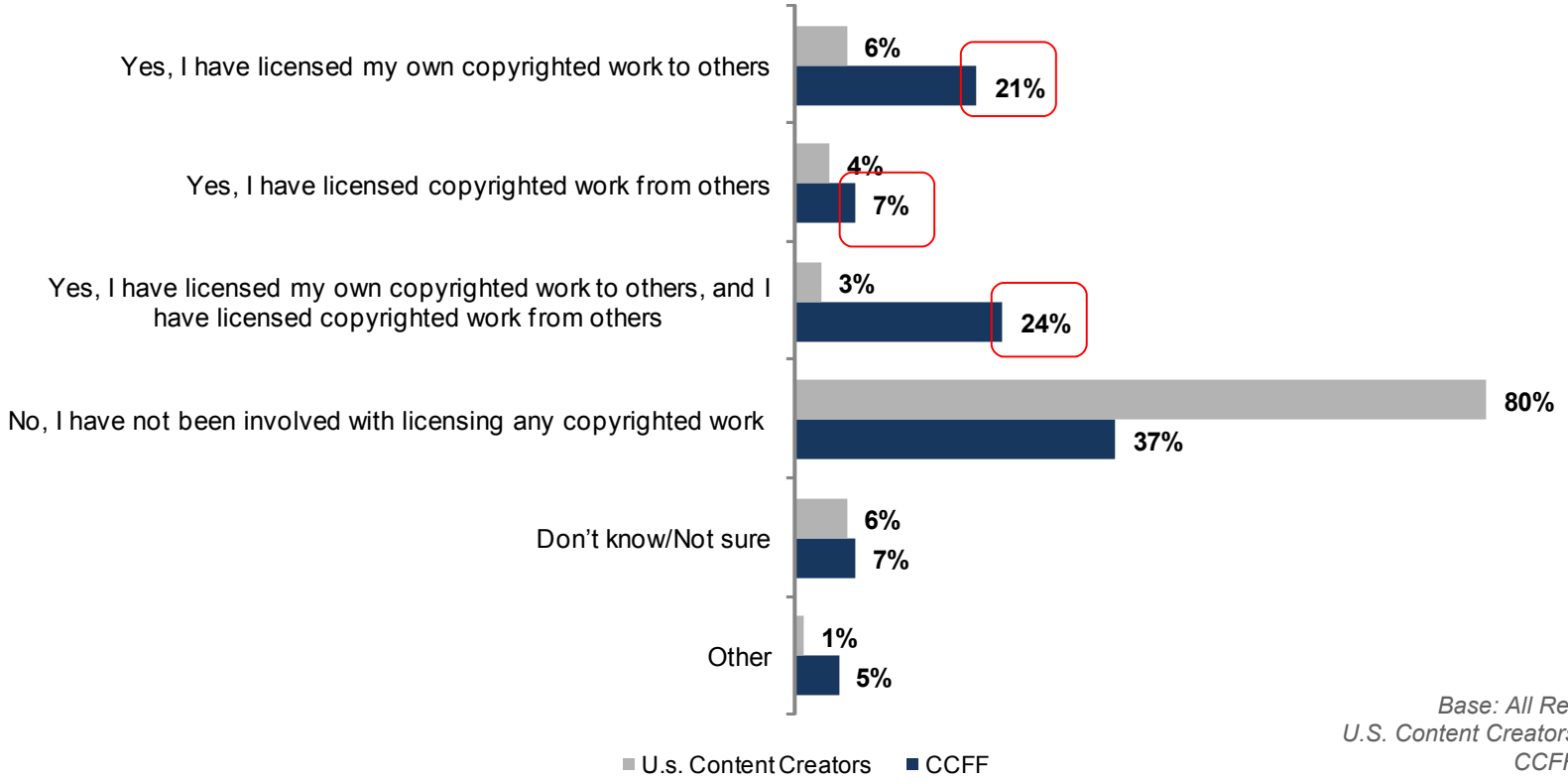


Base: All Respondents
U.S. Content Creators (n=1000)
CCFF (n=3337)

Revenues and Licensing of Works

- CCFF are more likely to have licensed their own copyrighted works and/or to have licensed works from others

Q: Have you ever been involved with licensing copyrighted works?

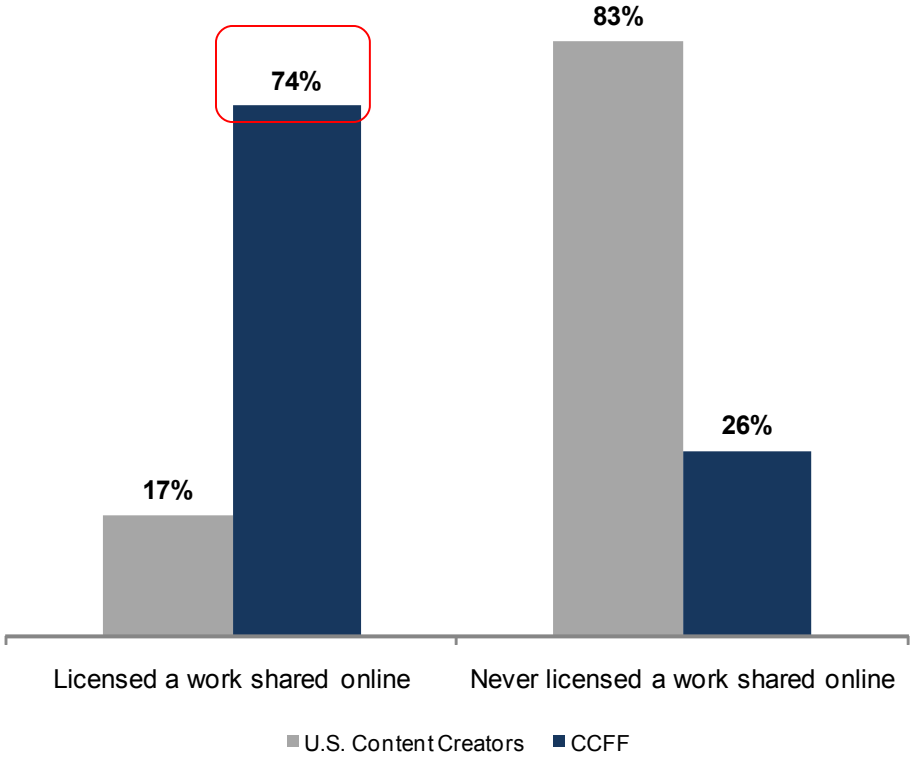


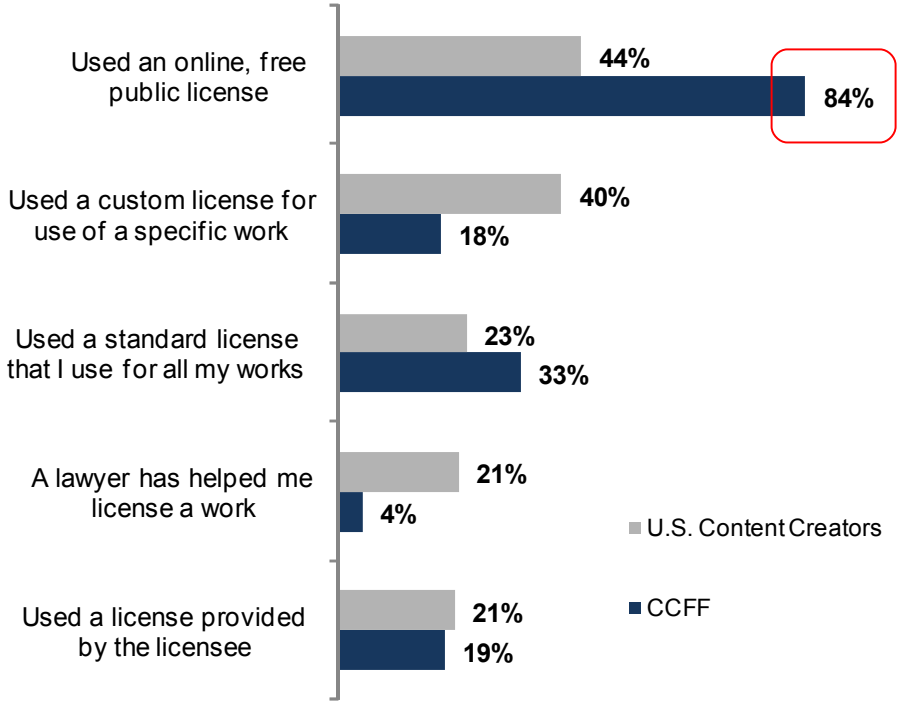
Base: All Respondents
U.S. Content Creators (n=1000)
CCFF (n=3337)

Revenues and Licensing of Works

- Not surprisingly, CCFF are much more likely to license the works they share online, and to use online, free public licenses

Q: Do you ever license the works that you share online? If so, how do you license these works?





Base: Share works online
U.S. Content Creators: n=824
CCFF: n =3230

Base: Licensed a work shared online
U.S. Content Creators (n=140)
CCFF (n=2388)

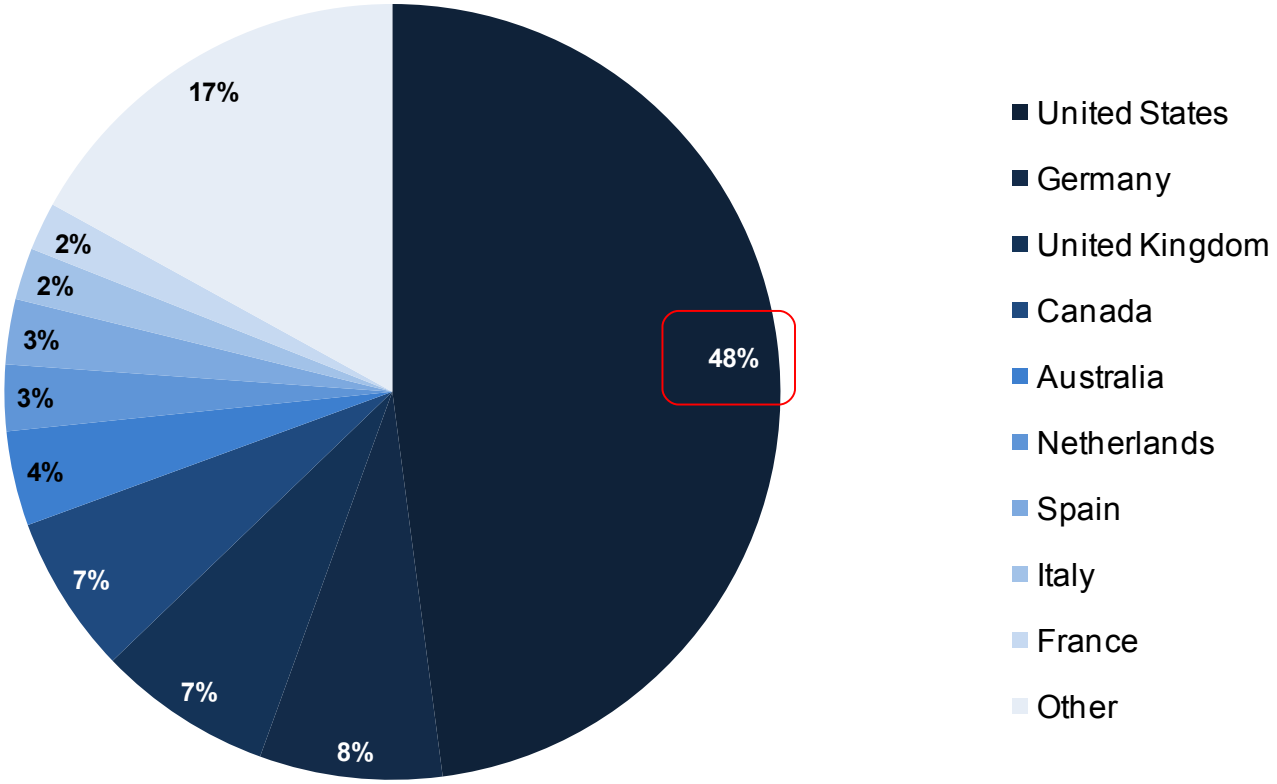
Appendix Part 2

Use of CC-NC Licenses Among CCFF

Use of CC-NC Licenses Among CCFF

- Almost half of the CCFF sample are from the United States

Q: Please select your legal jurisdiction.

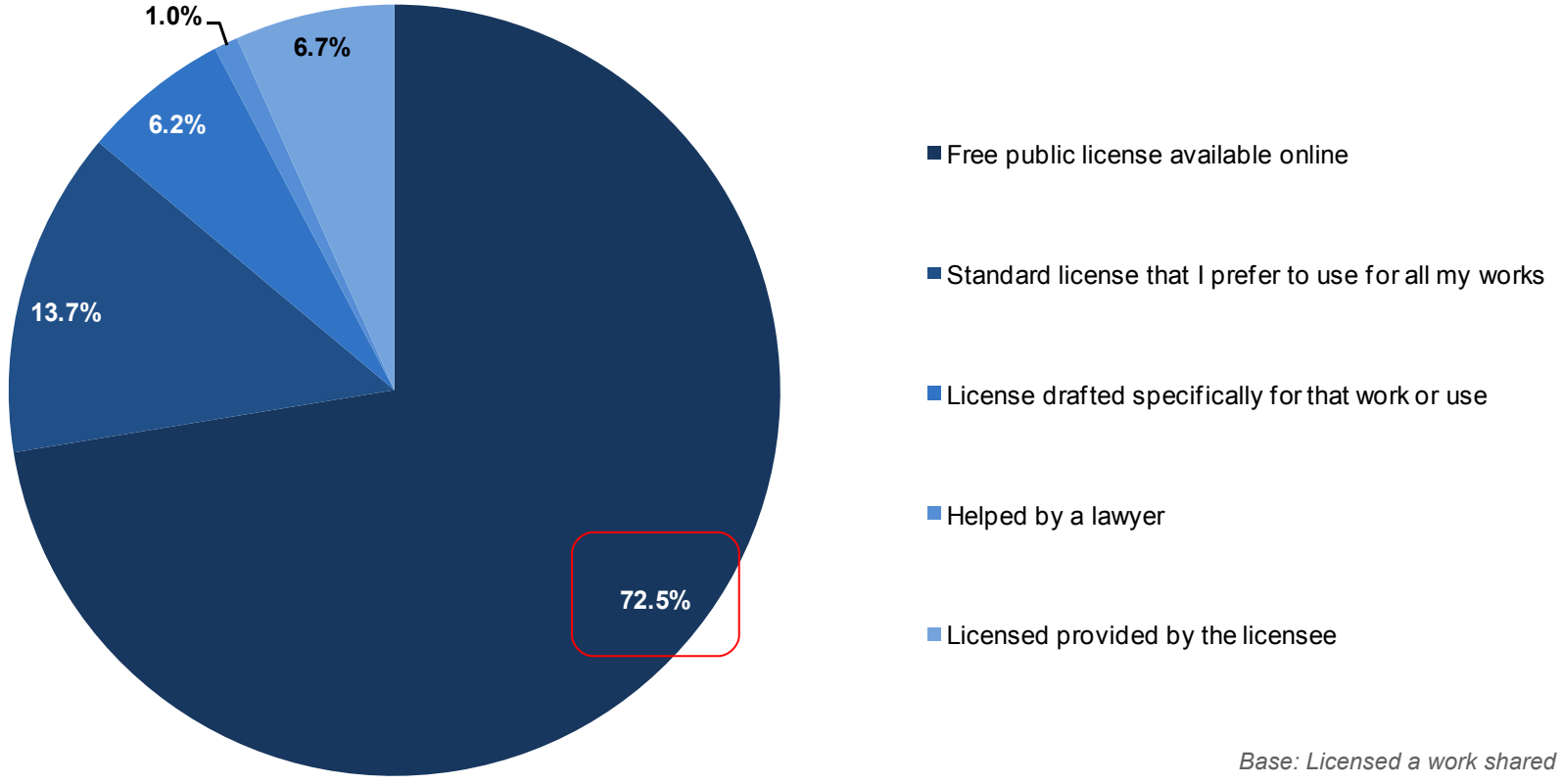


Base: All Respondents
n=3337

Use of CC-NC Licenses Among CCFF

- 72% have used free public licenses available online

Q: Thinking of all the works that you have shared online and licensed as 100%, what percent have you licensed in each of the following ways?

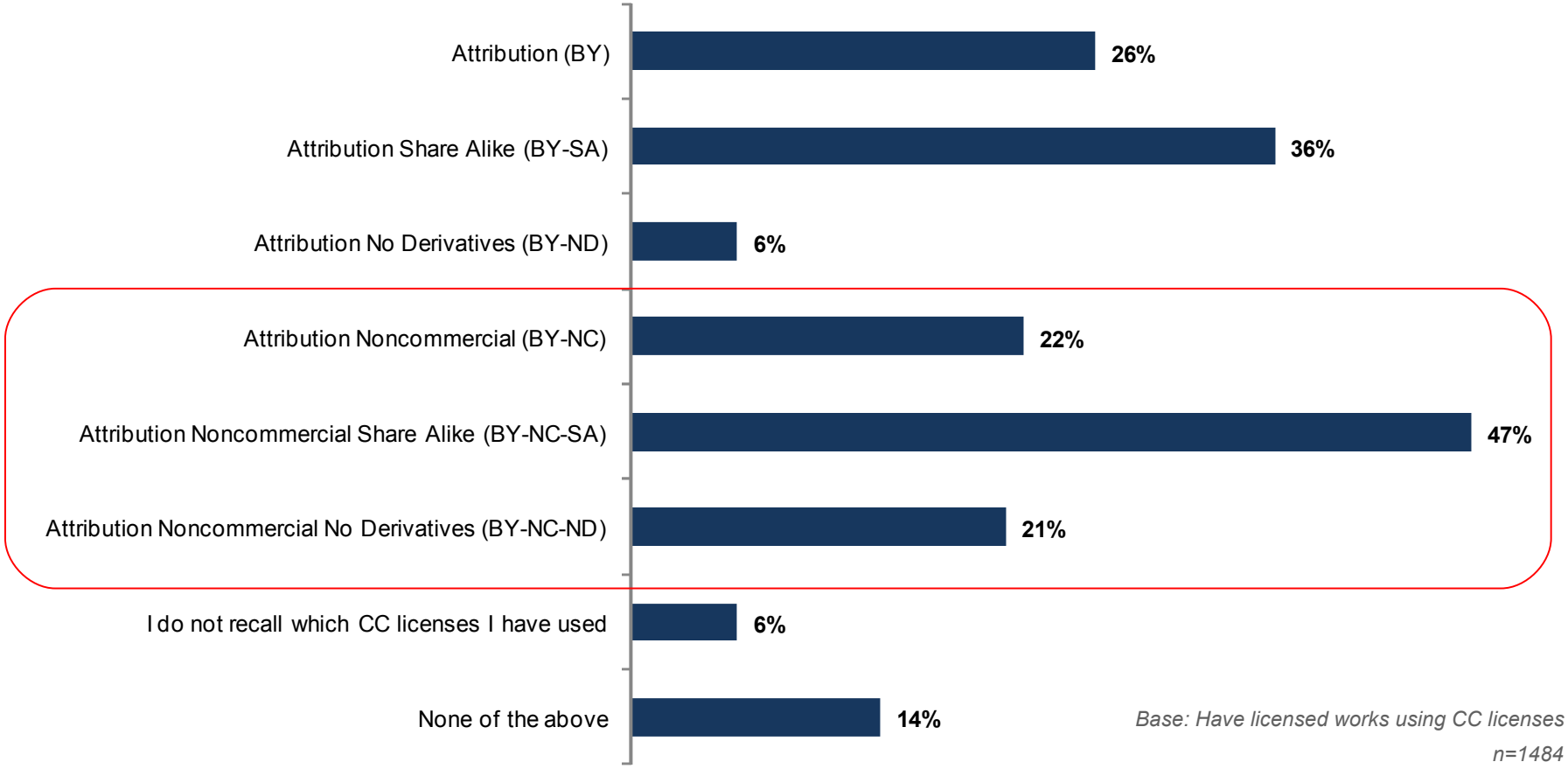


Base: Licensed a work shared online
n=3337

Use of CC-NC Licenses Among CCFF

- BY-NC-SA is the most popular of the CC-NC licenses

Q: Which, if any, of the following Creative Commons licenses have you used to license your work?

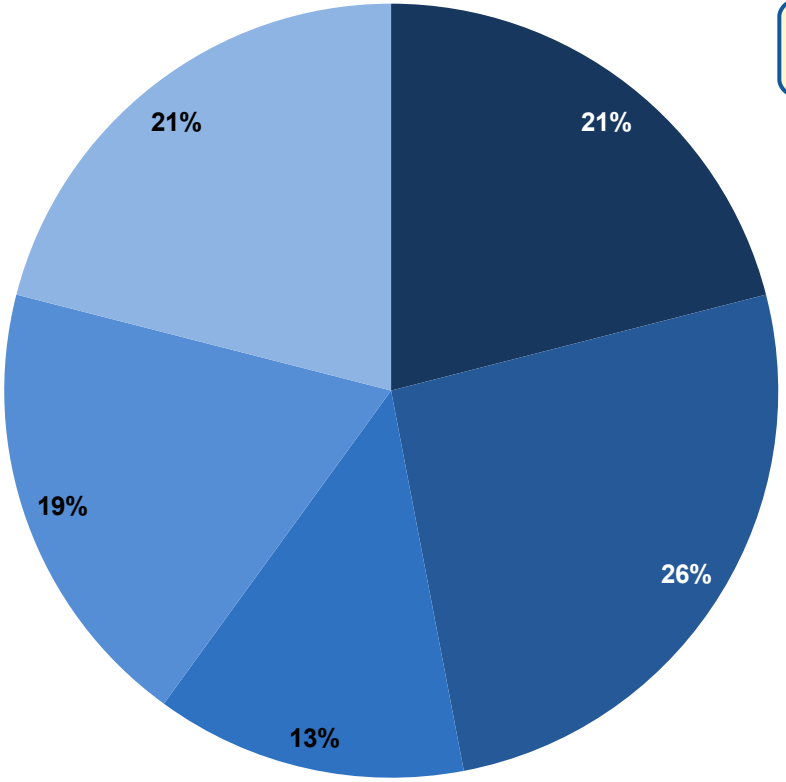


Base: Have licensed works using CC licenses
n=1484

Use of CC-NC Licenses Among CCFF

- CCFF have licensed an average of 233 works using the NC license term

Q: Approximately how many works have you licensed using the Creative Commons Noncommercial or NC license term?



Mean Number of Works: **233**

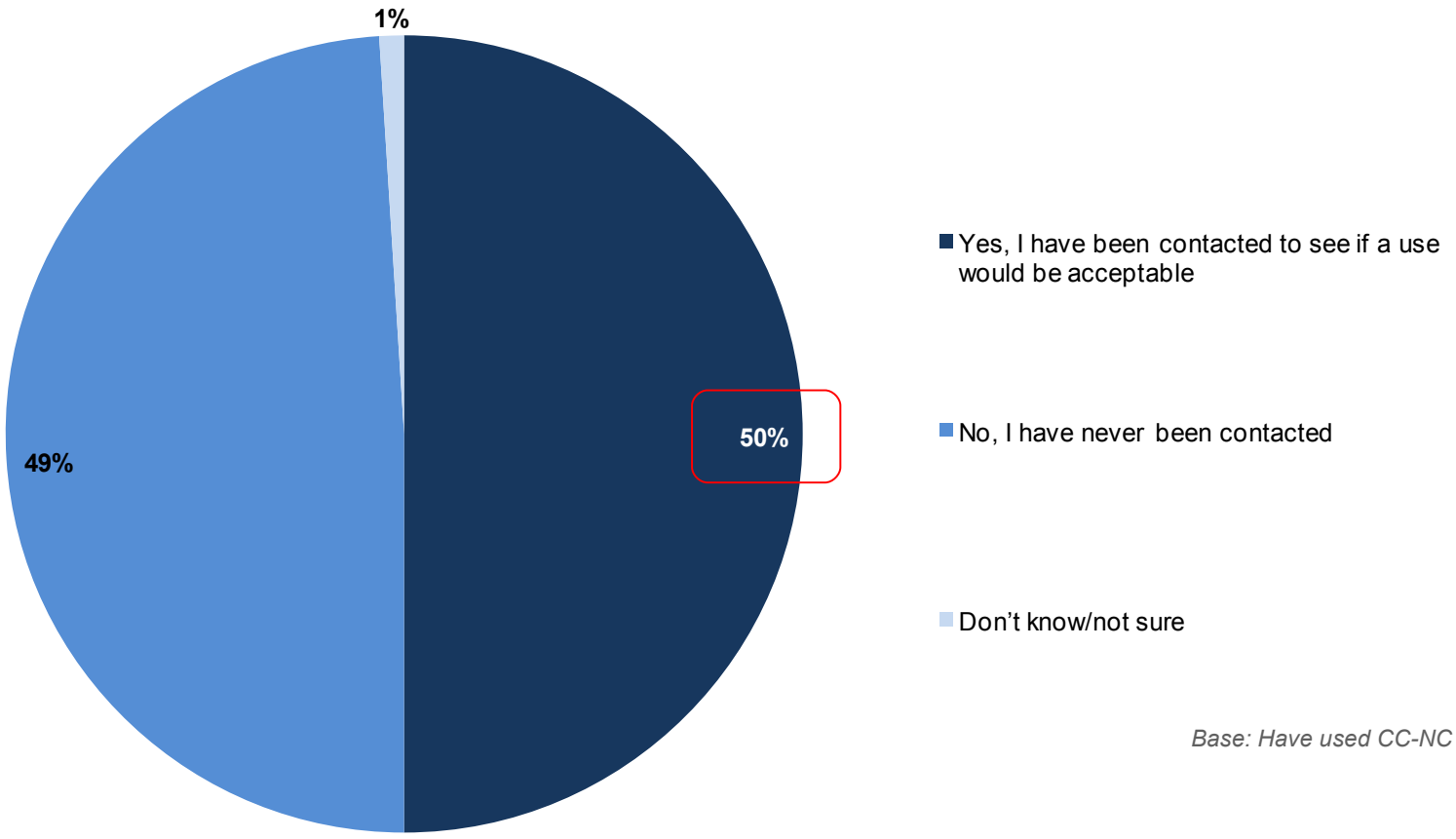
- Less than 10
- 10 - 49
- 50 - 99
- 100 - 499
- 500 or more

Base: Have used CC-NC license
n=934

Use of CC-NC Licenses Among CCFF

- Exactly half of CCFF say they have been contacted by a licensee to see if a use would be acceptable

Q: Have you ever been contacted by someone who wanted to know if a certain use of one of your CC-NC-licensed works would be acceptable to you?



Base: Have used CC-NC license

n=934