

De gebruiker en het mediabedrijf op YouTube

Een thematische analyse van de verschillende denkbeelden over user-generated content op YouTube

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Abstract

In dit onderzoek is een thematische analyse uitgevoerd naar de verschillende denkbeelden over de *user-generated content* van YouTubers die enerzijds bij traditionele platenmaatschappijen en anderzijds bij YouTubers heersen. Aan de hand van twee casussen is dit onderzoek uitgevoerd, waaronder te verstaan 1) de casus van de aanklacht tegen YouTuber Michelle Phan door platenmaatschappij Ultra Music en 2) de eis en videoverwijdering door Sony van een parodievideo van YouTuber Shane Dawson. De hoofdvraag in het onderzoek is *Welke thema's ontrollen zich in de denkbeelden van platenmaatschappijen en YouTubers over user-generated content op YouTube?* De deelvragen luiden: *Wat is het denkbeeld van de YouTubers over de user-generated content op YouTube? Wat is het denkbeeld van de platenmaatschappijen over de user-generated content op YouTube? Hoe verhouden de geïdentificeerde thema's zich tot elkaar?* De verschillende denkbeelden van de platenmaatschappijen en de YouTubers over de *user-generated content* binnen de beschreven casussen zijn in thema's uiteengezet. In de derde deelvraag zijn tevens de resultaten besproken aan de hand van een terugkoppeling naar het theoretisch kader. Ten slotte is in de conclusie besproken hoe de data en theorie zich verder tot elkaar verhouden.

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1. Inleiding

Michelle Phan is een *beauty guru* –een make-up artiest die anderen in make-up onderwijst en instrueert- en maakt video's op YouTube over het creëren van make-up looks. Met meer dan acht miljoen abonnees op haar YouTube kanaal behoort ze tot één van de populairste YouTubers.¹ Haar video's bleven niet onopgemerkt, zo ook niet door platenmaatschappij Ultra Music. In 2014 klaagde de platenmaatschappij Phan aan vanwege het gebruik van Ultra Music's muziek in Phans video's. De rechtszaak haalde het nieuws bij onder andere de BBC en ook reacties van andere YouTubers bleven niet uit, die met ongeloof en ontsteltenis op de rechtszaak reageerden. De aanklacht laat zien dat YouTube's plek in de populaire mediacultuur voor spanningen zorgt tussen de traditionele massamedia en YouTube. De aanklacht van Ultra Music tegen Michelle Phan is bovendien niet de enige in zijn soort.

De vraag hoe traditionele media moeten omgaan met de nieuwe digitale media en vice versa, staat centraal in debatten rondom mediaconvergentie. Binnen de convergentiecultuur is YouTube een opmerkelijk medium, omdat YouTube als *user-generated content* platform populair geworden is.² In de debatten rondom mediaconvergentie is onder andere Henry Jenkins een belangrijk auteur. In zijn boek *Convergence Culture: Where Old and New Media Collide* heeft hij het ook over *user-generated content* en over de verhoudingen tussen nieuwe media en traditionele media.³ Jenkins pleit voor een samenwerkingsverband waarin beide mediakampen van elkaar leren en lenen.⁴ Ook William Uricchio is een belangrijke auteur binnen het theoretische debat over mediaconvergentie en schrijft in zijn artikel 'The Future of a Medium Once Known as Television?' specifiek over hoe de televisie van YouTube zou kunnen leren.⁵ Hij ziet YouTube als een medium dat onze ideeën over media en in het bijzonder over het proces van veranderingen in het medialandschap ter discussie stelt.⁶

Vanuit dit theoretische mediaconvergentie perspectief van verhoudingen tussen en veranderingen in nieuwe media en traditionele media, kijk ik naar de hierboven omschreven rechtszaak van Ultra Music versus Michelle Phan als eerste casus in de scriptie. Daarnaast onderzoek ik een tweede casus waarin tevens een YouTuber

¹ Aantal abonnees op 26 september 2016. "Michelle Phan - YouTube," YouTube, geraadpleegd op 26 september 2016, <https://www.youtube.com/user/MichellePhan/about>.

² José van Dijck, "YouTube Beyond Technology and Cultural Form," in *After the Break: Television Theory Today*, red. Marijke de Valck en Jan Teurlings (Amsterdam: Amsterdam University Press, 2009), 147.

³ Henry Jenkins, *Convergence Culture: Where Old and New Media Collide* (New York: New York University Press, 2006).

⁴ Jenkins, *Convergence Culture: Where Old and New Media Collide*, 245-246.

⁵ William Uricchio, "The Future of a Medium Once Known as Television?" in *The YouTube Reader*, red. Pelle Snickars en Patrick Vonderau (Londen: Wallflower Press, 2009), 24-39.

⁶ Uricchio, "The Future of a Medium Once Known as Television?" 25.

aangeklaagd is door een traditioneel mediabedrijf, namelijk de casus van een verwijdering van een parodievideo van YouTuber Shane Dawson door platenmaatschappij Sony. Het fenomeen van dergelijk optreden en inmenging van traditionele platenmaatschappijen op YouTube geeft aan dat er frictie is in het veld tussen de gebruiker op YouTube en het mediabedrijf op YouTube. Ik ga onderzoeken wat de casussen aantonen over de verschillende denkbeelden over de *user-generated content* van de YouTubers die enerzijds bij de traditionele platenmaatschappijen en anderzijds bij de YouTubers heersen.

De hoofdvraag in het onderzoek is *Welke thema's ontrollen zich in de denkbeelden van platenmaatschappijen en YouTubers over user-generated content op YouTube?* De deelvragen luiden: *Wat is het denkbeeld van de YouTubers over de user-generated content op YouTube? Wat is het denkbeeld van de platenmaatschappijen over de user-generated content op YouTube? Hoe verhouden de geïdentificeerde thema's zich tot elkaar?* Aan de hand van een thematische analyse zijn de verschillende denkbeelden uiteengezet van de platenmaatschappijen en de YouTubers over de *user-generated content* binnen de beschreven casussen. Ten slotte is in de derde deelvraag en de conclusie getheoretiseerd over hoe de data en theorie zich tot elkaar verhouden.

2. Theoretisch kader

Binnen de mediawetenschappen is Henry Jenkins één van de invloedrijkste auteurs die het concept van mediaconvergentie bespreekt. Zijn boek *Convergence Culture: Where Old and New Media Collide* zette vele discussies over mediaconvergentie in gang en zorgde voor veel publicaties over dit onderwerp.⁷ Mediaconvergentie wordt door Jenkins gedefinieerd als:

a situation in which multiple media systems coexist and where media content flows fluidly across them. Convergence is understood here as an ongoing process or series of intersections between different media systems, not a fixed relationship.⁸

In deze hantering van de term ligt de nadruk meer op de media inhoud en hoe die verspreid is over verschillende media, dan op een technologische blik op de werkingen van convergerende media. Mediaconvergentie is volgens Jenkins belangrijk om te onderzoeken omdat het invloed heeft op de manier waarop media geproduceerd en geconsumeerd worden en we bovendien in een convergentiecultuur leven.⁹ Deze convergentiecultuur definieert hij als “where old and new media collide, where grassroots and corporate media intersect, where the power of the media producer and the power of the media consumer interact in unpredictable ways.”¹⁰ Nieuwe media vervangen oude media niet, maar ze bestaan naast elkaar in de convergentiecultuur. De verhouding tussen consument en media inhoud is daarbij verschoven naar een grotere invloed voor de consument.¹¹ Mediaconvergentie en convergentiecultuur kenmerken het recente medialandschap.¹²

Mediaconvergentie kent verschillende invullingen, maar Jenkins' definitie is een belangrijke duiding van het begrip binnen de mediawetenschappen en de definitie die ik zal aanhouden in deze scriptie. Het is daarbij belangrijk te vermelden dat Jenkins' werk niet vrij is van kritiek. Enerzijds is zijn boek geprezen om de genuanceerde benadering waarmee Jenkins in het boek media over meerdere platformen bestudeert.¹³ Anderzijds

⁷ Katarzyna Kopecka-Piech, “Media Convergence Concepts,” *Media Studies* 3, nr. 46 (2011): 1.

⁸ Jenkins, *Convergence Culture: Where Old and New Media Collide*, 322.

⁹ Ibidem, 16.

¹⁰ Ibidem, 2.

¹¹ Ibidem, 264.

¹² Ibidem, 2-3.

¹³ Haidee Wasson, “Convergence Culture: Where Old and New Media Collide by Henry Jenkins | Beyond the Multiplex: Cinema, New Technologies, and the Home by Barbara Klinger,” recensie van *Convergence Culture: Where Old and New Media Collide*, van Henry Jenkins, en *Beyond the Multiplex: Cinema, New Technologies, and the Home*, van Barbara Klinger, *Film Quarterly* 62, nr. 4 (2009): 84, doi: 10.1525/fq.2009.62.4.84.

hebben critici echter, met name Nick Couldry, geadresseerd dat zijn concluderende uitspraken te generaliserend zijn en bewijs ter ondersteuning van deze uitspraken onvoldoende aanwezig is in zijn werk.¹⁴ In deze scriptie richt ik mij op het in kaart brengen van werkingen van mediaconvergentie en convergentiecultuur middels casusonderzoek. Ingaan op de specifieke kritieken rondom Jenkins is hier daarom niet relevant. Voor een verdieping in de kritieken rondom Jenkins, zijn enkele noemenswaardige artikelen Nick Couldry's artikel 'More Sociology, More Culture, More Politics'¹⁵ en James Hay's en Nick Couldry's artikel 'Rethinking Convergence/Culture'.¹⁶ Ook Jenkins' respons op geleverde kritieken geeft meer inzicht in de verschillende kritische besprekingen van zijn werk, die Jenkins behandelt in zijn 'Rethinking 'Rethinking Convergence/Culture''.¹⁷ Bovendien verwijst ik tevens naar het artikel 'Media Convergence Concepts' van Katarzyna Kopecka-Piech voor een idee van de andere invullingen die de mediaconvergentie term kent, alsmede een uitgebreidere geschiedenis van de term.¹⁸

Het begrip van convergentie is namelijk niet nieuw. Ithiel de Sola Pool schreef als een van de eersten al over mediaconvergentie in 1983 in zijn *Technologies of Freedom*.¹⁹ Hij bespreekt hierin hoe mediaconvergentie het traditioneel gescheiden mediasysteem verstoort en veranderingen in de media-industrie teweeg brengt.²⁰ Ook Jenkins maakt de kanttekening in zijn boek dat convergentie niet een nieuw begrip is, maar "an old concept taking on new meaning."²¹ De nieuwe dimensie aan de mediaconvergentie die Jenkins echter vaststelt, is de verschuiving in de rol en invloed van de mediaconsument en *user-generated content*.

User-generated content is een belangrijk concept binnen de theorie over mediaconvergentie. *User-generated content* (UGC) is mediamateriaal dat gemaakt wordt door mediagebruikers. Deze mediagebruikers worden onderscheiden van de traditionele passieve mediaconsument. De UGC gebruikers zijn actieve gebruikers, waarmee over het algemeen naar actieve internetgebruikers wordt verwezen.²² De UGC wordt door hen buiten de professionele routines en platformen om gemaakt.²³ *Professionally generated content* (PGC) staat hier tegenover en is professionele mediaproductie, gemaakt binnen de gewoonlijke en professionele routines en mediaplatformen.

¹⁴ Nick Couldry, "More Sociology, More Culture, More Politics," *Cultural Studies* 25, nr. 4-5 (2011): 487-501.

¹⁵ Couldry, "More Sociology, More Culture, More Politics," 487-501.

¹⁶ James Hay en Nick Couldry, "Rethinking Convergence/Culture," *Cultural Studies* 25, nr. 4-5 (2011): 473-486.

¹⁷ Henry Jenkins, "Rethinking 'Rethinking Convergence/Culture'," *Cultural Studies* 28, nr. 2 (2014): 267-297.

¹⁸ Kopecka-Piech, "Media Convergence Concepts," 1-19.

¹⁹ Ithiel de Sola Pool, *Technologies of Freedom* (Cambridge: The Belknap Press of Harvard University Press, 1983).

²⁰ De Sola Pool, *Technologies of Freedom*, 53-54, 233.

²¹ Jenkins, *Convergence Culture: Where Old and New Media Collide*, 6.

²² José van Dijck, "Users Like You? Theorizing Agency in User-Generated Content," *Media, Culture & Society* 31, nr. 1 (2009): 41.

²³ Van Dijck, "Users Like You? Theorizing Agency in User-Generated Content," 41.

Een andere belangrijke term binnen het veld van mediaconvergentie is de term *prosumer*. De term is geïntroduceerd door Alvin Toffler in 1980, die noemt dat *prosumers* in de vervaging van de producent-consument scheiding ontstaan en dat *prosumers* mensen zijn die zowel produceren als consumeren.²⁴ Vaak verwerken ze populaire massamediaproducties in hun eigen producties. De groei van onder andere dit soort *user-generated content*, wordt aangewezen als een van de elementen die bijdraagt aan de vervaging van de producent-consument scheiding.²⁵ Tevens verhoudt de *prosumer* term zich tot mediawetenschappelijke discussies over of *prosumers* met hun rol een echte verschuiving representeren in het wegtrekken van de macht van traditionele media.²⁶

Relaterend aan het begrip van *prosumer* is het begrip van *user agency*. *User agency* is de vrijheid die de gebruiker heeft in diens actieve participatie binnen de media. *Prosumer* activiteiten zijn een uitoefening van de *user agency* die gebruikers hebben. Gebruikers kunnen ook beperkt worden in hun *user agency*. Virginia Nightingale haalt dit aan in haar bespreking van *patrons*. In haar artikel 'The Cameraphone and Online Image Sharing' leent Nightingale de term van antropoloog Alfred Gell en omschrijft ze dat een *patron* "controls both the conditions under which the creative work is produced and the environment of reception in which the image is displayed."²⁷ Een *patron* legt op deze manier beperkingen op aan de vrijheid van de participerende mediagebruiker in zijn productie. Jean Burgess en Joshua Green noemen in hun bespreking van YouTube dat de YouTube website met deze definitie ook als *patron* gezien kan worden.²⁸ Hun argument is dat doordat YouTube zijn gebruikers uitnodigt om hun materiaal op de website te plaatsen, YouTube op die manier de voorwaarden en omgeving bepaalt waaronder het materiaal gemaakt wordt vanwege het format van de website.²⁹ Het is volgens Burgess en Green dan vooral op dit technische vlak dat YouTube als *patron* optreedt.³⁰ De beperkingen van *patrons* hoeven volgens Nightingale geen onderdrukking als gevolg te betekenen met betrekking tot de creatieve en esthetische uitdrukking die de gebruikers

²⁴ Alvin Toffler, "The Rise of the Prosumer," in *The Third Wave* (New York: Bantam Books, 1984), 265-288.

²⁵ Henrik Örnebring, "The Consumer as Producer- or What? User-Generated Tabloid Content in *The Sun* (UK) and *Aftonbladet* (Sweden)," *Journalism Studies* 9, nr. 5 (2008): 771.

²⁶ Örnebring, "The Consumer as Producer- or What? User-Generated Tabloid Content in *The Sun* (UK) and *Aftonbladet* (Sweden)," 771.

²⁷ Virginia Nightingale, "The Cameraphone and Online Image Sharing," *Continuum: Journal of Media & Cultural Studies* 21, nr. 2 (2007): 293.

²⁸ Jean Burgess en Joshua Green, "Agency and Controversy in the YouTube Community" (paper gepresenteerd op de conferentie *Internet Research 9.0: Rethinking Communities, Rethinking Place*, Kopenhagen, Denemarken, 15-18 oktober 2008).

²⁹ Burgess en Green, "Agency and Controversy in the YouTube Community."

³⁰ Ibidem.

in hun werk kunnen stoppen.³¹ Het betekent echter wel dat de gebruikers niet zomaar vrij zijn om te (re)produceren en plaatsen wat ze willen.³²

In relatie tot de begrippen *prosumer* en *patron*, staat het begrip *attention economy*. Burgess en Green bespreken dit begrip in het kader van YouTube en zeggen dat *attention economy* de economie van YouTube is.³³ Deze economie op YouTube houdt in dat het gaat om het krijgen en vasthouden van de aandacht van de kijker.³⁴ Dit aspect is economisch wezenlijk in het kader van YouTubers die hun geld verdienen op YouTube. Tegelijkertijd is er ook sprake van een participatiecultuur op YouTube, die onderdeel is van de economie op YouTube en vice versa. Participatiecultuur houdt zowel een mediacultuur in waar de mediaconsument de passiviteit voorbij gaat, als waar mediaproducenten en mediaconsumenten via onderlinge interactie samen in het medium participeren.³⁵ Jenkins plaatst als kanttekening dat de aanwezigheid van een participatiecultuur niet gelijk staat aan participatie op gelijke manier.³⁶

Bovenstaande theoretische begrippen komen in de derde deelvraag terug in een bespreking van de verhouding van de thema's tot elkaar en tot de theorie.

³¹ Nightingale, "The Cameraphone and Online Image Sharing," 293.

³² Ibidem, 293.

³³ Burgess en Green, "Agency and Controversy in the YouTube Community."

³⁴ Ibidem.

³⁵ Jenkins, *Convergence Culture: Where Old and New Media Collide*, 3.

³⁶ Ibidem, 3.

3. Methodehoofdstuk

De methode van dit onderzoek is een thematische analyse, zoals beschreven en gehanteerd door Virginia Braun en Victoria Clarke in hun artikel 'Using Thematic Analysis in Psychology'.³⁷ Volgens Braun en Clarke is thematische analyse een methode voor "identifying, analysing, and reporting patterns (themes) within data."³⁸ Hoewel zij onderzoek doen in het veld van de psychologie is deze methode ook geschikt voor het onderzoek in deze scriptie, omdat onderzocht wordt welke thema's er in de denkbeelden spelen. Braun en Clarke noemen ook dat "thematic analysis can be a method which works both to reflect reality, and to unpick or unravel the surface of "reality"."³⁹ Door het abstraheren van thema's uit het casusmateriaal wordt duidelijk welke (gedachte)patronen voorkomen en deel uitmaken van de verschillende denkbeelden binnen de casussen. Daarbij kan een thematische analyse zinvolle sleutelkenmerken van een grote hoeveelheid data samenvatten en/of een gedetailleerde beschrijving van de data set bieden, overeenkomsten en verschillen binnen de data set benadrukken en onvoorziene inzichten genereren.⁴⁰ Bovendien noemen Braun en Clarke dat een thematische analyse is "not wed to any pre-existing theoretical framework, and so it can be used within different theoretical frameworks."⁴¹ Een thematische analyse kan dus binnen meerdere disciplines gebruikt worden als methode. Wel zeggen zij dat het daarom belangrijk is om transparant te zijn in de aannames en stappen die de onderzoeker maakt en van welk bijbehorend theoretisch kader gebruik wordt gemaakt.⁴²

De data in dit onderzoek zijn geselecteerd door uitingen binnen de casussen te verzamelen van enerzijds de traditionele massamediabedrijven en anderzijds de YouTubers, over de mediaconflicten tussen mediabedrijf en YouTuber. De casussen zijn 1) de aanklacht van platenmaatschappij Ultra Music tegen YouTuber Michelle Phan over de verwerking van Ultra Music's materiaal en 2) de aanklacht van mediabedrijf Sony tegen YouTuber Shane Dawson in verband met een parodievideo van de YouTuber. De data set bestaat uit 6 YouTube video's, 19 twitterberichten, een aanklacht, een mail en een kennisgevingsbericht van auteursrechtschending en videoblokering. De verdeling is hierin ongelijk omdat in verschillende vormen per casus is gereageerd. Dit wordt hieronder verder toegelicht.

³⁷ Virginia Braun en Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, nr. 2 (2006): 77-101.

³⁸ Braun en Clarke, "Using Thematic Analysis in Psychology," 79.

³⁹ Ibidem, 82.

⁴⁰ Ibidem, 97.

⁴¹ Ibidem, 81.

⁴² Ibidem, 80.

De video's zijn inhoudelijk geselecteerd op dat zij de aanklacht bespreken, een mening formuleren over de aanklachtzaak en daarmee een denkbeeld over het mediaconflict bevatten. Fan-video's zijn daarbij uitgesloten omdat deze een derde en indirecte partij uitmaken en daarmee niet het aandachtspunt zijn van het scriptieonderzoek. De video's zijn verzameld door op YouTube te zoeken op 'michelle phan sued', 'michelle phan ultra' en 'michelle phan interview ultra' voor de eerste casus, en voor de tweede casus is gezocht op 'shane dawson sued', 'shane dawson sony' en 'shane dawson interview sony'. Voor de casus van Phan versus Ultra Music leverde dit de video's op van YouTuber Philip DeFranco⁴³, YouTubers JustKiddingNews⁴⁴ en een interview van Code Mobile met Phan waarin de aanklacht wordt besproken.⁴⁵ Er is geen video door Phan zelf over de aanklacht geüpload. Er is beperkt tot deze video's, omdat andere video's in de zoekresultaten slechts de feiten presenteren zonder een expliciet standpunt, dubbele resultaten geven of algeheel niet verwant aan de casus zijn. Hetzelfde qua beperking tot de video's geldt voor de casus van Dawson versus Sony, waarbij de zoekresultaten video's opleverden van Shane Dawson⁴⁶, van YouTube kanaal The Know⁴⁷ en van een radio-interview met Dawson over de aanklacht in het radioprogramma Sam Roberts' Show.⁴⁸

Twitterberichten hebben zich aanvankelijk gepresenteerd tijdens het zoeken in bovenstaand stadium, in de besprekingen van de aanklachten in de casussen. In de casus van Phan versus Ultra Music gaat het om twitterberichten van Phan uit een twitterconversatie met muziekartiest Kaskade, wiens muziek centraal staat in de aanklacht van Ultra Music, en persoonlijke tweets van Phan over de casus. Naar aanleiding van bespreking van de twitterconversatie in video's, is gezocht op deze en overige twitterberichten Michelle Phan. Er is gezocht naar twitterberichten van Phan in de maand juli van 2014 die onderdeel zijn van de twitterconversatie of anderzijds verbonden zijn met de aanklacht van Ultra Music tegen Phan. Dit is gedaan door op Phans twitteraccount alle tweets na te gaan die door haarzelf gepost is op haar eigen account. Er is gekozen voor deze periode, omdat de voorbijgekomen twitterberichten van de

⁴³ "MICHELLE PHAN SUED FOR \$7.5 MILLION," YouTube video, 11:17, geplaatst door "Philip DeFranco," 22 juli 2014, https://www.youtube.com/watch?v=UaSRZbR_ZUY.

⁴⁴ "Youtube Make Up Guru Michelle Phan Gets Sued for Copyright Infringement! ft. David So," YouTube video, 06:52, geplaatst door "JustKiddingNews," 8 augustus 2014, <https://www.youtube.com/watch?v=oSbZwiN3X-k>.

⁴⁵ "YouTube Star Michelle Phan Full Interview | Code Mobile 2014," YouTube video, 28:38, geplaatst door "Recode," 31 oktober 2014, <https://www.youtube.com/watch?v=ojvGM6TVDS8>.

⁴⁶ "BANNED FROM YOUTUBE," YouTube video, 03:37, geplaatst door "Shane Dawson TV," 23 december 2014, <https://www.youtube.com/watch?v=PjjRuYIPSxw>.

⁴⁷ "Sony Takes Down Taylor Swift Parody for Violence Against a Real Person (Sound Familiar?) - The Know," YouTube video, 02:46, geplaatst door "The Know," 26 december 2014, <https://www.youtube.com/watch?v=NyedhcN6a8k>.

⁴⁸ "Shane Dawson - Taylor Swift, Blackface, Not Cool, etc w/Sam Roberts #SRShow," YouTube video, 35:02, geplaatst door "notsam," 23 maart 2015, <https://www.youtube.com/watch?v=5ZMYe787Jy4>.

twitterconversatie dateerden uit midden juli van 2014. Deze zoekopdracht leverde 1 twitterbericht van Phan op als onderdeel van het twittergesprek en 2 berichten van Phan over of relaterend aan de zaak. Een aanvullende zoekopdracht is uitgevoerd naar twitterberichten van Michelle Phan en Ultra Music met daarin de woorden 'michelle phan', 'kaskade', 'ultra' of 'ultra music' en zonder beperking van tijdsperiode in de zoekopdracht, maar dit leverde geen nieuwe resultaten op. Ditzelfde gold voor twitterberichten van Ultra Music's met de tijdsperiodebeperking van juli 2014. Er is niet gezocht op hashtags, maar middels een bredere, 'geavanceerde' zoekopdracht op twitter die scant op alle vermeldingen van de betrokken partijen en sleutelwoorden. Er zijn uiteindelijk 3 twitterberichten vastgesteld binnen deze casus.

In de casus van Dawson versus Sony presenteerden eveneens enkele van zijn twitterberichten zich aanvankelijk in de besprekingen van de aanklacht in de video's, naar aanleiding waarvan vervolgens gezocht is op alle twitterberichten van de YouTuber in de periode waarin de parodievideo van YouTube was gehaald. Dit betreft de periode van 23 december 2014 tot en met 10 februari 2015. 10 februari 2015 bericht Dawson op zijn twitter dat de video opnieuw is geüpload op zijn YouTube-kanaal. Twitterberichten van fans zijn niet meegenomen in het onderzoek, omdat fans zoals eerder vermeld een indirecte partij uitmaken en daarmee niet het aandachtspunt zijn in dit scriptieonderzoek. Twitterberichten van Dawson zelf waarin hij reageert op berichten van fans zijn wel onderdeel van de data, wanneer deze onderdeel zijn van zijn standpunt binnen de casus. Naast reacties van Dawson, bestaan de twitterberichten inhoudelijk uit persoonlijke uitingen van Dawson over de aanklacht en berichten waarin hij aandacht vraagt voor de aanklacht. Er zijn uiteindelijk 16 twitterberichten van Dawson vastgesteld binnen deze casus.

Tot slot bestaan de data uit een aanklacht, een mail en een kennisgevingsbericht van auteursrechtschending en videoblokering van de platenmaatschappijen. Deze data bestaan enerzijds uit verklaringen van Ultra Music zoals achterhaald in het juridische document van de aanklacht. Anderzijds bestaan de data uit berichtmeldingen van Sony en de klacht die het bedrijf via een mail van YouTube aan Dawson heeft laten weten. Deze data zijn achterhaald in de eerder gepresenteerde besprekingen van de aanklacht.

De data zijn geanalyseerd in fasen. Volgens het analysemodel van Braun en Clarke zijn in een thematische analyse grofweg zes analysestappen te onderscheiden. De eerste stap is het doornemen van het onderzoeksmaateriaal. Deze stap houdt in dat het materiaal getranscribeerd wordt, de gehele data set doorgenomen wordt en de eerste ideeën over coderingen worden genoteerd.⁴⁹ In dit onderzoek zijn in deze eerste stap de video's getranscribeerd, de twitterberichten georganiseerd, alsmede de verklaringen uit

⁴⁹ Braun en Clarke, "Using Thematic Analysis in Psychology," 87-88.

de aanklachten op een rij gezet. De tweede analysestap is het organiseren van de data in eerste systematisch gegenereerde coderingen.⁵⁰ Binnen deze scriptie betekent dat het coderen van de video's, twitterberichten, verklaringen en aanklachten van de casussen. De derde analysestap benoemen Braun en Clarke als het sorteren van de coderingen in thema's.⁵¹ Op dit punt in het onderzoek zijn de gecodeerde uitingen over de mediaconflicten onderverdeeld in hoofdthema's en labels. In de vierde stap van de analyse worden de thema's verfijnt door de gecodeerde dataextracten te herlezen op coherentie.⁵² Deze stap is reflexief. De vijfde stap van een thematische analyse wordt door Braun en Clarke omschreven als het definitief identificeren en benoemen van de thema's.⁵³ In het onderzoek is bij dit punt de centrale gedachtegang van de uitspraken in de data vastgesteld en zijn de uiteindelijke thema's gedefinieerd. De laatste analysestap is het analyseren van de dataextracten en het presenteren van een analytisch narratief.⁵⁴ Deze analyse is uitgeschreven in een presentatie van de resultaten van dit scriptieonderzoek en is de inhoud van het analysehoofdstuk in deze scriptie. Er is in deze laatste stap tevens teruggekoppeld naar de literatuur.

⁵⁰ Ibidem, 88-89.

⁵¹ Ibidem, 89-90.

⁵² Ibidem, 91-92.

⁵³ Ibidem, 92-93.

⁵⁴ Ibidem, 93.

4. Analyse

4.1 Denkbeeld van YouTubers

Wat is het denkbeeld van de YouTubers over de user-generated content op YouTube?

Uit de thematische analyse van de denkbeelden van YouTubers over *user-generated content* op YouTube, komen verschillende thema's naar voren. Dit zijn de thema's 'YouTube als bedrijfsmodel', 'YouTube als vrijhaven' en 'YouTube versus traditionele media'. Hieronder zijn de thema's individueel toegelicht en geïllustreerd met een selectie van dataextracten uit het analyseonderzoek.

YouTube als bedrijfsmodel

'YouTube als bedrijfsmodel' is een eerste hoofdthema dat in het meest van de uitingen in de casussen, zowel in de video's, tweets als interviews, naar voren komt. De uitingen zijn in te delen in twee labels waarop YouTube als bedrijfsmodel blijkt, namelijk met de labels *a) inkomen* en *b) carrière*.

a) Inkomen

Onder inkomen wordt YouTube als directe en primaire bron van financiële inkomsten bedoeld. Een voorbeeld van het label *inkomen* is te vinden in het volgende dataextract van een video van YouTuber Philip DeFranco.

[Michelle Phan] would have to pay 7.5 million dollars. Who came up with that number? They were like, "Okay so she gets um, millions of views on YouTube, she's probably making like a 150.000 dollars per video, let's sue her for that". How much money do you think we make?!⁵⁵

Hieruit blijkt dat YouTube een bestaan en inkomstenbron is en dit als een wezenlijk onderdeel wordt gezien van YouTube en YouTubers. "Views on YouTube"⁵⁶ worden hier namelijk gelijkgesteld aan verdienbaar geld, waarmee een kerneigenschap van YouTube als inkomstenbron wordt gepresenteerd. Tevens betuigt DeFranco's kreet "how much money do you think we make"⁵⁷ van een idee van een collectieve 'wij', waarmee YouTube als inkomstenbron ook wordt gerelateerd aan YouTubers. Ook een uitspraak van DeFranco als "are they going to take her AdSense"⁵⁸ verwijst naar YouTube als inkomstenbron, omdat AdSense een manier van geld verdienen op YouTube is door het koppelen van

⁵⁵ "MICHELLE PHAN SUED FOR \$7.5 MILLION," YouTube video.

⁵⁶ Ibidem.

⁵⁷ Ibidem.

⁵⁸ Ibidem.

advertenties aan het videomateriaal. De uitspraak van YouTuber Shane Dawson "only people 18 and older can watch it which ruins my business, 'cause now I can't get ads on it so I can't make money off of it"⁵⁹ (over zijn parodievideo van Taylor Swifts 'Blank Space') duidt eveneens op een denkbeeld over YouTube als een manier van bestaan en als inkomstenbron. Deze selectie van dataextracten geeft aan dat YouTube als inkomen onderdeel is van hoe YouTubers zich verhouden tot *user-generated content* op YouTube.

b) *Carrière*

Carrière is een ander label dat valt onder het thema van YouTube als bedrijfsmodel. Dit label onderscheidt zich van YouTube als inkomen. Hoewel de labels overlap hebben met elkaar wordt met het carrière label echter ook gedoeld op inkomsten en ondernemingen die wel vanwege YouTube mogelijk zijn geweest, maar buiten YouTube om gegenereerd zijn en plaatsvinden. Een voorbeeld hiervan is te vinden in een van de coderingen uit de dataextracten, namelijk de codering 'karakterisering van Michelle Phan'. Niet alleen wordt zij beschreven als één van de top YouTubers, maar in een beschrijving van de YouTuber wordt tegelijkertijd veel vermeld hoe zij haar eigen bedrijf heeft en cosmetica verkoopt. Dit is evident in: "Michelle Phan one of the biggest YouTubers in the world -of course a beauty guru who owns her own company, sells cosmetics-",⁶⁰ "YouTube makeup guru Michelle Phan"⁶¹ en "someone who has [...] videos on YouTube [...] designed to instruct young women on how to apply makeup and has built that presence into a multimillion dollar business."⁶² In een karakterisering van de YouTuber wordt YouTube als carrière opgenomen als een beschrijvingskenmerk.

Ook voor YouTuber Shane Dawson geldt dat hij carrièremogelijkheden heeft gekregen naar aanleiding van zijn YouTube populariteit. Dit wordt meerdere malen aangehaald in het interview in de *Sam Roberts' Show*, waarin onder andere wordt besproken hoe Dawson naast zijn YouTube-carrière een boek, film, podcast en merchandising heeft uitgebracht. Dawson zegt over het maken van zijn boek bijvoorbeeld dat "I was like you know my audience is growing up, I want to grow with them and be myself and be honest."⁶³ Het is vanwege zijn YouTube publiek dat zijn boek tot stand is gekomen. Ook over zijn podcast zegt Dawson dat hij deze is begonnen vanwege YouTube, en kritieken die hij ontving als YouTuber: "it actually made me want to go harder and it-, that's what really forced me into doing a podcast."⁶⁴ Dawsons ervaringen als YouTuber hebben tot de podcast geleid en het succes van de podcast is

⁵⁹ "Shane Dawson - Taylor Swift, Blackface, Not Cool, etc w/Sam Roberts #SRShow," YouTube video.

⁶⁰ "MICHELLE PHAN SUED FOR \$7.5 MILLION," YouTube video.

⁶¹ "Youtube Make Up Guru Michelle Phan Gets Sued for Copyright Infringement! ft. David So," YouTube video.

⁶² "YouTube Star Michelle Phan Full Interview | Code Mobile 2014," YouTube video.

⁶³ "Shane Dawson - Taylor Swift, Blackface, Not Cool, etc w/Sam Roberts #SRShow," YouTube video.

⁶⁴ Ibidem.

mede te danken aan zijn YouTube populariteit. Zijn succes op YouTube heeft tot succes in andere ondernemingen geleid en voor carrière mogelijkheden buiten YouTube om gezorgd.

In bovenstaande dataweergaven is naar YouTube gerefereerd als een mogelijkheid om geld te verdienen (als YouTuber met YouTube als directe inkomstenbron, dan wel met YouTube als opstapje om verdere carrière mogelijkheden mee te creëren). In deze zin wordt YouTube door YouTubers als een bedrijfsmodel gezien en gebruikt.

YouTube als vrijhaven

Tegelijkertijd wordt YouTube als vrijhaven gezien, waar niet het geld maar de vrijheid om te creëren voorop staat. Uitingen van YouTube als vrijhaven zijn vastgesteld in de video's, tweets en interviews en zijn onder te verdelen in de labels *a) creatieve vrijheid* en *b) vrij van traditionele mediaconventie*.

a) Creatieve vrijheid

Het maken van de *user-generated content* die wordt geplaatst op de website dient naar eigen invulling te moeten kunnen gebeuren, zo blijkt uit het denkbeeld van de YouTubers. Michelle Phan noemt in een interview bijvoorbeeld dat dicteren van video inhoud door derden een belemmering is. Zo zegt zij: "I made all these videos [...] they were all my ideas. They didn't dictate [...] it had to be authentic."⁶⁵ Authenticiteit vindt ze belangrijk en de vrijheid om die uit te kunnen oefenen wordt voorop gezet. Het belang van video's zelf invullen benadrukt ze daarbij ook in het volgende:

I'm still maintaining my own channel, I still edit my own video, [...] I love it, because it's a passion. It's something I love doing and, and you have to have that, you can't just give everything off and have everyone do everything for you, or else it's not going to be authentic. And I, I stress that a lot [...].⁶⁶

Opnieuw blijkt uit dit extract dat authenticiteit en eigen invulling voor Phan belangrijke waarden zijn waarmee zij YouTube als creatieve vrijhaven ziet. Tevens komt dit denkbeeld naar voren in Phans bespreking van Ultra Musics auteursrechtclaim. Zo noemt ze dat samenwerken belangrijker is dan vechten over auteursrecht, "because it's the internet now."⁶⁷ De vrijheid om te creëren is volgens haar onderdeel van het huidige internet tijdperk en dient gewaarborgd te worden. Bovendien zegt ze over de rechtszaak en YouTube dat "I believe in Team Internet, and I'm here to protect my fellow YouTubers

⁶⁵ "YouTube Star Michelle Phan Full Interview | Code Mobile 2014," YouTube video.

⁶⁶ Ibidem.

⁶⁷ Ibidem.

[...], I'm here to fight and stand my ground”⁶⁸ en ze vult daarbij aan dat “you don't have to do what everyone else is doing or what you're being told. [...] we have the power of the internet.”⁶⁹ ‘Team Internet’ omvat op deze wijze het niet gebonden zijn aan opleggingen of restricties van buitenaf op creatief vlak. Phan benadrukt het belang van een eigen visie en de vrijheid om die uit te voeren; de vrijheid om te creëren staat voorop. Deze waarde delen DeFranco en JustKiddingNews ook in hun video's over Phans situatie. Zij plakken negatieve connotaties aan Ultra Music en aan geld verdienen als voornaamste doel, waarmee ze verwijzen naar het grote belang dat zij toekennen aan creatieve vrijheid.

Het belang van creatieve vrijheid is ook in de casus van Sony versus Dawson evident. In zijn vlog spreekt YouTuber Dawson met verontwaardiging over Sony's auteursrechtclaim op zijn parodievideo van Taylor Swifts 'Blank Space'. De aanklacht vindt hij onterecht, omdat parodieën volgens de auteursrechtwet geen inbreuk op auteursrecht zijn. Over deze aanklacht zegt Dawson: "I'm not going to sit here and let people fucking toy me around. [...] I'm not going to be a YouTube doll with strings on it just doing whatever the fuck YouTube and Sony and all these people want me to do. No."⁷⁰ Niet vrij zijn om naar eigen invulling video's te maken, maakt hem een 'YouTube doll' en dit bevecht Dawson. Het aanvechten van dergelijke belemmering benadrukt hij ook letterlijk wanneer hij verder ingaat op Sony's aanklacht.

the options I've been given is A) to take to video completely down -'cause right now it's in my videos, privated- to delete it forever. B) the other option is to re-edit it. Take out all the stuff that made it great. And then put it back up. And then the other option is for me to fight it. And you know what I'm going to do motherfucker? I'm going to fight that shit.⁷¹

Wederom komt het zelf invullen van de eigen video's naar voren als een belangrijke waarde, daar Dawson zich hier niet in wil laten dicteren. Hij haalt het belang van creatieve vrijheid bovendien aan, omdat de aanklacht geen rechtelijke kwestie zou zijn maar creatieve meningsverschillen zou betreffen. Ook deze reden voor het verwijderen van zijn video noemt hij onzin en omschrijft hij bovendien als artistieke censuur en een onderdrukking van vrijheid van meningsuiting.⁷² Het verwijst opnieuw naar zijn afkeer van het op deze manier beperken van creativiteit. Artistieke vrijheid is op deze manier een belangrijk onderdeel van hoe YouTubers aankijken tegen YouTube als vrijhaven.

⁶⁸ Ibidem.

⁶⁹ Ibidem.

⁷⁰ "BANNED FROM YOUTUBE," YouTube video.

⁷¹ Ibidem.

⁷² Shane Dawson, Twitter bericht, 24 december 2014 (01:38 uur), <https://twitter.com/shanedawson/status/547551911176859648>.

b) Vrij van traditionele mediaconventie

Een ander label dat raakt aan het creatieve vrijheid label, is *vrij van traditionele mediaconventie*. Dit label onderscheidt zich door te verwijzen naar het verschil tussen YouTube en traditionele mediaconventie. Hieruit blijkt een idee van vrijgevochtenheid, dat onder andere naar voren komt in het niet willen conformeren aan traditionele media. Zo speculeren de JustKiddingNews YouTubers over Phan dat "maybe back in the day they just put up music as background [...], and then, you know, the nature of YouTube changed, it turned into this big thing."⁷³ De YouTubers noemen dat de door traditionele media bepaalde restricties in muziekgebruik desondanks niet automatisch de gebruikers van YouTube tegenhouden: "they're still going to put up the fucking video."⁷⁴ Inmenging van de traditionele media op deze manier verandert niet noodzakelijkerwijs de inhoud die gebruikers willen maken. In het geval van Dawson zorgt die inmenging bovendien voor het bevechten van de traditionele media hierin. Zo schrijft hij over Sony's aanklacht tegen hem in een omschrijving van zijn vlog dat: "[it] proves that the BIG HOLLYWOOD GUY has power over us LITTLE YOUTUBERS. but guess what, we will FIGHT."⁷⁵ Ook hij wil zich vrijvechten door niet te conformeren aan de traditionele mediaregels. Restricties bepalen niet noodzakelijk de acties van YouTube gebruikers en ook hier spreekt een begrip van vrijgevochtenheid uit.

Daarnaast bespreekt Phan het verschil tussen YouTube en traditionele media en heeft ze het onder andere over de aanpak van de mensen die de media creëren. "Online is different," zo zegt Phan, "it's not about [...] all this production money behind it."⁷⁶ Niet alleen de eerder benoemde authenticiteit, maar ook het zelf uitvoeren van de verschillende taken als maker is belangrijk. Volgens Phan is deze zelfstandigheid namelijk een manier om je te onderscheiden van de traditionele media:

you need to learn how to do everything yourself. 'Cause that's, that is what makes you different than talent. Talent you go on and, you know, you're talent, but if you want to be like a real business person, you-, an entrepreneur, you've got to learn how to do everything.⁷⁷

Door zelf de eigen media te beheren, is het onderscheid en de vrijgevochtenheid van traditionele media mogelijk. Ook haar afsluitende uitspraak "you don't have to do what everyone else is doing or what you're being told. [...] we have the power of the

⁷³ "Youtube Make Up Guru Michelle Phan Gets Sued for Copyright Infringement! ft. David So," YouTube video.

⁷⁴ Ibidem.

⁷⁵ "BANNED FROM YOUTUBE," YouTube video.

⁷⁶ "YouTube Star Michelle Phan Full Interview | Code Mobile 2014," Youtube video.

⁷⁷ Ibidem.

internet,”⁷⁸ wijst nog extra op de kwaliteit die YouTube als medium biedt van het vrij zijn van traditionele mediaconventie voor Phan.

Onderscheid en vrijheid van traditionele media zijn op deze manier belangrijke waarden binnen het YouTube medium. Op deze wijze is *vrij van traditionele mediaconventie* een onderdeel van hoe YouTube als vrijhaven gezien wordt.

YouTube versus traditionele media

Het laatste thema is ‘YouTube versus traditionele media’. Dit thema blijkt uit de verschillende manieren waarop naar traditionele media verwezen wordt in de data. De labels zijn *a) verschil in medium* en *b) strijdverhouding tussen oude en nieuwe media*. De verhouding tussen YouTube en traditionele media is echter ook verweven in de andere thema’s, waardoor enkele herhalingen in dataextracten voorkomen.

a) Verschil in medium

Verwijzingen naar het verschil in medium is een eerste manier waarop dit laatste thema in de data naar voren komt. Het is met dit label niet de bedoeling uiteen te zetten wat de technische verschillen zijn van YouTube als medium met traditionele media. In plaats daarvan wordt met dit label gedoeld op hoe het verschil in medium voor YouTubers bijdraagt aan en onderdeel is van hun denkbeeld over YouTube en *user-generated content* op YouTube.

Phan bespreekt enkele manieren waarop YouTube als medium verschilt van traditionele media, waaronder de manier van werken: “it’s different now. [...] call myself a ‘preditor’: producer, editor and director.”⁷⁹ De zelfstandigheid en veelzijdigheid zijn het verschil in hoe Phan als YouTuber en YouTube als medium functioneert. Dat YouTube een andere manier van werken met zich meebrengt, haalt ook Dawson impliciet aan wanneer hij zegt dat bij een filmproductie “Hollywood politics” obstakels opleverde en dat dit als YouTuber een nieuwe ervaring voor hem was.⁸⁰ Het verschil in medium betekent een verschillende werkaanpak die essentieel is voor wat het betekent om YouTuber te zijn.

Een ander verschil is de authenticiteit achter de videoproductie, zoals al eerder besproken werd. Het maken van dure, mooie eindproducten is daarbij niet het hoofddoel: “what makes YouTube so different is that you go on there because you want to connect with someone. You go on there because you want to have a two-way dialogue with the person that you’re watching and with the community.”⁸¹ De mogelijkheid tot wederzijdse

⁷⁸ Ibidem.

⁷⁹ Ibidem.

⁸⁰ “Shane Dawson - Taylor Swift, Blackface, Not Cool, etc w/Sam Roberts #SRShow,” YouTube video.

⁸¹ “YouTube Star Michelle Phan Full Interview | Code Mobile 2014,” YouTube video.

communicatie en persoonlijke connecties met het medium is tevens onderdeel van wat YouTube onderscheidt van de traditionele eenrichtingsmedia.

Daarnaast is erkenning van YouTube een aangehaald verschil door de YouTubers. Zoals al eerder beschreven, zegt Dawson in de omschrijving van zijn vlog dat Sony's verwijdering van zijn parodievideo "just proves that the BIG HOLLYWOOD GUY has power over us LITTLE YOUTUBERS."⁸² Het verschil in medium is hier een verschil in machtspositie en de wijze waarop YouTubers (niet) erkend worden; immers zijn YouTubers maar "little."⁸³ Hiermee impliceert hij dat YouTube als medium binnen het medialandschap niet op hetzelfde niveau erkend wordt als traditionele massamedia. Bovendien noemt Dawson dat zijn YouTube succes hem binnen traditionele media niet dezelfde waardering oplevert: "everybody still looks at me as some dumb YouTube kid."⁸⁴ Het verschil in de waarneming van succes is niet alleen Dawsons ervaring. Ook Phan noemt dat ondanks dat haar video's in 2008 gemiddeld een miljoen keer bekeken werden per video, "I wasn't considered -career wise- successful, I was just someone who loved doing what she did."⁸⁵ Toen ze daarna traditioneel succes behaalde met een eigen make-uplijn en een eigen boek, kreeg haar YouTube succes hernieuwde aandacht en leidde dit op zijn beurt tot de aanklacht van Ultra Music. Het gebrek aan erkenning van YouTube als medium is op deze wijze onderdeel van hoe YouTube verschilt van traditionele media.

b) Strijdverhouding tussen oude en nieuwe media

Het verschil in erkenning als medium tussen YouTube en traditionele media is tevens een manier waarop er een strijdverhouding is tussen YouTube en traditionele media.

Strijdverhouding tussen oude en nieuwe media is ook vast te stellen als onderdeel van het denkbeeld van YouTubers. Zo spreken de YouTubers over een onbegrip vanuit traditionele media: "what they need to start doing is collabing with [...] YouTube people, and like working out a deal with them,"⁸⁶ aldus de JustKiddingNews YouTubers. Volgens hen is samenwerking een betere uitkomst, zoals het creëren van merkbewustzijn en gratis reclame als manieren waarop beide partijen profiteren. Dat in plaats daarvan Phan is aangeklaagd, kennen ze toe aan de verhouding tussen traditionele media en YouTube: "But that's just kind of like old media and new media, they don't understand how new media works. [...] what you should do is utilize new media to like its full extent. [...] if you allow them to monetize off of it and you get a cut off of it, that's still your money."⁸⁷ Het onbegrip zorgt volgens hen voor de strijdverhouding tussen traditionele media en

⁸² "BANNED FROM YOUTUBE," YouTube video.

⁸³ Ibidem.

⁸⁴ "Shane Dawson - Taylor Swift, Blackface, Not Cool, etc w/Sam Roberts #SRShow," YouTube video.

⁸⁵ "YouTube Star Michelle Phan Full Interview | Code Mobile 2014," YouTube video.

⁸⁶ "Youtube Make Up Guru Michelle Phan Gets Sued for Copyright Infringement! ft. David So," YouTube video.

⁸⁷ Ibidem.

YouTube. Phan zelf omschrijft bovendien ook een strijdverhouding. Zo wil zij, hoewel ook Phan naar samenwerking streeft, zich niet neerleggen bij de aanklacht van Ultra Music: "I believe in Team Internet and I'm here to protect my fellow YouTubers and also anyone online who does slip up and they use copyrighted music. I want to be able to protect them and to show that I have your back and I'm here to fight and stand my ground."⁸⁸ Ook voor Phan zorgt het verschil in standpunt tussen de partijen op deze manier voor een wanverhouding.

De manier waarop YouTube en traditionele media tegenover elkaar gesteld staan, komt verder naar voren in de stelling die YouTubers er zelf in nemen. Zoals al eerder besproken, conformeert Phan zich niet naar Ultra Music en vecht zij voor 'Team Internet'. Ook Dawson laat zich niet censureren door Sony en vecht terug omdat hij geen 'YouTube pop' is, zoals eveneens al behandeld. Andere manieren waarop YouTubers zich verzetten tegen de traditionele media worden duidelijk in de negatieve uitlatingen over hen. De veroordelingen "monetization beast"⁸⁹ en "evil creatures"⁹⁰ door JustKiddingNews zijn als onderdeel daarvan al besproken, maar een andere wijze van verzet is hun bespotting van Ultra's bewering dat Phan door hen populair is geworden. Hetzelfde geldt voor het belachelijk maken van Sony door YouTube kanaal The Know. Het gebruiken van een citaat van Sony zelf ter verdediging van Dawson, een citaat die The Know omschrijft als "so eloquently"⁹¹ uitgesproken door een directeur van Sony, duidt eveneens op een vorm van verzet tegen de traditionele media en een verschil in standpunt. De strijdverhouding is op deze en bovenstaande manieren onderdeel van de YouTubers' visie op hun medium en op de *user-generated content* op het medium.

Met bovenstaande dataextracten is geïllustreerd dat het verschil in medium en de (wan)verhouding tussen oude en nieuwe media onderdelen zijn van de wijze waarop 'YouTube versus traditionele media' een thema is in het denkbeeld van de YouTubers.

⁸⁸ "YouTube Star Michelle Phan Full Interview | Code Mobile 2014," YouTube video.

⁸⁹ "Youtube Make Up Guru Michelle Phan Gets Sued for Copyright Infringement! ft. David So," YouTube video.

⁹⁰ Ibidem.

⁹¹ "Sony Takes Down Taylor Swift Parody for Violence Against a Real Person (Sound Familiar?) - The Know," YouTube video.

4.2 Denkbeeld van platenmaatschappijen

Wat is het denkbeeld van de platenmaatschappijen over de user-generated content op YouTube?

Het denkbeeld van de platenmaatschappijen over de *user-generated content* op YouTube is eveneens door middel van een thematische analyse onderzocht. Uit de analyse komen ‘auteursrecht’, ‘geld’ en ‘creatieve verschillen’ als thema’s naar voren. De data van de platenmaatschappijen bestaan uit het juridische document van Ultra Musics aanklacht, een mail van Sony over hun klacht, een melding van Sony op YouTube en de eisen van de platenmaatschappijen. Aan de hand van een selectie dataextracten zijn de thema’s hieronder toegelicht.

Auteursrecht

Auteursrecht is een eerste thema dat naar voren komt in de data van de platenmaatschappijen, gezien auteursrecht centraal staat in de aanklachten van Ultra Music en Sony tegen de YouTubers. Auteursrecht als thema komt op twee manieren voor, die zijn gelabeld als *a) onrechtmatig gebruik* en *b) rechtmatig gebruik*.

a) Onrechtmatig gebruik

Onrechtmatig gebruik is de klacht waarmee de platenmaatschappijen de YouTubers benaderen. In de casus van Ultra Music versus Michelle Phan, beweert Ultra Music dat het muziekgebruik in Phans YouTube video’s zonder toestemming is gebeurd. Dit hebben ze dan ook als reden voor de aanklacht ingediend:

Phan, without license, authorization or permission from Plaintiffs, has embarked on a wholesale infringement of Plaintiffs’ musical compositions and recordings. Phan [...] has made the Unauthorized Videos available to the public without license, authorization or permission by publishing the Unauthorized Videos on the Internet.⁹²

Vanwege het gebrek aan een dergelijke toestemming, eist Ultra Music verder in de aanklacht schadegeld van de YouTuber. Bovendien vraagt de platenmaatschappij om een rechterlijk bevel dat Phan verbiedt hun muziek doorlopend onrechtmatig te gebruiken. Dit bevel heeft betrekking op zowel de bestaande als de latere videoproducties van de YouTuber die materiaal van Ultra Music bevatten. Onrechtmatig gebruik wordt op deze manier zowel aangeklaagd door Ultra Music als voorkomen in de toekomst.

⁹² United States District Court for the Central District of California, “Ultra International Music Publishing, LLC and Ultra Records, LLC v. Michelle Phan,” 16 juli 2014, <https://www.documentcloud.org/documents/1227909-234681309-ultra-records-v-michelle-phan.html>.

Onrechtmatig gebruik van auteursrechtelijk beschermd materiaal, is ook de klacht van Sony over de parodievideo van Shane Dawson. In deze casus gaat het eveneens om onrechtmatig muziekgebruik. Vanwege de parodiërende toon van de YouTube video gaat het echter voornamelijk om de bijbehorende originele muziekclip waar het auteursrecht in geschonden is. Sony's eis aan Dawson is niet openbaar gemaakt door de platenmaatschappij zelf, maar wordt wel besproken door Dawson in zijn vlog. Daarin zegt hij: "the options I've been given is A) to take the video completely down –'cause right now it's in my video's privated– to delete it forever. B) the other option is to re-edit it."⁹³ Sony heeft tevens de parodievideo op YouTube geblokkeerd. Beide platenmaatschappijen hebben op deze wijze de YouTubers aangeklaagd op grond van onrechtmatig gebruik van auteursrechtelijk beschermd materiaal.

b) Rechtmatig gebruik

Rechtmatig gebruik van auteursrechtelijk beschermd materiaal is eveneens onderdeel van het denkbeeld van de platenmaatschappijen over *user-generated content* op YouTube. Hoewel rechtmatig gebruik niet expliciet besproken wordt in de data, komt legitiem gebruik als onderdeel van het denkbeeld wel in de data voor op impliciete wijze. Zo vermeldt Ultra Music dat het muziekgebruik van Phan problematisch is doordat er geen sprake was van een licentie. Dit impliceert dat hun materiaal op YouTube middels licentiegebruik wel door het bedrijf wordt toegestaan. Bovendien heeft Ultra Music een eigen kanaal op YouTube waar ze hun materiaal op plaatsen.⁹⁴ Dit maakt duidelijk dat het de platenmaatschappij slechts gaat om onrechtmatige aanwezigheid van hun materiaal op YouTube. Voor Sony lijkt hetzelfde te kunnen worden vastgesteld; ook Sony heeft een eigen muziekkanaal op YouTube.⁹⁵ Daarnaast bezit Sony boven dien gedeeltelijk een ander muziekkanaal op YouTube.⁹⁶ Door de bespreking van onrechtmatig gebruik en de vertegenwoordiging van de eigen YouTube kanalen, is rechtmatig gebruik van het materiaal van de platenmaatschappijen dan eveneens onderdeel van hun denkbeeld over YouTube.

Geld

Een ander bedrijfsbelang waarmee de platenmaatschappijen naar YouTube kijken, is geld. Geld is het tweede thema in de data en het thema is onderverdeeld in de labels *a) YouTube als concurrentie* en *b) YouTube als inkomen*.

⁹³ "BANNED FROM YOUTUBE," YouTube video.

⁹⁴ "Ultra Music – YouTube," YouTube, geraadpleegd op 7 januari 2017, <https://www.youtube.com/user/UltraRecords>.

⁹⁵ "Sony Music Entertainment – YouTube," YouTube, geraadpleegd op 7 januari 2017, <https://www.youtube.com/user/sonymusic>.

⁹⁶ "Vevo – Youtube," YouTube, geraadpleegd op 7 januari 2017, <https://www.youtube.com/user/VEVO>.

a) YouTube als concurrentie

Voor de platenmaatschappijen hangt geld samen met concurrentie. Concurrentie van de YouTubers betekent namelijk een verlies van geld voor de bedrijven. Dat concurrentie onderdeel is van de wijze waarop de platenmaatschappijen over YouTube denken, blijkt uit het volgende. In de casus van Sony versus Dawson is het op een kleine manier merkbaar in de data: de parodievideo van Dawson is geblokkeerd waardoor hij geen AdSense op de video heeft. Zoals besproken is AdSense een manier van inkomsten genereren. Door Sony's blokkade van de video is de concurrentie in inkomsten genereren op die manier verhinderd. In de aanklacht van Ultra Music is concurrentie als element duidelijker. Zo beweert Ultra namelijk dat Phan populair is geworden op YouTube dankzij het gebruik van Ultra's muziek: "Upon information and belief, the Unauthorized Videos have been viewed more than 150 million times. [...] As a direct and proximate result of the infringement by Phan, Ultra is entitled to damages and to Phan's profits [...]."⁹⁷ Volgens de aanklacht heeft Phan haar YouTube succes aan Ultra Music te danken, maar ook haar daaruit voortvloeiende successen worden op die manier aan Ultra Music toegeschreven. De platenmaatschappij maakt met de beschuldiging bezwaar tegen Phans succes en eist er schadevergoeding voor. De beredenering is daarbij dat Phan in concurrentie met Ultra Music is, omdat ze met haar succes Ultra Music geld ontnomen zou hebben dat haar vanwege het muziekgebruik niet toebehoort. Op deze wijze is concurreren om geld een onderdeel van de manier waarop geld een thema is in het denkbeeld van de platenmaatschappijen.

b) YouTube als inkomen

YouTube als inkomen is een andere manier waarop geld een thema is in het denkbeeld van de platenmaatschappijen over YouTube. Enerzijds hebben de platenmaatschappijen zelf eigen YouTube kanalen aangemaakt en gebruiken ze die voor het plaatsen van hun muziekmateriaal. Anderzijds is de manier waarop YouTube voor de YouTubers een inkomstenbron is ook onderdeel van het geldthema. Sony's blokkade van Dawsons parodievideo voor YouTube gebruikers onder de achttien jaar, is al een manier waarop de platenmaatschappijen zich bewust zijn van YouTube als inkomen. Zoals eerder besproken zorgt deze blokkade er namelijk voor dat Dawson geen advertenties op de video kan krijgen en overeenkomstig geen inkomsten ermee kan genereren.

Voor Ultra Music geldt eveneens een bewustzijn van YouTube als inkomen voor YouTubers. Zij beweren in hun aanklacht dat er bijna vijftig gevallen vastgesteld zijn van auteursrechtschending door Phan, waarbij het volledige aantal schendingen nog niet is

⁹⁷ United States District Court for the Central District of California, "Ultra International Music Publishing, LLC and Ultra Records, LLC v. Michelle Phan."

geconstateerd.⁹⁸ Het schadegeld dat ze eisen voor deze schendingen is 150.000 dollar per auteursrechtschending. Deze eis dienen ze in vanwege hun visie op YouTube als inkomstenbron voor Phan: "Upon information and belief, Phan monetizes her YouTube videos by collecting substantial income from YouTube derived from the advertisements that appear in association with her videos."⁹⁹ Ultra Musics opvatting over de casus wordt medebepaald door de notie die ze hebben van YouTube als inkomstenbron voor Phan. YouTube als inkomen is op deze manier onderdeel van het geldthema in het denkbeeld van de platenmaatschappijen.

Creatieve verschillen

Tot slot is 'creatieve verschillen' binnen de casussen een thema in het denkbeeld van de platenmaatschappijen over YouTube. Enerzijds komt dit thema tot uiting in het verschil in standpunt van de platenmaatschappijen met de YouTubers over YouTube als vrijhaven. Deze uiting van het thema is gelabeld als *a) geen creatieve vrijhaven* en relateert tevens aan het thema van auteursrecht. Anderzijds komt 'creatieve verschillen' als thema tot uiting in het label *b) inhoudelijke onenigheid*.

a) Geen creatieve vrijhaven

De benadering van YouTube als vrijhaven door de YouTubers is een visie waar de platenmaatschappijen zich tegen verzetten. Het standpunt van de platenmaatschappijen relateert hierbij aan het thema van auteursrecht. Het verwerken en herwerken van muziekmateriaal in YouTube video's is volgens de YouTubers onderdeel van de artistieke vrijheid, maar Ultra Music is een andere mening toegedaan: "[Phan] has embarked on a wholesale infringement [...] in whole or in part, together with certain visual footage to create audiovisual works [...] without license, authorization or permission."¹⁰⁰ Het herwerken van muziekmateriaal is alsnog een schending van auteursrecht volgens Ultra Music en vereist even goed toestemming. Bovendien benadrukt Ultra Music deze visie: "Phan knows and has been informed that she does not possess a license from Plaintiffs to utilize the Musical Compositions and/or Recordings in the Unauthorized Videos, and yet continues to wilfully infringe in blatant disregard of Plaintiffs' rights of ownership."¹⁰¹ Niet alleen ziet Ultra Music YouTube niet als creatieve vrijhaven, maar bestempelen zij gedrag waarmee gehandeld wordt naar YouTube als vrijhaven als een minachting voor het auteursrecht. YouTube als géén creatieve vrijhaven is op deze manier onderdeel van het

⁹⁸ Ibidem.

⁹⁹ Ibidem.

¹⁰⁰ Ibidem.

¹⁰¹ Ibidem.

'creatieve verschillen' thema in het denkbeeld van de platenmaatschappijen over YouTube en YouTube-inhoud.

b) Inhoudelijke onenigheid

Behalve onenigheid over de rechtmatigheid van het muziekgebruik, is inhoudelijke onenigheid over de manier waarop het muziekmateriaal is verwerkt ook een onderdeel van het 'creatieve verschillen' thema. Het creatieve verschil van de label is een creatief meningsverschil, blijkt uit de casus van Sony versus Dawson. Hoewel op basis van een schending van het auteursrecht de platenmaatschappij de YouTuber benaderd heeft, blijkt uit een bericht van het bedrijf dat er ook een andere factor meespeelt in de klacht over de parodievideo. Via een mail die YouTube stuurt wordt dit duidelijk, waarin ze namelijk zeggen dat Sony de video verwijderd wilt "due to a writer's objection [which] given the violence in this video it seems prudent in this instance."¹⁰² In de mail is bovendien geen vermelding van een schending van auteursrecht, maar wordt het bezwaar tegen het geweld in de parodievideo voorop gesteld. Sony bemoeit zich op deze manier als platenmaatschappij voornamelijk inhoudelijk met de parodievideo van Sony's originele muziekvideo. De aanstoot die het bedrijf neemt aan de gewelddadige herwerking van de muziekvideo, leidt bovendien tot een tijdelijke verwijdering van Dawsons parodie. De details van de casus Sony versus Dawson zijn niet openbaar gemaakt, maar een paar maanden later heeft Dawson op 5 februari 2015 de parodievideo in zijn oorspronkelijke staat opnieuw kunnen uploaden.¹⁰³ De parodievideo is op basis van het geweld in de video echter alsnog blijvend geblokkeerd voor YouTube gebruikers onder de achttien jaar en bezoekers van de website zonder YouTube account. De blokkeringen van de parodievideo en YouTube's mail hierover geven op deze wijze aan dat inhoudelijke onenigheid onderdeel is van het standpunt van Sony in de casus. Op deze wijze is inhoudelijke onenigheid onderdeel van het denkbeeld van de platenmaatschappijen over YouTube en YouTube-inhoud.

¹⁰² Shane Dawson, Twitter bericht, 24 december 2014 (01:40 uur),
<https://twitter.com/shanedawson/status/547552357110644736>.

¹⁰³ Shane Dawson, Twitter bericht, 11 februari 2015 (02:11 uur),
<https://twitter.com/shanedawson/status/565317250832670721>.

4.3 Onderlinge verhoudingen

Hoe verhouden de geïdentificeerde thema's zich tot elkaar?

Ter beantwoording van bovenstaande deelvraag wordt gekeken naar hoe de thema's zich zowel tot elkaar als tot de theorie verhouden. De thema's in het denkbeeld van de YouTubers en de thema's in het denkbeeld van de platenmaatschappijen worden daartoe hieronder eerst nogmaals op een rijtje gezet.

Denkbeeld van de YouTubers	Denkbeeld van de platenmaatschappijen
- YouTube als bedrijfsmodel <ul style="list-style-type: none">○ <i>Inkommen</i>○ <i>Carrière</i>	- Auteursrecht <ul style="list-style-type: none">○ <i>Onrechtmatig gebruik</i>○ <i>Rechtmatig gebruik</i>
- YouTube als vrijhaven <ul style="list-style-type: none">○ <i>Creatieve vrijheid</i>○ <i>Vrij van traditionele mediaconventie</i>	- Geld <ul style="list-style-type: none">○ <i>YouTube als concurrentie</i>○ <i>YouTube als inkomen</i>
- YouTube versus traditionele media <ul style="list-style-type: none">○ <i>Verschil in medium</i>○ <i>Strijdverhouding tussen oude en nieuwe media</i>	- Creatieve verschillen <ul style="list-style-type: none">○ <i>Geen creatieve vrijhaven</i>○ <i>Inhoudelijke onenigheid</i>

Een eerste onderlinge verhouding tussen de thema's is de verhouding tussen het thema 'YouTube als bedrijfsmodel' en het thema 'geld'. Beide thema's hebben *YouTube als inkomen* als een label en zien geld als een van definiërende kenmerken van wat YouTube voor hen betekent. De platenmaatschappijen hebben daarbij echter een negatiever blik op de relatie van YouTube-inhoud tot inkomen binnen de casussen, omdat het voor hen gaat om een schending van hun auteursrecht. Auteursrecht als thema is daarbij met alle andere thema's verbonden van de platenmaatschappijen, zoals tevens besproken in de tweede deelvraag. Auteursrecht staat namelijk centraal in de klachten van de platenmaatschappijen. Hoewel de YouTubers degenen zijn die hierover worden aangeklaagd en benaderd, praten zij echter meer over de idealistische en creatieve waarden die YouTube voor hen heeft. Niet alleen is dit evident in de thema's, maar ook in de wijze waarop de verschillende partijen zich over de casussen uitlaten. De YouTubers uiten zich op een persoonlijker en directer niveau over de casussen middels vlogs, twitterberichten en persoonlijke uitspraken in interviews. De platenmaatschappijen benaderen de casussen daarentegen voornamelijk in juridische termen en doen eveneens

geen uitspraken middels vertegenwoordigers. Deels heeft dit te maken met het verschil in medium, waarbij voor de YouTubers wederzijdse communicatie via het medium onderdeel is van de manier waarop zij over YouTube denken. Tegelijkertijd maakt het verschil in waarden die naar voren komen in de uitingen in de data dat YouTubers de casussen op deze wijze benaderen. Waardes zoals artistieke vrijheid komt naar voren in de labels *YouTube als creatieve vrijhaven*, die beide partijen als label delen in hun denkbeelden maar waar ze qua standpunt van elkaar in verschillen. De verschillen tussen de beide mediapartijen zijn in het algemeen bovendien niet alleen een thema in het denkbeeld van de YouTubers, maar verhouden zich tevens tot de individuele thema's in de denkbeelden. Vanwege de aard van de casussen wordt de tegenstelling tussen oude en nieuwe media benadrukt en dit maakt dat het een overkoepelend thema is beide denkbeelden.

De strijdverhouding tussen oude en nieuwe media verhoudt zich bovendien tot het theoretische concept van *attention economy*. Jean Burgess en Joshua Green noemen dat er sprake is van een dergelijke economie op YouTube, waarin het gaat om het krijgen en vasthouden van de aandacht van de kijker.¹⁰⁴ Dit aspect is economisch wezenlijk wanneer gebruikers hun geld verdienen op YouTube. Ook traditionele massamedia hebben zich inmiddels echter gevestigd op YouTube middels eigen kanalen. Uit de aanklacht van Ultra Music blijkt dat de visie van de platenmaatschappij dan samenhangt met het idee van de *attention economy*; Phan zou volgens Ultra Music de aandacht van haar kijkers onrechtmatig verkregen hebben door het gebruiken van Ultra's muziek. De muziek van de platenmaatschappij zou op deze manier hebben bijgedragen aan de aandacht van de kijker en dus de populariteit van Phans filmpjes. Voor Sony geldt dat zij op negatieve wijze de *attention economy* in werking zien: Dawsons parodievideo op Sony's originele muziekvideo is een interpretatie die Sony wil beperken in te verkrijgen aandacht. Naast het auteursrecht gaat het in de aanklachten dus tevens om de economie van YouTube en hoe de traditionele massamedia hierin passen.

De verhouding tussen oude en nieuwe media wordt ook in het theoretische debat over mediaconvergentie beschreven. De eerder vermelde auteurs Jenkins, Uricchio en ook Burgess en Green, noemden in hun werken al dat traditionele media van de nieuwe media kunnen leren en er voordeel uit kunnen halen. Janet Wasko en Mary Erickson halen dit ook aan en praten specifiek over YouTube. Zij zeggen dat veel massamedia naar YouTube kijken om het medium vervolgens in te zetten voor het vergroten van eigen winsten.¹⁰⁵ Dit geldt ook voor Ultra Music; het bedrijf heeft een eigen kanaal

¹⁰⁴ Burgess en Green, "Agency and Controversy in the YouTube Community."

¹⁰⁵ Janet Wasko en Mary Erickson, "The Political Economy of YouTube," in *The YouTube Reader*, red. Pelle Snickars en Patrick Vonderau (Londen: Wallflower Press, 2009), 372-386.

waarop de artiesten en hun muziek geplaatst en gepromoot worden.¹⁰⁶ Door de inhoud op YouTube te plaatsen kan een groter en eventueel meer divers publiek bereikt worden. De aanklacht door Ultra Music laat echter zien dat YouTube niet alleen als extra inkomsten wordt beschouwd door de platenmaatschappij, maar ook als een plek van mogelijke concurrentie. Het gebruik van Ultra's muziek in Phans filmpjes wordt gezien als bedreiging door de nadruk die zij leggen op het volgens hen onrechtmatige verkregen succes van Phan. En ook de casus van Sony toont aan dat platenmaatschappij Sony YouTube bekijkt als een medium dat het eigen medium kan beconcurreren. Dit geeft aan dat waar Jenkins' onzekerheid uitsprak in zijn boek *Convergence Culture: Where Old and New Media Collide* over of er sprake was van invloed van *user-generated content* op de traditionele massamedia, in deze casussen een dergelijke invloed voelbaar is geworden en *user-generated content* wel wordt opgemerkt door traditionele mediabedrijven.

Deze aanwezigheid van *user-generated content* in de huidige massamedia-industrie, raakt tevens aan een ander veelgenoemd aspect in het mediaconvergentie debat. Dit is namelijk de producent-consument scheiding, of liever de vervaging daarvan. In deze vervaging ontstaan er wat Alvin Toffler noemt *prosumers*.¹⁰⁷ *Prosumers* zijn mensen die zowel produceren als consumeren en vaak verwerken ze populaire massamediaproducties in hun eigen producties.¹⁰⁸ De groei van onder andere dit soort *user-generated content*, wordt vaak aangewezen als een van de elementen die bijdragen aan de vervaging van de producent-consument scheiding.¹⁰⁹ Ook op YouTube zijn vormen van dit soort *user-generated content* te vinden. Michelle Phans en Shane Dawsons *prosumer* activiteiten zijn onderdeel hiervan, door het verwerken van de muziek van Ultra Music en de muziekvideo van Sony in hun video's. De bezwaren van de platenmaatschappijen staan op deze wijze tevens in verband met de vervaging van de producent-consument scheiding, doordat door de *prosumer* activiteiten mediaproduct en mediaconsument in de casussen tegenover elkaar komen te staan in de discussie over auteursrecht.

Met het tegengaan van auteursrechtschending pogen de platenmaatschappijen de video-inhoud van de YouTubers te beheren, iets wat in de theorie ook besproken wordt door Virginia Nightingale. In haar artikel 'The Cameraphone and Online Image Sharing' heeft zij het over *patrons*. Nightingale leent de term van antropoloog Alfred Gell en ze omschrijft dat een *patron* "controls both the conditions under which the creative work is produced and the environment of reception in which the image is displayed."¹¹⁰ Burgess

¹⁰⁶ "Ultra Music – YouTube."

¹⁰⁷ Toffler, "The Rise of the Prosumer," 265-288.

¹⁰⁸ Ibidem, 265-288.

¹⁰⁹ Örnebring, "The Consumer as Producer- or What? User-Generated Tabloid Content in *The Sun* (UK) and *Aftonbladet* (Sweden)," 771.

¹¹⁰ Nightingale, "The Cameraphone and Online Image Sharing," 293.

en Green halen deze definitie van de term eveneens aan. In hun bespreking van YouTube noemen ze dat YouTube als *patron* gezien kan worden. Hun argument is dat doordat YouTube zijn gebruikers uitnodigt om hun materiaal op de website te plaatsen, YouTube op die manier voorwaarden en de omgeving bepaalt waaronder het materiaal gemaakt wordt vanwege het format van de website.¹¹¹ Het is volgens hun dan vooral op technisch vlak dat YouTube als *patron* optreedt.

Volgens het argument van Burgess en Green kan YouTube inderdaad als *patron* gezien worden. De technische beperkingen van de website maken dat de gebruiker zijn productie daarnaar moet schikken, wil de gebruiker zijn materiaal op de website plaatsen. Het bestempelen van YouTube als *patron* op deze wijze, valt in dit opzicht dan echter ook door te trekken naar Ultra Music en Sony. Als Nightingale zegt dat een *patron* de voorwaarden en omgeving bepaalt waaronder inhoud online geplaatst mag worden, dan dragen Ultra Music en Sony hieraan bij door verwerking van hun materiaal niet toe te staan door derden. Enkele van de voorwaarden waaronder YouTube gebruikers hun materiaal kunnen produceren, zijn door Ultra Music en Sony dan vooraf bepaald door restricties te leggen op het muziekgebruik. De voorwaarden waaronder het werk van YouTube gebruikers gemaakt en vertoond of geüpload mag worden op de website, wordt dan deels beheerd door de platenmaatschappijen. Muziek kan wel beluisterd worden op kanalen van de platenmaatschappijen zelf, maar mag niet zonder toestemming verwerkt worden in andere producties. Wordt dat toch gedaan, dan valt het onder misbruik en kan een rechtszaak het gevolg zijn. Waar YouTube dan op een technisch level als *patron* optreedt, treden Ultra Music en Sony eveneens op als *patron* op inhoudelijk niveau. De platenmaatschappijen treden op deze manier als derden op als patron binnen de omgeving van YouTube.

Het optreden van *patrons* op deze manier, beperkt volgens Nightingale dus de vrijheid van de gebruiker in zijn productie; ook wel de *user agency* genoemd.¹¹² Nightingale merkt op dat deze beperking niet onderdrukking hoeft te betekenen met betrekking tot de creatieve en esthetische uitdrukking die de gebruikers in hun werk kunnen stoppen.¹¹³ Door het omzeilen van de regels kunnen gebruikers bijvoorbeeld juist heel creatief te werk gaan, echter betekent de beperking van de *user agency* wel dat de gebruikers niet zomaar vrij zijn om te (re)produceren en plaatsen wat ze willen.¹¹⁴ In het geval van de besproken casussen leiden de beperkingen echter wel tot een onderdrukking van de gebruiker, in tegenstelling tot de bewering van Nightingale. Dit komt tot stand doordat Phan naar eigen zeggen wel met recht de muziek in haar

¹¹¹ Burgess en Green, "Agency and Controversy in the YouTube Community."

¹¹² Nightingale, "The Cameraphone and Online Image Sharing," 293.

¹¹³ Ibidem, 293.

¹¹⁴ Ibidem, 293.

producties heeft gebruikt, maar Ultra Music haar bewering ontkent en een aanklacht indiende. Bij Dawson blijkt het uiteindelijk meer om inhoudelijke meningsverschillen dan een schending van het auteursrecht te gaan. In dit geval is er dus sprake van een overbelasting van de creatieve vrijheid van de gebruiker vanwege het optreden van de platenmaatschappijen als *patron*.¹¹⁵

Op bovenstaande manieren verhouden de thema's zich tot elkaar en tot de theoretische begrippen.

¹¹⁵ Ibidem, 300.

5. Conclusie

In dit onderzoek is een thematische analyse uitgevoerd naar de verschillende denkbeelden over de *user-generated content* van YouTubers die enerzijds bij traditionele platenmaatschappijen en anderzijds bij YouTubers heersen. Aan de hand van twee casussen is dit onderzoek uitgevoerd. De eerste casus was hierbij de casus van de aanklacht tegen YouTuber Michelle Phan door platenmaatschappij Ultra Music. De tweede casus was de eis en videooverwijdering door Sony van een parodievideo van YouTuber Shane Dawson. De hoofdvraag was *Welke thema's ontrollen zich in de denkbeelden van platenmaatschappijen en YouTubers over user-generated content op YouTube?*

Deze vraag is opgedeeld in drie deelvragen, waarvan de eerste deelvraag luidde: *Wat is het denkbeeld van de YouTubers over de user-generated content op YouTube?* Een thematische analyse van de data wees uit dat er drie thema's in het denkbeeld van de YouTubers te constateren zijn, namelijk 'YouTube als bedrijfsmodel', 'YouTube als vrijhaven' en 'YouTube versus traditionele media'. In de dataweergaven kwam het eerste thema tot uiting in referenties naar YouTube als directe inkomstenbron voor de YouTubers. YouTube als opstapje om verdere carrière mogelijkheden mee te creëren was eveneens een manier waarop dit thema tot uiting kwam. Het tweede thema omvatte enerzijds creatieve vrijheid als belangrijke waarde en werd anderzijds gekenmerkt door de manier waarop YouTube zich onderscheidt van traditionele media. Het derde thema houdt eveneens dit onderscheid in, maar dan met een nadruk op het verschil in medium. Ook de strijdverhouding tussen oude en nieuwe media is onderdeel van dit laatste thema.

In het denkbeeld van de platenmaatschappijen werden er eveneens drie thema's geconstateerd, als antwoord op de deelvraag *Wat is het denkbeeld van de platenmaatschappijen over de user-generated content op YouTube?* De geïdentificeerde thema's waren de thema's 'auteursrecht', 'geld' en 'creatieve verschillen'. De platenmaatschappijen gaven in de casussen uitdrukking aan hun bezwaren in voornamelijk juridische termen. Auteursrecht werd als thema daardoor in termen van onrechtmatig en rechtmatig gebruik besproken, waarin vooral de schending van het auteursrecht centraal stond. Geld kwam als thema naar voren in termen van concurrentie en inkomen van de YouTubers. Concurrentie in inkomen was hierbij een wijze waarop beide labels overlatten. De opvatting dat YouTube geen creatieve vrijhaven is, was tot slot een wijze waarop het thema 'creatieve verschillen' tot uiting kwam. Dit laatste thema kwam eveneens naar voren op het gebied van inhoudelijke onenigheid over YouTube-inhoud in relatie tot inhoud van de platenmaatschappijen.

In de beantwoording van de laatste deelvraag *Hoe verhouden de geïdentificeerde thema's zich tot elkaar?* blijkt dat de thema's zich zowel onderling tot elkaar verhouden,

als tot de theorie. Deels verhouden de thema's zich onderling tot elkaar door de aard van de bezwaren in de casussen. Anderzijds zijn er twee overkoepelende thema's gevonden in de denkbeelden, namelijk de strijdverhouding tussen de mediapartijen en de visie op YouTube als een manier om geld te verdienen. Op theoretisch niveau kan worden vastgesteld dat de platenmaatschappijen zich als *patron* opstellen binnen de casussen om de *prosumer* activiteiten van de YouTubers met het materiaal van de platenmaatschappijen te beperken. De *attention economy* van YouTube maakt daarbij deel uit van de beweegredenen voor de bezwaren, naast de schending van het auteursrecht.

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7. Bijlagen

Bijlage 7.1

Philip DeFranco. YouTube video. Transcript.

"MICHELLE PHAN SUED FOR \$7.5 MILLION."

Philip DeFranco, gepubliceerd op 22 juli 2014, van minuut 06:37 tot minuut 08:49.

https://www.youtube.com/watch?v=UaSRZbR_ZUY.

And then nation, on the tail of talking about me not wanting to be sued because of something I put in my video, there is a huge YouTube lawsuit I need to talk about. Michelle Phan one of the biggest YouTubers in the world -of course a beauty guru who owns her own company, sells cosmetics- is now being sued by Ultra Records whose label(?) includes deadmau5, Kaskade, Calvin Harris and they're claiming that Michelle Phan used 50 of their songs in her videos without their permission. Would you think, "Oh okay, this is a copyright issue, are they going to take her videos down, are they going to take her AdSense": no. They are suing for 150.000 dollars for each confirmed copyright infringement. Meaning that in court if they confirm that all fifty times this happened, she would have to pay 7.5 million dollars. Who came up with that number? They were like, "Okay so she gets um, millions of views on YouTube..., she's probably making like a 150.000 dollars per video, let's sue her for that". How much money do you think we make?! I- I've launched properties that have accrued more than 2 billion views, if we got paid that well this set would be solid gold. Tackiest, ugliest looking set in the world and anytime anyone'd talk crap I'd be like: "My whole set's gold! You're program's(?) on your civic, that's cute, my whole civic is gold". They must have just thrown a dart at a wall. On top of the lawsuit they're also seeking an injunction because "they have sustained and will continue to sustain substantial, immediate and irreparable injury". Because god knows getting the music of your artists in front of millions of people that may not have heard it before, is doing massive damage to your dinosaur like business model. And before you start hating on artists like Kaskade for being a part of this, it turns out they're not. As shown by tweets from Kaskade: "I find that Michelle Phan has great taste in music and knows secrets on how to make my eyes really pop. What's not to like?", "Summary: I'm not suing Michelle Phan and Ultra Records isn't my lapdog. I can't do much more about the lawsuit except voice support for her". And all of this comes down to, it's unfortunate, it's stupid, the, the, the amount that they're suing for is outrageous, but for those of us that have been on YouTube for a long time we've been waiting for these things to happen. Because this is America the land of suing one another whether

there are real grounds to do it or not, because sometimes people will just pay you to go away. And the bigger a YouTuber gets and the bigger YouTubers get, the larger the target is on their back. And ultimately we'll see what happens, it seems like there might be a countersue into the mix, but who knows. You get the right or the wrong judge, internet stuff can go either way.

Bijlage 7.2

JustKiddingNews. YouTube video. Transcript.

"Youtube Make Up Guru Michelle Phan Gets Sued for Copyright Infringement! ft. David So."

JustKiddingNews, gepubliceerd op 8 augustus 2014, 6:52 minuten.

<https://www.youtube.com/watch?v=oSbZwiN3X-k>.

Cast: Julia Chow, David So, Joe Jo, Bart Kwan, Geo Antoinette, Tommy Trinh.

Transcript van 0:00-5:33 (resterende video is slechts kanaalpromo).

David So: In money hungry news.

Geo Antoinette: Hahaha.

DS: YouTube makeup guru Michelle Phan gets sued by Ulta, Ultra.

Tommy Trinh: Oh- Ultra.

Julia Chow: Ultra.

DS: Ultra Records -I'm sorry. I was saying Ulta because of make-up, there's a correlation there- for copyright infringement.

GA: Uhoh, that sucks.

DS: Some kind of music huh on her channel on her video?

JC: Yeah.

GA: That sucks.

DS: How much did they try to sue for?

JC: Uh well the initial claim was 1.5 million.

Bart Kwan: Oh my god.

GA: Oh my god.

DS: She can afford it. No, haha.

JC: And um charges have been dropped to 222.000.

DS: Ah ain't that bad, you good girl.

BK: That just sounds like they're running out of money and they're like "well whatever you can give me, I'm cool with 200.000 dollars".

Joe Jo: Dang.

GA: Wow.

TT: Fucking labels, it sucks, damnit.

DS: I mean honestly that's what it is though at this point, I mean a lot of record labels are, you know, they're like saying they're quote unquote losing money or something like that and they're going broke, but-

BK: 'Cause 200 grand, you can't even pay one of your top execs [**DS:** Yeah], at a record label. Like why are you trying to scrounge up nickels and dimes for.

DS: Maybe they're trying to set an example or something. I don't know why, but-

GA: I think it's stupid, what they need to start doing is collabing with these high artist, or like these YouTube people, and like working out a deal with them. 'Cause, because of Michelle Phan a bunch of people discovered all of your artists.

BK: Like Kaskade?

GA: Yeah.

DS: I think Kaskade is part of that record company and then she used the Kaskade-

BK: Yeah.

GA: But they were friends-

BK: They're friends. [**DS:** Yeah.] And she used a lot of his tracks.

DS: 'Cause I heard about this, I think he said, he put out a statement that goes, I'm not suing her. Like she can use my shit like whenever she wants. Like it doesn't matter, but it's the record label that's doing it.

JJ: A lot of people probably were mad at him like, how dare you sue Michelle Phan.

TT: Yeah.

DS: "It's not my content".

JJ: Was it because the label owns all of his music?

TT: Yeah, that's how labels are. When you sign that contract... they own it.

DS: But that's just kind of like old media and new media, they don't understand how new media works. I mean if, honestly if anybody from new media [video edit note: *old media] is watching this, what you should do is utilize new media to like its full extent. I mean there are so many people using covers out there, you do realize that if you allow them to monetize off of it and you get a cut off of it, that's still your money. It's money that you're not monetizing off of anyway. So let's say these-, they're still going to put up the fucking video the only difference is, is that you'll be making money off of them now, while allowing them to fucking make, use their content and make money with it too. [**JJ:** Yep.] You know, and it's just so fucking dumb that that constant-, I don't know if they think that we're going to pull away from their artists? [**JJ:** Yeah.] Which is not going to happen. [**JJ:** No.] It's impossible. You-

BK: And even if like, even if they don't make any money, like let's say for example Kaskade or Ultra doesn't make any money, the millions of views that Michelle Phan garners, she's already doing free promotion for Ultra and Kaskade and getting extra million set of ears to listen to their music, which otherwise wouldn't have happened.

JC: Hmhm.

DS: Exactly.

BK: So it's like free promotion.

GA: Yeah, 'cause if she was like, this song was brought to you by Ultra Music or whatever, now people are, they, that's like brand awareness.

JC: I read the wrong number, it's 15 million but then they're charging- [**BK, GA:** Haha.] Yeah. No because they, they, they had like this random statement in there.

BK: We need the facts Julia, we need the, is it 200.000 or is it 200 million?

All: Haha.

BK: 'Cause 200.000 is chump change to a label.

JC: So it's 15 million [**GA:** Wow.]. And like they're trying to charge-

JJ: So 1.5 million turned into 15?

JC: No, because, 'cause they, they mentioned a different case in there, so I just- [**JJ:** Oh.], I just read it together.

GA: Yeah. 'Cause it's 1.5 and then there's 15 million.

JC: Yeah and for each song that she used they're charging up to 150.000 dollars.

JJ: That's way more than dropping it to 200.000.

BK: 15 million makes sense though.

JJ: Yeah.

JC: No, no, like, but, but each, for each penalty-, I guess each song that she used, they're charging her 150-,

GA: One five zero comma....? [**JC:** Yeah] Zero, zero, zero, yeah.

JC: Uhuh, a 150.000. So that, that kind of goes up to 15 million.

GA: Wow.

BK: That makes sense coming from Ultra, if it was 200.000, I was like, dude, you're guys are about to fall apart, 'cause 200.000 that ain't shit.

JJ: Yeah, now it-, yo, wait so, did it get dropped down to 200.000?

JC: No, no, that, that one was the other case with the 1.5.

TT: So this thing stays, as this-

GA: Wow.

JC: So this staying as of now until they actually go, maybe into court or if they come to a settlement.

DS: So was she using Kaskade's music before he got signed to, to Ultra Records? Or-

BK: No he's been signed.

GA: Yeah.

JC: He's been signed.

DS: He's been signed but he allowed her to use the music or something like that?

JJ: Well maybe back in the day they just put up music as background as she was doing her tutorials [**BK:** hmhm], and then uh, you know, the nature of YouTube changed, it turned into this big thing.

DS: This monetization [**TT:** yeah] beast and so now they want their piece of the pie, you fucking evil creatures. I hope your whole company burns down.

JJ: That wouldn't even make sense because even if she does get a couple mill on her, each video-

DS: It doesn't even m- add up to a-

JJ: It doesn't even add up to a hundred and thou-, a 150.000 dollars, you know.

GA: Has she released a statement? Or like, letting her fans know anything?

JC: She, she didn't personally release one, but her lawyers said that Ultra did give her the rights to use the music in her videos.

DS: Oh, okay.

JC: But that's the only statement they made, but, nothing else.

DS: Well I hope they don't win. [**JC:** Yeah. Oh-] Don't mess with Michelle Phan.

JC: And then she promotes artists that she respects and that she wants to promote. And like she's all about doing that, so.

GA: Yeah.

BK: It's just fucking makeup dude, what the fuck.

DS: I know, chill out.

JJ: Dude, that makes the labels look so bad though.

JC: Yeah 'cause then the labels are claiming that, uh Michelle Phan got like [**TT:** they b-] popular because of their music.

TT: The, her, the music that used.

JJ: Stupid!

GA: No!

TT: Not the first claim, I remember how they were like-

GA: Oh my god.

JJ: It's because of the music she got popular? [**TT:** B-, yeah.] Fuck no. I could put a KSK song in any fucking video and if that was true, that, that, I'd get millions of views, o-, if, by using like any track on the Ultra.

DS: It is the other way around, you fucking dumb shits.

TT: Hmhm.

GA: For sure.

DS: The other way, you've benefited from her using your music.

JJ: We should test that theory and upload random fucking videos, using all the music [**TT:** From ultra, haha] in their label.

BK: They should test that theory [**JJ:** Yeah] in court. [**JJ:** I- in cou-, court]. They should have the judge [**JJ:** Yeah] vlog, [**JJ, TT:** haha] put Kaskade, upload it in court and everyone just watch and see how many views it starts getting.

DS: Yeah.

BK: It's not even going to go past fifteen.

TT, DS: Haha.

JJ: That's such a stupid-ass theory, dude.

BK: Oh my god.

DS: Just backhand the fuck out of people.

Bijlage 7.3

Interview Michelle Phan. YouTube video. Transcript.

"YouTube Star Michelle Phan Full Interview | Code Mobile 2014".

Recode, gepubliceerd op 31-10-2014, 28:38 minuten.

<https://www.youtube.com/watch?v=ojvGM6TVDS8>.

Interviewer: Dawn Chmielewski.

0:03-0:24

Interviewer Dawn Chmielewski:

So I'm looking forward to having a conversation with someone who has taken some very intimate videos on YouTube uh that was, were designed to instruct young women on how to p- to apply makeup and has built that presence into a multimillion dollar business. Her name is Michelle Phan and she is joining us now. Come on, Michelle.

0:30-0:32

Michelle Phan:

I like the music.

0:33-0:36

Interviewer:

We definitely chose EDM for you because it seems appropriate.

0:34-0:38

Michelle Phan:

I love that, of course, of course.

0:38-0:53

Interviewer:

So Michelle I'm not cl-, I, I'm looking out at the crowd and I don't know that everyone in the room is in your demo, so if you don't mind taking just a moment and describing, um, how do you start on YouTube back in 2007, what brought you to this site, go way back in the mist of time.

0:50-2:34

Michelle Phan:

Oh my god, go way back, way back in time in my time machine, and... 2007 I'm sure you guys know was completely different landscape online. MySpace was the number one social media site, right? Uh YouTube I think was only two years old? It was just bought out by Google and that was the biggest thing, uh, within the college community, everyone was on YouTube. And as a college student, you know, us being, you know, the trendsetters underground, um, it just made so much sense for me to have a platform and have, find a platform like YouTube and to upload my own videos on there and or-, and originally I haven't, actually this is the first I ever said this, the first videos I uploaded on my own personal YouTube channel were videos of dogs. And you don't see, haha, yeah. You don't see it anymore, but um after that, um, in 2007, you know, I was turned down a job at a beauty counter, because I didn't have the sales experience to sell beauty products, I was a waitress. But my passion for beauty was on par with just any, um, beauty and uh makeup enthusiast. And instead of feeling down about it and being upset I inst-, I opened another door and that door happened to be a laptop and I filmed my first ever makeup tutorial, I uploaded it on YouTube not expecting anyone to watch it and again, remember, I just wanted to share people, to share, share how I did my own makeup. And within the first week it gained over 30.000 views. And I had comments from people all over the world asking "Michelle, I want to learn more than just makeup. I want to learn how to get rid of acne, I want to learn about how to draw[?]," and that was really the introduction to this career. And I'm still in it.

2:34-2:40

Interviewer:

And, and I-, but this wasn't your background, right, your parents had visions for you to pursue a medical career, right, so? Haha.

2:39-3:10

Michelle Phan:

Yeah, of course because, I mean, if you were to tell someone ten years ago that you can make a lot of money and you can have a substantial career just by uploading a video of yourself either telling jokes, or doing makeup instructions, singing, the whole nine yards, people would think you're crazy. Because back then media was really more on TV, but we're living in a digital age where media can be viewed anywhere, even from your mobile phone, and, and beyond, I mean it's just incredible now.

3:10-3:14

Interviewer:

Now how is it that Lady Gaga changed your life, tell me, haha.

3:14-3:37

Michelle Phan:

She, well first off, her music is incredible. I love her. And, um, it was the first time I think anyone has ever created, someone, someone like myself has ever created a full transformation look. And I showed people how they can transform their face, not just through beauty, but, uh, through these videos. And that really changed the game and so she really helped me, um, put me on the map.

3:37-3:56

Interviewer:

Now how did you come to the attention of some of the cosmetic companies, I mean you, you, let's, we should tell uh the folks in the room that currently she has over 7 million subscribers on YouTube, and that's not the totality of her online presence, we'll get there in a minute, but so how did you, um, come to, to, to the attention of some of these companies that were trying to reach young women. Um, what was it that was the breakthrough?

3:56-5:53

Michelle Phan

The breakthrough was Lancôme. And, um, it was, s-. There was this woman, her name is Kerry Diamond, so she's no longer the PR at Lancôme, but at the time she was really curious because Lancôme partnered, they had a YouTube channel back in 2008? No, 2009. And it was still very new at it, at its time, and they spent a lot of money making these beautiful makeup tutorials, they had the best makeup artists, top models, and they were gorgeous. Spent so much money on it. Only got five-, 500 views. And they were just scratching their head asking themselves "Okay we made these beautiful videos, how come no one's watching it and they're watching all these other videos that are made in bedrooms?" So she was very curious and that's why, you know, she is, um, working now at Yahoo as editor-in-chief of Yahoo Foods, I mean she was already like way ahead of her game and she did her research, she typed in 'Lancôme makeup tutorial'. The first one that popped up was my video and I only happened to use one Lancôme product, I tagged it on there, that's why it came up. It had 500.000 views. And it was a video where I showed, um, people how they can apply makeup on the plane, and I happened to be on a plane at the same time, so it was a very funny video because it's like turbulences and everything. And she fell in love with the idea and she contacted me, we ex-, um we just, we talked for hours and originally she wanted to bring me on as a consultant, but the more she spoke to me, the more she understood that online is different. You want

something that's more authentic. It's not about bringing on a spokesperson and a model and jazzing it up and putting all this production money behind it. Yes, I mean, you could do that, but what people need to understand about what makes YouTube so different is that pe-, you go on there because you want to connect with someone. You go on there because you want to have a two-way dialogue with the person that you're watching and with the community. And she understood that and so I officially became uh, the online Lancôme spokesperson in 2010.

5:54-6:19

Interviewer:

Now that's uh, it's the beginning of a really interesting collaboration between you and this giant corporation, so- [MP: Yes, it was.]. So tell me how you took your philosophy about sort of this, this intimate platform that is YouTube and this sort of approachable, uh, way that you have and offering instruction, you know, this sort of-, and how you developed and taken your, your followers and brought them on a, a different journey as you developed other businesses. Tell me what's next.

6:17-7:33

Michelle Phan:

It was, it was definitely a learning curve for the brands, because a lot of these brands they were used to working with agencies, where the agencies they come up with the ideas, they pitch it to them, they agree on it and they spend hundreds of thousands of dollars making these beautiful videos, and that's it. Which is great, I mean, but it's different now. Because, when we were doing this in 2010, I was the agency. I was the production company, I shot my own videos, I lit myself, I edited myself, I was my own producer, director, call myself a 'preditor': producer, editor and director, so predators. I was an official preditor for Lancôme and, and I made all these videos for them and they were all my ideas. They didn't dictate what I was supposed to make. 'Cause they understood it had to be authentic, it had to come from me. But there was a learning curve, I mean, I had this marriage with Lancôme and like any marriage, you know, you're just going to go, get into some fights, and, it, at one point they were really upset that I was using a product that looked really messy, it looked, it looked like I used it. And so they wanted me to edit that out and I said "Why, because if I use a product that's brand new, it looks like I never used it before. I love this product and it shows that I abused the heck out of it, so that's going to sell it even more". And, Kerry Diamond said, just do it, just upload it, go for it. And that primer sold like crazy.

7:34-7:46

Interviewer:

So tell me about the evolution of, of your personal brand and your vision for how you're taking, uh, taking a following on YouTube and bringing them on a, on a different journey. Tell me about the genesis of Ipsy. Your, your n-, your new business.

7:46-10:57

Michelle Phan:

Yes. So the genesis of Ipsy happened in 2012 and my original idea and how Ipsy came about, w-, it happened in 2008, I was in Thailand and I was with my friends and we went to this mall and we saw this kiosk. This small little kiosk outside the mall and around 30 girls were just going crazy, throwing money in the air, like Thai bo-, they were just buying all these products and I was looking at it and I, I said "What are they buying?" and I saw what they were buying, they're buying beauty samples. Not the full-sized products, beauty samples. La Mer, Chanelle, Lancôme, the expensive ones. And I asked my friend "Why are they going crazy over beauty samples?" And she said "Well it's because in Asia, if you were to go into a drug store or a department store, you go in there, you buy a product, and you walk out this door, and you come back two seconds later to return it, they won't take it. Even if it's unopened." It's a, it's final sale. And so, uh, people there, um they, they do their research and they buy samples, because they want to see if the product works before they invest their money in it. Which I think is very smart, that's how most people should shop. And I thought "Wow that's a great idea, maybe one day I can do a business where I can sell beauty samples". And yeah so I tucked that in the back of my head. And um, years later, I met with um my-, the current CEO of Ipsy, Marcelo, um, he, he ran Funny or Die and he wanted to do something new and so he met with me, he said "Michelle, what do you want to do in the beauty industry, what company would you like to create?" And so I told him my story in Thailand and he said "Okay so you want to do a sampling program with beauty." And I said, not just a sampling program because any girl can go up to a beauty department, or a beauty store, even Kiehl's[?], and ask for a sample and you get it for free. What I want to give are s- substantial products that are curated by myself and that's personalized for, for the person who's buying it and thus Ipsy was born. And so for ten dollars a month -it's like a cup of coffee, a movie ticket- you get these beautiful monthly themed bags that you can reuse, um, for like anything else, and inside these bags are 4 to 5 full-sized deluxe-sized beauty products. We don't believe in, giving cheap samples. We don't believe in that, because if you can get that for free, we're not going to make you buy that because, bec-, you know, I think that's like robbing someone of, of, of their money, I'm not, I'm not for that. And um, the cool thing about these bags, not only do you get these products that are curated and personalized to use. So, before you even sign up for these bags you take

this long quiz, that's asking for your eye color, your skin tone, your hair color, if you like lipsticks, what color lipsticks do you like, what eyeliners do you like, if you prefer more hair products, and then you, it's personalized, and so when, the next glam bag you get, it's made for you. And so we have this algorithm that, um, calculates, um, all your assets and products that you like and products you don't like and we learn from this algorithm what you prefer and we send out beauty um, beauty products that are perfect and are made for you. And um, it just, like the first, when, the da-, the day I announced it, it sold out within a day. The bag sold out. And so now I think, I think right now we're sending out 700.000 bags every month.

10:57-11:01

Interviewer:

Okay so let's do the math. What are we talking about in terms of annual revenue here?

11:01-11:14

Michelle Phan:

Uh well, I don't care about the money I just care about, I, I just want to make sure my customers are happy, but the, the fu-, it's, it's a lot, we're, we're no longer start up obviously, 'cause we're sending out 700.000 bags, ten dollars each. So you guys can do the math.

11:14-11:15

Interviewer:

84 million, just in case.

11:15-12:03

Michelle Phan:

Um, and the waitlist is long. People wait months to get a glam bag. So when you sign up for a glam bag, you're not getting it right away, you wait sometimes weeks, sometimes even months to just get the glam bags. And after you get the glam bags and you receive them, every month not only do you get products but you get content with it. And that was the biggest driver for Ipsy, was that you're not just getting products, you're getting substantial content. Videos made from myself and from my other beauty stylists who are using all the products and showing and demoing how to use every single product. Not only are the users happy, but the brands are ecstatic. Because these videos are getting hundreds of thousands, sometimes even millions of views, and we're getting taste makers and curators who are using the products and we're, we're becoming um a spokesperson for these brands.

12:03-12:10

Interviewer:

Now what's the connection between the launch of Ipsy and the introduction of your very own, your own cosmetics line. Is there a direct correlation between the two?

12:09-13:35

Michelle Phan:

It's very, very different. So the makeup line that I launched with L'Oréal and this is a luxury brand, so a lot of people think this is L'Oréal Mass, this is L'Oréal Luxe that I launched it with last year. Um it was completely different, different market and everything, and it was developed and co-created by my followers. And so I got them to name the lipstick shades and I had-, they really inspired me to create the products. 'Cause we travelled around the world and we did focus groups in different parts of the world, got all the girls to bring their beauty bags, dumped it on the table and we had like, this girl chat where we asked them, okay. What beauty products would you like to see in the future, um what would you like to see Michelle have -sorry I'm talking in the third person- and what would you like to see that doesn't exist right now. And they helped me create the brand and so that's why when I tell people my makeup brand was not made by myself, it was co-created by my followers. They feel incentivized and they feel like their, their opinions are valued because whatever they say dictates what comes out on the market. Ipsy is a little different, because a-, my lipstick is fifteen dollars. Some girls might not be, be able to afford a fifteen dollar lipstick. But ten dollars, you get four to five deluxe-sized products. And that's something that they can afford, because this day and age there's not a lot of people with disposable income and so for ten dollars a month you can still feel like you're valued and you can still get something that, um emp-, like empowers you to, to try something new.

13:35-13:56

Interviewer:

Well let me talk to you a bit about the, sort of the business imperative for doing this. So I mean since you started uh cultivating a following on YouTube, there are many people who are on YouTube who are c-, who complain that they're, they're still not able to make enough of a living through the ad revenue. So talk to me about the economics of YouTube and, and, and how you've tried to take the following you've build there and build it into something more lucrative.

13:56-15:20

Michelle Phan:

Well I mean it's like any medium. It's like television or magazines. You have the subscription but that's not going to make all the money, you need to bring on sponsors, partners, and you also have to sell product, just to make money. Um especially if you want to grow your brand. If you're, I, I t-, I tell a lot of my friends who want to go on YouTube, you don't have to have millions of subscribers to be considered successful. So many of my friends they have around 200.000 subscribers but they make around, I would say, sponsorships and also um just view-, viewership alone, they make around 5 to 6k a month, which is very nice, I think that's a really good living. Um, and you're doing what you love which is even better, so instead of rolling out of bed and jumping in a car and s-, you're stuck in traffic for two hours, I mean you just roll out of bed and you're laptop is right there and you can just go to work. So it's, it's complete-, it's a different atmosphere now, I mean, the internet has changed the way people work. Which I think is really exciting, because now this gives us the opportunity as entrepreneurs to create more jobs for people. And I think that's what I want to kind of represent. This idea with Ipsy, it happened three years ago and it was only four people. We started out with four people, so it was a startup. Now we have over a hundred people employed and they love doing what they do, they wake up every day excited to go to work. And it doesn't even feel like work for them. And so today we're celebrating three years of Ipsy, which I'm really excited about.

15:20-15:21

Interviewer:

That's excellent.

15:21-15:22

Michelle Phan:

Thank you.

15:25-15:41

Interviewer:

Now you've talked about how the internet has changed how we work. But the internet and how people are accessing your content, is, is changing as well. I know what, as recently as last year, half of your traffic was coming from a desktop and half from mobile. How is that change-, how has that changed in the current year and how are you adapting?

15:41-16:57

Michelle Phan:

Well to j-, you know, to piggy back off of that, just to give you s-, if you-, give you guys some stats, so last year alone 70% of our traffic that went on ipsy.com came from desktop users. Today, no sorry, 60%. Today 70% of traffic comes from mobile. And so we have people signing up on ipsy.com, signing up for glam bags through mobile. And so now we know that mobile is the future, people are shopping mobilely, they want to watch content mobilely, so we have to make sure that everything we create is, it's intuitive and responsive to mobile. And so our website that we're launching, that we're launching, wh-, Ipsy 3.0, it's not an app, 'cause we're developing that next year and that takes a little time I'm sure you guys know. Um, it's a website, but it's responsive to mobile. And so if you were to go on i-, the Ipsy website 3.0 mobilely, it acts and feels like an app. But if you go on a desktop, it feels like a website but it also feels like an app too. And so I think people now are understanding that everything is going mobilely, and so they should start designing for mobile and start thinking intuitively, if that makes any sense, um making all the buttons and making everything responsive, um, mobilely, and on desktop too.

16:57 – 17:21

Interviewer:

Okay. Um, I wanted to take a moment to talk with you about, um, something that's been in the news of late, you've been in the- you've been the focus of some of the coverage uh, in the entertainment industry. Uh, your site early on struck a partnership with a very prominent uh, electronic dance, uh, label. Uh and you've found yourself at the wrong end of a lawsuit just recently. So I wanted y-, so, give us a bit of the history. What uh, tell me about how you cultivated a relationship.

17:21-18:10

Michelle Phan:

Well, back in 2008 when, you know, I didn't have a makeup line or a book, I wasn't considered, um -career wise- successful, I was just someone that, who loved doing what she did. I, um, contacted someone from Ultra Records, asking if I could, uh, use their music in my videos to cross promote um, their artist, because I, my videos um, averaged around a million views per video. And so I knew the value that my videos were bringing to uh, the music label and to the artist, and I was also a huge fan of the artist and I'm always a supporter. And um, the representative from Ultra loved my videos, they loved what I was doing and uh they said "Look, we'll, whatever songs you want to use, we'll clear it for you, we'll even send you some more songs to use," and it has been that relationship ever since.

18:10-18:12

Interviewer:

Until? This year?

18:12-18:52

Michelle Phan:

Well un- until I started making money, and I had a makeup line and a book and, and they thought that, um, it was their music that made me successful. When, in, when in reality they o-, they have to understand that, if you watch my videos, yes I do use their music, I do promote the artist, I add the, the iTunes link and on top of that, I voice-over over it, so you, it's not a hun-, it's not like a music video where you only hear the music, you hear my voice-over in s-, in instructions, and if anything at best the music is around 10% audio in the background, so it's very low, it's not a music video, and, well um, you know, when people want money, they... haha...

18:52-18:58

Interviewer:

Right, so you-. So just to be clear you had um, they were sending you the, the tracks, they-

18:58-19:09

Michelle Phan:

Yeah, they even, they even cleared my music and so whenever my videos were claimed, the representative from Ultra would go on and un-claim it to make sure I was making money, so they, they knew, what was going on, or that person knew.

19:08-19:12

Interviewer:

Right so, so where does the, where does the lawsuit stand now, obviously you're not going to get into the intricacies of it.

19:13-21:27

Michelle Phan:

Well, I'll tell you where I stand. Um, I don't like bullies. I don't like, especially someone who you know, I, I believe in keeping your word. If you, if you give someone permission you should keep your word. And if you have problems with it, you should talk and discuss and, and figure out a solution rather than fighting. I don't- I've never been a big believer in fighting. And that's why I'm a big believer in building something positive and, and

taking something negative and doing something positive out of it. Which is why I launched a music label with Cutting Edge Music, and if you guys don't know Cutting Edge Music, they just did the soundtrack for Fury, um Oscar winning um King's Speech, Drive soundtrack, and so what we're doing now is, we want to give the power back to the artist, because we understand and we value the artist and we know that without the artist there's no music. You can have a label, an amazing label, but if you don't have an artist, what are you going to sell? And so I partnered with Phillip Moross, the CEO of Cutting Edge Music, and we're um, we just made this partnership last month um, so we're very excited about that and we're already having like big plans ahead. However to go, to touch ba- base back on this, you know I, I was just really appalled and I was really hurt because, you know, I came at it from a point of view where I just wanted to help these people and, and to see that, you know, someone is coming in and they see that I have financial success and they want a piece of that, it j-, it's just really, it's just really sad you know, because we're living in a, in an age where we should be collaborating rather than fighting and fighting over who owns what. Because it's the internet now. It's hard to say who owns what, because if it's music, music should be free, music should be free for everyone to hear. I understand that some people do need to make money, yes, and there's ways that you can monetize and make money and someone doesn't really have to pay, um, to buy that song, but I think we're living in a different age now and collectively we should all come together to find a solution, rather than fighting. So I can't really say what's happening right now, because you know we're, we're going, we're going through the details. But I can tell you right here that, I believe in Team Internet, and I'm here to protect my fellow YouTubers and also anyone online who does slip up and they use copyrighted music. I want to be able to protect them and to show that I have your back and I have, I'm, I'm here to, to fight and stand my ground.

21:28-21:35

Interviewer:

Alright well I wanted to give, uh, the audience a few moments to ask questions of their own. If you'd like to step up to the microphones at the end of either aisle?

21:36-21:38

Michelle Phan:

Don't be shy, haha.

21:38-22:03

Interviewer:

Alright, I do have more questions if you guys are still mulling yours. Um I wanted to talk with you about another venture, um, we'll, I wish we had more time to talk about music, but um I know that um you have struck, you were in the process of creating your own multi-channel net-, like, they've been much in the news these days, uh, full, you know, full ch-, uh you know, full screen, uh- y-, you know, a bunch of these networks have been acquired recently, tell me about your initiative and what is coming in the near future.

22:03-22:34

Michelle Phan:

So for the longest time I, I didn't really partner with any MCNs, just because I was fine independent and, and um. I just didn't, I wa-, I'm very careful, if I partner with someone, I have to make sure they're really, really good partners. And uh Endemol came into the picture, I spoke to them and we just hit it off and we had the same vision and so now I'm launching a premium lifestyle network with Endemol Beyond. And the cool thing about Endemol is that they're the largest production company in the world, globally. And they have-

22:32-22:38

Interviewer:

Right, so who, who they've, who are they associated with, I mean this is not a Hollywood crowd, so who's En-, who's Endemol associated with?

22:37-24:00

Michelle Phan:

Well Endemol, well Endemol I know you guys have heard in the news, you know um, they, they're now partnered with Fox and they acq-, they have merged with Shine. And so we have really big plans, not just Stateside but globally, and that's actually why I partnered with Endemol, because I believe that, just because internet is very popular in the States and, and YouTubers are popular in the States, doesn't mean it's not going to become popular in Australia, it's already popular in Australia, in the UK. And very soon probably Russia, China. And they have a production company in every single city in the world. And I knew how important it was to have this global reach and that's why I partnered with them. And what we're focusing on, instead of aggregating hundreds and thousands of channels, we want to find the best tastemakers and talent in each category and build power brands behind them like myself. So imagine a Michelle Phan who cooks, or a Michelle Phans who's a video game player. Really finding qu-, that quality brand that has a longer shelf life. Because you can make a viral video, it's very easy to make a viral

video and to shock people, but to have longevity and consistency, that's hard. And that's something that doesn't come often. And I know how to maintain that, because I've been doing this for seven years, and now what I want to do is, I want to bring on these talent, mentor them and nurture them and give them the right advice to grow their brand. And I don't-, I'm not, I'm not here to take advantage of them or anything.

24:00-24:14

Interviewer:

How does that, how does that impact or cull[?] your relationship with YouTube and, and how you, uh, you relate with YouTube, if you're going out to create your own, um, your own channel and cultivate your own talent, what does that mean for you and for the videos that you contribute regularly still to your own channel?

24:14-25:39

Michelle Phan:

Oh I'm still maintaining my own channel, I still edit my own videos, I was editing it on the plane this morning flying from LAX, I love it, because it's a passion. It's something I love doing and, and, you have to have that, you can't just give everything off and have everyone do everything for you, or else it's not going to be authentic. And I, I stress that a lot to a lot of people that we're bringing on, who have never edited a video and I tell them well if you've never edited a video this is going to be tough, I'm going to have to teach you how to do it, because you need to learn how to do everything yourself. 'Cause that's, that is what makes you different than talent. Talent you go on and, you know, you're talent, but if you want to be like a real business person, you-, an entrepreneur, you've got to learn how to do everything. 'Cause when you're launching your own business, you're your own lawyer, your own PR person, I'm sure you guys have been through all of it. It's not easy, but it's so rewarding knowing that you were able to do all of that. And that's why I want to empower these people who are coming on board, I want to teach them everything, I even wrote a book, I just launched it last week. And I, and, and I, and I, and I show people how I was able to do it. I show people how I was able to start my channel, what to invest in, what content to focus on. And I want to, I want more people to do this, because it's such a fun adventure. It's so fun to wake up every morning doing what you love and, and contributing to society and also giving jobs to people too. That's the best part about being an entrepreneur, is that, it's not about making the money, it's about making the money that can help other people make money.

25:39-25:54

Interviewer:

What was the best insight that you share, you don't need, you don't need to provide the, the tale of your book, but what was the best insight you think that you're, that's not perhaps as obvious to people who are looking from the outside and, and simply see your success? You know, what is the best piece of advice that you're sharing with those who, who purchase your book?

25:54-28:30

Michelle Phan

I would say the best piece of advice that I've learned so far in my short career span, is you have to have a reason why you're doing something. If you're starting a startup, if you're developing an app, if you are launching a YouTube channel, you have to ask why are you doing this? 'Cause if you don't have a reason why, that's like building a house on top of sand, it's just going to sink. You have to have a strong foundation. Because that's the motivation that's going to keep fueling you every morning to wake up and to go in and attack. Because if you don't have that foundation, within a year or two you're going to burn out, and, you know just that feeling alone I, I, I, I know what it feels like burning out. It's, it, it, it hurts, and you have, you know, it-, you feel like you've failed. But also, another thing that I, I want to emphasize on, is sometimes failure is not a bad thing. We often think that failing is some-, is a, it's a negative connotation, it has such a negative connotation, but failing, I see failing, it's, it's a tool to success. 'Cause the more you fail, the more you know you're not supposed to go in that direction and it's leading you towards the right direction. If you fail at one thing maybe you weren't meant to do that, maybe you were meant to do something else. So I believe everyone in this world has a talent, they have a purpose. And sometimes, you know, in our society we measure success by how many cars we have in our parking garage, how many zeros we have in our bank account whether it's zero or a lot, but I measure my success on how happy I am. I'm happy I, I was able to retire my mother, which, you know she was an immigrant after the Vietnam war and she struggled her entire life giving my family and I a substantial living. And I was able to retire her a few years ago. She's in San Francisco right now, so I'm going to see her later. Um, that's, that's success to me, and so I, I th-, I also think you have ask yourself what do-, how do you measure success. Why are you starting it, um, how do you measure your success, and... what was the last one? Haha. And just be happy, if you're not happy, you know what, it's not worth your, it's not worth your stress. It's not worth yours stress and sometimes in life, like you, you have another option. You, you don't have to do what everyone else is doing or what you're being told. Somet-, you can just go move somewhere else in another country, learn a new language, that's what Mark Zuckerberg did. He spoke Chinese, he can now work in China. And we

have the inter-, we have, the power of the internet, you can learn so much more and you can learn a new language and just start a company somewhere else.

28:30-28:38

Interviewer:

Alright, Michelle, thank you so much for your time, it's been great chatting with you, thank you.

28:32-28:33

Michelle Phan:

Of course.

Bijlage 7.4

Shane Dawson TV. YouTube video. Transcript.

"BANNED FROM YOUTUBE."

Shane Dawson TV, gepubliceerd op 23 december 2014, 03:37 minuten.

<https://www.youtube.com/watch?v=PjjRuYIPSxw>.

Omschrijving bij de video:

CLICK HERE to TWEET THIS VIDEO IN SUPPORT <http://ctt.ec/J84x4>

ill follow as many of you as i can as a thank you. also go leave a comment on taylors video saying "BRING BACK SHANES VIDEO" <https://www.youtube.com/watch?v=e-ORh...>

MORE INFO:

So we received an email from sony saying that the video was taken down by sony because Taylor Swift's managers didn't like it. They thought the violence was too much and wanted it down. This is completely insane and just proves that the BIG HOLLYWOOD GUY has power over us LITTLE YOUTUBERS. but guess what, we will FIGHT.

Transcript

Hey, what's up you guys. Um, first of all, Merry Christmas. Uh second of all, I'm fucking pissed. Um, listen. I wasn't even going to make a video, but then I was like you know what, fuck it, I'm making a video. Because I'm not going to shut up anymore, I'm not going to let people tell me what not to say anymore, I'm not going to censor myself, I don't give a fuck. Because I'm angry. Now, as most of you guys know, last week or two weeks ago my Taylor Swift spoof for Blank Space was taken down. Um, and the reason it was taken down was because Sony, uh Taylor Swift's record label, didn't like it. Didn't like it. They're using the fact that oh, ooh it was copywritten. You can't do a copywritten song, that's why they took it down. But the reality is, they just didn't like it. It was too gross. It was too violent. It was just like, ew. But it's not copywritten, 'cause it's a parody. If parodies were copywritten, fucking Bart Baker, fucking all of my other parodies, all of that shit would be deleted. But all of that shit's still there. And it's frustrating. My Blank Space parody is the only one that's been taken down. Why? Because they didn't like it. And that's bullshit. Side note, doesn't Sony have bigger things to worry about right now, I don't know, like terrorist attacks? But instead they're focusing on YouTubers. Side note. So I'm really, really upset right now, because the

options I've been given is A) to u- pf- take the video completely down, 'cause right now it's uh in my video's, privated, um to delete it forever. Uh B) the other option is to re-edit it. Take out all the stuff that made it great. And then put it back up. And then the other option is for me to fight it. And you know what I'm going to do motherfucker? *knakt vingers* I'm going to fight that shit. And I have you guys behind me. Because we're not going to let this happen, we're not going to sit here and let people tell us what to do. "Oh Shane, you can't make that video, or else we're- we'll sue you". This is America, bitch. Merry Christmas, Sony. I don't understand what going on. There's been a lot of issues with my YouTube channels lately, today, just for example, my YouTube channel was deleted, luckily it was re-, reinstated or whatever. I don't know what the fuck is going on, but I'm fucking done, I'm over it, I'm done. I-. Listen. I'm sorry that I'm angry, I know it's the holidays. But I'm not going to sit here and let people fucking toy me around. Like a little fucking, whatever those dolls are called with strings on it. I'm not going to do that. I'm not going to be a YouTube doll with strings on it just doing whatever the fuck YouTube and Sony and all these people want me to do. No. So. All you guys can do, to help me, is I don't know, leave a comment down there, saying "we support you". Or fucking, go on Twitter and use hashtag, *zucht*. Uh hashtag ShaneDawsonSony. Or something, I don't fucking know. Something. Tweet Taylor Swift and say "Hey Taylor, what happened? Did you not like the video?" I don't understand. That video was great, it's one of my favorite videos I've ever made. I've put-, so many people put so much work into that video. I've put so much money into that video, so much money. You know why, because I wanted it, I loved it, I knew you guys would love it and you did, and now it's gone forever, so. *zucht* If you want to see it come back and if you want to see me keep making videos, then fucking support me. I love you guys, Merry Christmas, and um, and we're not going to give up. We are not going to surrender. Love you.

Bijlage 7.5

The Know. YouTube video. Transcript.

"Sony Takes Down Taylor Swift Parody for Violence Against a Real Person (Sound Familiar?) - The Know."

The Know, gepubliceerd op 26 december 2014, 02:46 minuten.

<https://www.youtube.com/watch?v=NyedhcN6a8k>.

Welcome to The Know, I'm Ashley Jenkins. If you've been following this whole Sony hack and The Interview fiasco, you'll know that one of the major issues surrounding the release of the movie, has been freedom of expression and the precedent it would set by caving to censorship. The movie features Seth Rogen and James Franco on a mission to assassinate North Korean leader Kim Jong-un and Sony has relied heavily on the concepts of parody and satire to justify this kind of premise. So far so good right? Yeah well, in light of all that, the music arm of Sony has really stuck its foot in it. While this whole thing with The Interview is going on, Sony Music Entertainment -the label representing [?] inner goddess Taylor Swift- issued a DMCA takedown notice on a YouTube video by popular internet personality Shane Dawson, who'd created a parody of Swift's song Blank Space, on copyright grounds. Dawson's parody uses the overall tone and melody of Swift's music, but has full original lyrics and performance. Weird Al Yankovic has been making a name for himself for decades doing pretty much exactly the same thing and there are several other similar parodies from others on YouTube, like the one by Bart Baker, that parodies the same song. Dawson even has other parodies of songs by the same artist that have all been left alone. So, what's up with this one? Apparently, it all comes down to the violence present in the parody, in which Dawson becomes obsessed with Swift, kills his girlfriend, stalks the singer and eventually kills her too. Dawson intends to fight Sony's claim. He says "I am not going to be the YouTube doll with strings on it just doing whatever the fuck YouTube and Sony and all those people want me to do". A tad dramatic, but okay. He also says that Sony has provided him with an ultimatum, to either re-edit the video to remove the parts they don't like, or to delete it permanently. Honestly, takedowns happen all the time on YouTube. What makes this one interesting, is that while this has been happening, Sony has been in the spotlight for being on the other side of the equation, defending a movie in which the stars set out to assassinate a living country leader. And as Sony Pictures' CEO Michael Lynton so eloquently said, ahum,: "We are proud to make The Interview available to the public and to have stood up to those who attempted to suppress free speech". Of course that was also while they were issuing legal threats to media outlets for reporting on

information from the leak, and threatening Twitter with legal action if they didn't ban users who linked to the leak, so... What do you think of this whole situation? Does killing someone take it from all in good fun to legally infringing, or is this just blatant abuse of the copyright system to remove legitimate content? Let us know what you think in the comments. Remember, you get the best in video games, entertainment and technology right here. So, make sure you like this video and subscribe to this channel, and we'll keep you in the know.

Bijlage 7.6

notsam. YouTube video. Transcript.

Video van interview uit de Sam Roberts' Show radioshow, SiriusXM.

"Shane Dawson - Taylor Swift, Blackface, Not Cool, etc w/Sam Roberts #SRShow."

notsam, gepubliceerd op 23 maart 2015, 35:02 minuten.

<https://www.youtube.com/watch?v=5ZMYe787Jy4>.

Interviewer/radioshow presentator: Sam Roberts.

Medewerker van de radioshow: Travis.

Tafelgast/amateur weerman: Ira.

Geïnterviewde: Shane Dawson.

0:04-0:16

Interviewer Sam Roberts:

Come on in, Shane. We're live, I don't know if we're all in- made it t-, right there is perfect. The new book is called I Hate Myselfie, welcome to Sam Roberts' Show, Shane Dawson.

0:16-0:17

Shane Dawson:

Hey.

0:17

Interviewer Sam Roberts:

How are you?

0:17-0:18

Shane Dawson:

I love that Taylor Swift is playing right now.

0:18-0:30

Interviewer Sam Roberts:

Yes. Well I was watching your uh, outraged video. [**SD:** Haha.] Because you've done, you've done a lot of musical parodies [**SD:** I have, yeah], on your YouTube channels in the past. And parody is legal.

0:30-0:32

Shane Dawson:

It's a hundred percent legal, yes.

0:32-0:41

Interviewer Sam Roberts:

And you did a parody for this song, the song we were just playing, Blank Spaces, and they took it off YouTube and you're saying it's because Taylor Swift's record label did not like it.

0:41-0:53

Shane Dawson:

Okay I have more inside information. [**SR:** Tell me.] It's not just because that, we found out through e-mail, which by the way they were like "off the record" which you can't do on e-mail [**SR:** Haha], uh that their reason that they took it down was because Taylor [**SR:** Yeah?], and her management didn't like it.

0:53-1:03

Interviewer Sam Roberts:

So that's what I was going to say like, do you realize at that point "holy shit the power [**SD:** Oh] that I have accrued from YouTube, this woman is controlling the music industry and she's worried about the goofy video that I put out".

1:03-1:15

Shane Dawson:

She's more, like in control than Kim Jong-un [**SR:** Yeah], or however you say that name [**SR:** Yes]. She's in more control. She literally got something taken off of YouTube. And now she's trying to what, copyright, her, her words? Did you hear about that?

1:15-1:20

Interviewer Sam Roberts:

Yeah isn't she trying to like, the, the little lyrics to her song that [**SD:** Yeah] kind of pop out that people song along to, she's trying to...

1:20-1:24

Shane Dawson:

She insured her legs for 40 million dollars yesterday, I mean she's having a good week.

1:24-1:34

Interviewer Sam Roberts:

She, and Travis is telling me now that she did [**Travis:** Yeah, she copyrighted-] copyright the words. What'd she copyright? [**Travis:** She got like five different uh phrases, she, she copyright-] "This sick beat"? [**Travis:** Yeah, that was, that was one of them, um-] Wow, haha.

1:34-1:39

Shane Dawson:

I love that a little white girl from, where's she from, like Alabama, copyrighted "this sick beat".

1:39-1:55

Interviewer Sam Roberts:

Yeah. Yeah it really does, and you start to really break down the reality that not only is she like going on YouTube and finding people she doesn't like and saying "they're done," and she's copyrighting typical song lyrics [**SD:** Yeah] that have been in every song, it kind of takes away that sort of down-home "Oh, who me, I'm just Taylor".

1:53-2:04

Shane Dawson:

Oh please, she sues her fans if they make fan art and sell it. [**SR:** Do they?] Oh yeah. [**SR:** Wow.] And now, now I kind of love her now that I'm thinking about it, haha. [**SR:** Haha.] She sounds like kind of a badass actually, haha.

2:03-2:11

Interviewer Sam Roberts:

Right, if she hadn't been so venomous towards you [**SD:** Haha], so did you have-, what does that do to you when you're like "if gotten a celebrity so upset, that they want me erased"?

2:11-2:27

Shane Dawson:

You know, I was just more upset because it was such a waste of, of money and time. I mean I put so much mo-, of my own money into it and so many people worked so hard on it and I actually loved the video, I was really fucking proud of it. [**SR:** Hmhm.] So when she took it down I was more upset about that. I mean I didn't care if she was offended, I didn't make fun of her in the video.

2:26-2:30

Interviewer Sam Roberts:

How'd you find out that she was the one who didn't like it specifically?

2:30-2:36

Shane Dawson

Through all the lawyers and all their emails back and forth, because we were going to sue them and it was this whole thing and then that's when they told us that she was just really offended by it.

2:36-2:38

Interviewer Sam Roberts:

How'd you get it back up?

2:38-2:46

Shane Dawson:

Uh well it's still... they have I think another month to decide if they're going to su-, if we're going to sue or whatever, so now it's just there waiting.

2:47-2:53

Interviewer Sam Roberts:

Oh okay. [SD: Haha.] So, so you, so they, they can't take it down because now you're contesting it. [SD: Yeah, yeah, yeah.] So, but there are-, do you think they're going to go further?

2:54-3:04

Shane Dawson:

Oh yeah they already blocked it so only people eight-, well 18 and older can watch it. [SR: Wow.] Uh which ruins my business, 'cause now I can't get ads on it, so I can't make money of it. Um, she's a, she's a smart little bitch.

3:03-3:06

Interviewer Sam Roberts:

Plus most of your viewers are 18 and under.

3:06-3:16

Shane Dawson:

You know it's funny, I thought that until I came here to do meet and greets and stuff [SR: Hmhm] and like I-, most of the people I've been meeting are like 25. [SR: Oh okay.] Which is crazy. [SR: Are they-] Makes me rethink everything.

3:17-3:18

Interviewer Sam Roberts:

Are they growing with you, do you think?

3:18-3:19

Shane Dawson:

I think they're growing with me.

3:19-3:43

Interviewer Sam Roberts:

Wow. Is that, is that creepy to you [SD: Haha], to know how much influence like, not only with this Taylor Swift stuff, but you start to go to meet and greets and you realize that this stuff, because when you're making YouTube videos I would imagine, even when you're doing it on the level that you're doing it on. It's still just you and a camera lens. [SD: Yeah.] So there's sort of this thing where you're not really in touch with reality, like it, there, there isn't a sort of, what does this mean to anybody, 'cause there's no audience in front of you.

3:44-4:01

Shane Dawson:

Yeah. The first, the first time I ever got recognized was by a guy in the middle of a Best Buy, and he walked up to me, maybe like 30 years old, uh slightly autistic and then he looked at me and he goes "You're real. If I stabbed you, you'd bleed." [SR: What?] And I went "I would." Haha. "Do you want a picture? Like what's happening". [SR: Yeah, haha.] Uh it was, yeah it was terrifying.

4:02-4:03

Interviewer Sam Roberts:

Yeah, did you think you were going to get stabbed?

4:03-4:11

Shane Dawson:

I did and then I went over to the security and I'm like "this guy is trying to stab me", and they were like "who are you", 'cause when you're a YouTuber nobody cares, nobody in security thinks you're anything. [SR: Right.] You know, so.

4:11-4:27

Interviewer Sam Roberts:

Well that's a, that's a, that's a big thing I feel like that's really coming almost too oppressive, is now that people are having to come to terms with the fact that YouTubers, even though if you don't, like if people don't know who you are, they have no idea who you are. [SD: Yeah.] But the fact is, you're talking to millions and millions of people every day.

4:27-4:41

Shane Dawson:

Yeah, it-, what's going to happen I predict this year, one of two things. Either one, somebody, a YouTuber is going to get stabbed and murdered. And then everybody is going to be like, oh, we should like, you know, get a security for some of these people. [SR: Yeah.] Or one of them is going to have like a crazy Amanda Bynes breakdown and we're going to watch it live.

4:41-4:47

Interviewer Sam Roberts:

On YouTube. [SD: On YouTube.] 'Cause, 'cause nobody's going to stop them from uploading. [SD: Oh. I can't wait, haha.] You should be that person, you should just stage it.

4:46-4:50

Shane Dawson:

It'll be me. My book will go terribly, nobody buys it, I have a breakdown.

4:50-5:10

Interviewer Sam Roberts:

Is there a thing, 'cause you got the book out [SD: hmhm], I Hate Myselfie, you put out a movie [SD: hmhm] called Not Cool [SD: Yeah], uh earlier this, uh w-, last year [SD: hmhm]. Is there a thing where even though you get success on YouTube and you have all this stuff going on, everybody is talking about you, that you still are fighting to be perceived as quote unquote legitimate? [SD: Oh. I mean-] So you want to traditional media success?

5:10-5:37

Shane Dawson:

A hundred percent, I mean, I wanted to direct movies, it's all I've ever wanted to do, I've been making videos since I was five. Um, YouTube just kind of came along and none of my friends wanted to be in them, so I'm like alright I'll be an actor, I'll put on wigs, whatever. Um, so yeah I just want to direct movies, so now it's, luckily now that the movie did well and I won that contest that was a, a part of it, um I've been able to get more meetings, but yeah everybody still looks at me as some dumb YouTube kid, I'm like, I'm like 26 years old. [SR: hmhm.] Like t-, first of all, too old to be doing this. Haha, like-

5:36-6:08

Interviewer Sam Roberts:

Haha, yeah. W-, uh 'cause that's the other thing I was saying, that there's something that I think differentiates you from a lot of people in the sense that your videos offend a lot of people a lot of times [SD: haha]. Like most YouTubers try to be very friendly. [SD: Ugh.] And, [SD: I can't deal with that.] well you do the friendly voice and you smile a lot [SD: yeah, yeah], and you still kind of talk in that like I feel, I feel that there's sort of that Disney Channel actor voice [SD: hmhm], and that's I, I think it's a way you connect with the people who are watching YouTube. But then the content of what you're saying [SD: haha] is uh repulsive, haha. [SD: Here's the-] And I mean and I enjoy the content, so I'm not-

6:07-6:31

Shane Dawson:

Yeah, well here's the thing. Don't we all have a friend who says whatever we're thinking and we're like "man, I wish we could be like that friend [SR: yeah], they don't care about what anybody thinks." I try to be that person. In real life I'm not as much that person, but on YouTube I'm like, you know what, I don't want to censor myself, I want to be that guy that people kind of guilty watch [SR: hmhm], or people, even if people hate me, at least they have a feeling about me. There's so many people on YouTube that are so bland and boring that I'm like, I would rather be the one that people are talking about.

6:31-6:37

Interviewer Sam Roberts:

Was there a joke you wrote, or a scene that you wrote or something that you looked at and you're like "ah, sh... [SD: Every-] I don't know if I can do this one"?

6:38-6:39

Shane Dawson:

Oh every day, I mean-

6:39-6:42

Interviewer Sam Roberts:

'Cause I mean there- uh-, there's cum jokes, there's shit jokes [**SD:** yeah], there's everything in these things.

6:42-6:48

Shane Dawson

Well those, it's so weird, I-, you know, so I made the movie, o-, which was full of offensive stuff [**SR:** yeah], but the movie had a lot of heart so I could get away with more.

6:48-7:25

Interviewer Sam Roberts:

I was telling, I was watching the trailer, I haven't uh- seen the movie, I read the book, I hadn't seen the movie but I was watching the trailer for the movie and what sold me on it, was at the end of the trailer [**SD:** haha], 'cause it's, it's kind of like a, a teenage romcom. [**SD:** Yeah...] Supposedly. [**SD:** Yeah, yeah, yeah.] And it's like a guy and a girl and they're running through the grocery store, it's like oh it's summer and everyone-, it's new love and everybody's having a good time and the girl slides a watermelon under her shirt, so it looks like she's pregnant and I was like oh that's cute, they're going to steal a watermelon together. But then the punchline is that you trip her on the way out [**SD:** haha] and she falls and just afterbirth looking watermelon [**SD:** haha] is splattered all over the floor as the cashier screams.

7:24-7:57

Shane Dawson:

It's so funny. Oh. You know, that's the thing with that movie, is I was like, you know I could go really mainstream and try to make this like artsy fartsy movie and whatever, and, I was like no I'm going to do what I love doing and I'm going to make the craziest wackiest gags, but also ma-, have the movie have a heart. So yeah, the movie had so many offensive jokes [**SR:** yeah] and people are going toward, there's a part where a homeless guy eats his own shit [**SR:** haha], and everybody went towards that as like the most offensive-, like Zachary Quinto who's one of the producers, he's so offended by

that, but his favorite part was the blind sister who would bump into things, I'm like that's way more offensive than eating shit.

7:57-8:15

Interviewer Sam Roberts:

Well Zachary Quinto said, and Zachary Quinto was supposed to be the executive producer of the movie, correct? [**SD:** Hm-hm...] He said that he found the movie deeply offensive [**SD:** Hm.] and it's not something in any version or by any stretch of his imagination that he could ever put his name on or be associated with, which seems dramatic.

8:15-8:20

Shane Dawson

Al- although, you know, watch him now in The Slap. The show [**SR:** dude-] where he slaps a fucking little child.

8:20-8:29

Interviewer Sam Roberts:

Well I got to tell you something. We've been talking about the slap on this show for the last four weeks. And how it may be the worst thing [**SD:** the worst show of all time] that's ever been put on TV.

8:28-8:30

Ira:

Hahaha.

8:30-8:31

Interviewer Sam Roberts, Travis, Shane:

Hahaha.

8:32-8:54

Interviewer Sam Roberts:

Do you know Ira? [**SD:** I-] By any chance, Shane Dawson? [**SD:** I'm instantly uh in love with uh, with Ira.] Well Ira, I mean, this is... Ira should have been a YouTube star, because he's very, very visual. He hasn't stopped by and done this show very often, but I've told him that he has an open invite to do my show [**SD:** yes], w-, so I gue- I, so he's like you know, whether there's a guest, whether there's not a guest, Ira's coming in when it's time for Ira to come in, so-

8:53-8:54

Shane Dawson:

Is he a magician?

8:55-8:56

Interviewer Sam Roberts:

Ira, w- have you ever done any magic?

8:57-9:00

Ira

I've never done any magic. [SR: No.] No.

9:00-9:04

Interviewer Sam Roberts:

Never any magic. Troy is going to help him out with that. [SD: Haha.] So uh...

9:04-9:08

Ira:

Your microphones are falling apart [SR: Oh no], buddy.

9:08-9:16

Interviewer Sam Roberts:

Yeah Troy'll, Troy'll help you out with that [SD: haha]. So when Zachary Quinto writes that or says that or whatever, are you going like, like come on dude, what the fuck.

9:15-9:36

Shane Dawson:

It was, it was my first uh like experience with Hollywood politics. 'Cause he read my script [SR: yeah], and he said he loved it to his friend, and was like I, I actually really love the script, it's really funny, told me he loved it, and then we made the movie that was less offensive than the script, but because he was friends with the other director he took her side, took his name of my movie, it was all politics. He wasn't offended by it, I don't even think he actually watched it. [SR: Haha.] I really don't.

9:36-9:40

Interviewer Sam Roberts:

Does it shake you up when, when a celebrity goes like, 'cause-

9:40-9:41

Shane Dawson:

Well he's not a celebrity.

9:41-9:42

Interviewer Sam Roberts:

You don't think so?

9:42-9:54

Shane Dawson:

No. [SR: haha.] I mean listen, if Oprah Winfrey was like [Ira: ha.], oh my god I'm offended by the shit eating, see, even Ira agrees [SR: yeah], it, like, I would be like okay I'm going to change my life. But Zachary Quinto, like [SR: right], former st-, like The Slap? I'm good.

9:54-9:56

Interviewer Sam Roberts:

You didn't like, you weren't, you, you're not nostalgic for Heroes?

9:57-10:02

Shane Dawson:

I don't know. I don't even, I couldn't watch that. Hale-, Hayden Panettiere [SR: yeah] getting her head blown off? I'm good. I don't want to see that.

10:02-10:19

Interviewer Sam Roberts:

And you're somebody who obviously has dealt with criticism from the beginning, because you're an internet celebrity. [SD: yeah.] So people on the internet love to shit on celebrities. [SD: oh yeah.] So that's part of it for you, so when I guess when somebody says something negative about you, do you think it's easier for you to take than say somebody who is used to being on TV?

10:20-10:27

Shane Dawson

Yeah I mean I just very much disconnect myself. When somebody calls Shane Dawson an asshole, I'm like yeah that guy is kind of an asshole. 'Cause I'm not that guy.

10:27-10:28

Interviewer Sam Roberts:

You're thinking of the character.

10:28-10:36

Shane Dawson:

Yeah, I'm thinking of the Disney Channel guy who-, but I think lately I've been trying to do what I really enjoy, like now I make videos about conspiracy theories and I try to do shit that I actually care about [**SR:** you're], because you know.

10:37-10:38

Interviewer Sam Roberts:

Are you an Alex Jones guy?

10:38-10:41

Shane Dawson:

Yeah of course [**SR:** yeah, he's the-], I'm into everything.

10:41-10:42

Interviewer Sam Roberts:

He's the king of conspiracies.

10:42-10:42

Shane Dawson:

Oh yeah.

10:43-10:47

Interviewer Sam Roberts:

Ira. Are you a YouTube fan? You, you go on YouTube?

10:46-10:48

Ira:

Uh, I like YouTube [**SR:** You do], yes.

10:48-10:50

Interviewer Sam Roberts:

I don't know if you know Shane Dawson.

10:50-10:52

Ira:

Shane, how are you doing, Shane.

10:51-10:52

Shane Dawson:

How are you doing, nice to meet you.

10:52-10:53

Ira:

Great to meet you.

10:54-11:04

Interviewer Sam Roberts:

Shane, let me tell you something Ira, is one the biggest YouTubers in the world. He's got over a billion views. A billion, Ira. On his videos. Can you believe that?

11:04-11:06

Ira:

Where are you from, may I please ask?

11:06-11:07

Shane Dawson:

Uh Long Beach, California.

11:07-11:12

Ira:

Long Beach, California, let's see what the temperature is right now.

11:11-11:12

Shane Dawson:

Haha.

11:12-11:13

Interviewer Sam Roberts:

Ira is our amateur weatherman.

11:12-11:18

Ira:

It's around 75 degrees [**SD:** ooh] at 1pm.

11:18-11:18

Shane Dawson:

Nice.

11:18-11:45

Interviewer Sam Roberts:

There you go. Alright Ira, well thank you for the update. Stay right there, we'll get back to you. Um, do you ever think to yourself that you want to do less of the, because your humor is very edgy. [**SD:** hmhm.] But you're appearing-, you, you, your appearance is not. [**SD:** hmhm.] Do you ever think like you know what, maybe if I just stop smiling or if just kind of try to be a little more gritty about this people would just realize this is what it is, stop trying to find something more moral [**SD:** yeah], or, or, or anything like that in terms of this content.

11:44-12:02

Shane Dawson:

Yeah, that's why in the movie I dec-, spoiler alert, I decide to shave my head in the movie. [**SR:** hmhm.] 'Cause I was like I want to get rid of this stupid hair [**SR:** haha], um but then- [**SR:** Well yeah you, you used to have the uh,] The swoopy, [**SR:** the swoop down] Disney hair, [**SR:** yeah] yeah. Which went on for way too long [**SR:** yeah], 24 I think I had it, um so yeah, shaved my head, but then I looked like a r-, rapist. Like a [**SR:** haha] murderer. So...

12:01-12:07

Interviewer Sam Roberts:

Right and there is, there's a fine line between glory hole jokes and rapists. You have to figure out the middle ground.

12:06-12:17

Shane Dawson:

Both jokes are funny but, no. My, with the shaved head I had like the resting face of a Nazi, like it was just the worst thing ever. So everybody, all my friends, "look you need to grow hair". [**SR:** Haha.] So I'm in that weird middle stage, you know.

12:16-12:17

Interviewer Sam Roberts:

That's alright, it works.

12:18-12:18

Shane Dawson:

Thanks.

12:18-12:22

Interviewer Sam Roberts:

I think so. Um, who, would you tell me are-, uh do you consider yourself a comic?

12:22-12:33

Shane Dawson:

No. Here's the thing, I'm very particular about that word, because I did not go through the stand-up circle, I didn't do any of that stuff, so no. I make comedy videos [**SR:** hmhm], I'm a filmmaker, but comedian? No, I haven't earned that.

12:33-12:36

Interviewer Sam Roberts:

Now in the, you kind of think like a comic I feel like.

12:36-12:37

Shane Dawson:

I mean I, I hope so, yeah.

12:37-13:00

Interviewer Sam Roberts:

'Cause the book is called I Hate Myselfie. [**SD:** Haha.] And it's, a lot of comics hate themselves. [**SD:** Haha, yes.] And, and you talk a lot about the reality of you in the book. [**SD:** Yeah, yeah.] Which, is that a difficult thing when you've spent so much time on YouTube creating a character and kind of, I, when you're on YouTube you're controlling your own content. [**SD:** Yeah.] So you're controlling the way people are looking at you. Once you actually put stuff that's the truth out there, you're kin-, it's kind of up for people to judge.

13:00-13:16

Shane Dawson:

Yeah but I think I was ready, I mean you know, I don't want to just cater to children forever. [**SR:** Right.] I don't want to be The Wiggles. [**SR:** Right, haha.] Which by the

way, half are in prison. [**SR:** Haha.] Uh, which could be me. I was like you know my audience is growing up, I want to grow with them and be myself and be honest, so yeah I put a lot of stuff in that book that I don't think I talk about on YouTube.

13:17-13:27

Interviewer Sam Roberts:

Yeah um, you do talk though on YouTube and in the book about how, like, you kind of came to becoming a performer and [**SD:** hmhm], and coming out of your shell and stuff like that. You were an obese kid, correct?

13:26-13:27

Shane Dawson:

I was a big ol' boy.

13:28-13:30

Interviewer Sam Roberts:

Yeah, haha. [**SD:** Haha.] Like how much did you weigh at your peak?

13:30-13:34

Shane Dawson:

Well I don't know, the scale tipped off at 350, it just said error, but I'm assuming like 400.

13:35-13:36

Interviewer Sam Roberts:

How do you get to 400 pounds?

13:36-13:45

Shane Dawson:

It was weird, I- it-, we were really poor so it was a lot of refried beans, a lot of government cheese, a lot of peanut butter out of the jar. [**SR:** hmhm.] Um and just I didn't exercise at all.

13:45-13:50

Interviewer Sam Roberts:

You just sat, do you- [**SD:** Just sat.] work out now and just, how did you, how did you start to lose the weight?

13:50-13:58

Shane Dawson:

Just running every night and eating just chicken. It wasn't healthy. [**SR:** It was just-] I didn't write a weight loss book, 'cause it would literally just "don't eat!" [**SR:** right] which is not healthy. [**SR:** Yeah.]

13:58-14:01

Ira:

Can I tell you something [**SD:** yeah] [**SR:** yes, Ira], about weight?

14:00

Interviewer Sam Roberts:

Yes.

14:00

Shane Dawson:

Yeah.

14:01-14:12

Ira:

I was weighing one time 217. [**SR:** No.] Now I weigh 180, 181 on a scale.

14:12

Shane Dawson:

Wow.

14:12-14:14

Interviewer Sam Roberts:

How'd you get down, how'd you-, that's about 40 pounds.

14:13-14:16

Ira:

I walk every day and I take Zumba.

14:16

Shane Dawson:

Haha.

14:16-14:20

Interviewer Sam Roberts:

Of course you do, well you look great Ira.

14:20-14:21

Ira:

Thank you, Sam.

14:21-14:23

Interviewer Sam Roberts:

How often do you do Zumba classes?

14:23-14:24

Ira:

Every Wednesday.

14:24-14:26

Interviewer Sam Roberts:

Every Wednesday. You-, all you need is once a week?

14:27

Ira:

Once a week.

14:28-14:29

Interviewer Sam Roberts:

You never did Zumba, Shane?

14:30-14:33

Shane Dawson:

I don't think I've tried Zumba, no. [SR: Huh.] I don't have the confidence for that. You got to have a lot of confidence.

14:34-14:35

Interviewer Sam Roberts:

'Cause you have to be in front of people and you have to-

14:35-14:38

Shane Dawson:

In front of people, dancing, shaking around. [**SR:** right.] Do you wear spandex?

14:38

Ira:

What?

14:39

Interviewer Sam Roberts, Shane Dawson:

Haha.

14:39

Ira:

No.

14:40

Interviewer Sam Roberts:

Spandex Ira.

14:41

Ira:

No.

14:41-14:43

Interviewer Sam Roberts:

That's a ridiculous question Shane, how d-

14:43

Shane Dawson:

Haha.

14:44-14:47

Interviewer Sam Roberts:

What are you out of our mind? [**SD:** Haha.] So you don't like performing in front of an audience then I, I gather?

14:47-14:52

Shane Dawson:

No I actually do, only if I'm like in a play or like [**Ira**: Ha.] as a character, not as myself, that's, it's, embarrassing.

14:52-14:53

Interviewer Sam Roberts:

That's the difference then?

14:53-14:54

Shane Dawson:

Yeah.

14:54-14:58

Interviewer Sam Roberts:

So is it difficult to establish that you're not being yourself on YouTube when you call yourself by your name?

14:59-15:08

Shane Dawson:

Yeah it's what-, my real name is Shane Yaw. Which I was forced to change by my agent, 'cause she said it was too Asian, which [**SR**: haha], her words, not mine. [**SR**: Right.] Um, so yeah, I picked the whitest name I could, Dawson.

15:08-15:09

Interviewer Sam Roberts:

That's very white.

15:09-15:10

Shane Dawson:

The Creek, you know.

15:10-15:14

Interviewer Sam Roberts:

Yeah, yeah, yeah. You've been uh, you've been in trouble with PC police many times.

15:14-15:14

Shane Dawson:

Oh every day.

15:14-15:15

Interviewer Sam Roberts:

Every day.

15:15-15:25

Shane Dawson:

I can't tweet anything without somebody picking it up and being like, and by the way, when I say somebody picking it up, that's not wallspr-, Wall Street Journal, it's literally the, the shittiest websites [SR: haha, yeah], like "YouTube Buzz Online!".

15:25-15:35

Interviewer Sam Roberts:

Well that's the, that's the culture, is that these websites that don't have [SD: oh yeah] anything going on, are like maybe if I can get some clickbait, maybe, because Shane Dawson, people, there are people who will click on anything with your name on it.

15:36-15:49

Shane Dawson:

Oh and, you know and its funny like Wall Street Journal I think did an article called "Shane Dawson makes the worst movie of all time," which is listen I get, people didn't, some people didn't like my movie, but it's not the worst movie of all time-, the Cobbler just came out, with Adam Sandler, have you seen the trailer?! [SR: Haha.] And I'm the worst movie of all time?

15:48-15:51

Interviewer Sam Roberts:

What do you think is the worst movie of all time, if not yours.

15:51-15:59

Shane Dawson:

Oh my god, uh- oh-, oof, oh, I just saw, oh. Ooh I don't want to be mean. [SR: No, go ahead.] Okay I'll go to my second. Um-

15:58-16:03

Interviewer Sam Roberts:

Well what's the first? [SD: Haha.] We should do, we should, we should tackle that.

16:03-16:08

Shane Dawson:

You know, okay here's the thing. I liked everybody involved, but I just saw a movie called The Duff. Have you heard about that?

16:07-16:12

Interviewer Sam Roberts:

Yeah I, I heard, I haven't w-, seen it. I know that girl from Parenthood is on it, and I like that show Parenthood.

16:11-16:20

Shane Dawson:

Yeah I love all the people in, and I love the people who made it, but it was the f-, those people are-, it was the first movie I ever walked out of. [SR: Oof.] It was rough. [SR: Really bad.] It was Duff rough.

16:19-16:38

Interviewer Sam Roberts:

So when you end up, being as you got uh, you got kind of attacked by PC police, on account-, most recently, you made a joke about uh that, I mean the most recently I saw. There's probably even more recently of stuff that just didn't pick up on my radar [SD: hmhm], but when you were tweeting about the fact that ABC had, [SD: ugh] now different sitcoms for literally every ethnicity.

16:38-17:03

Shane Dawson:

It wasn't even, and literally what I said was, it was like first Blackish, now Fresh Off The Boat [SR: yeah], like what's next, 'the Wetbacks'. [SR: right, haha.] Which by the way, Fresh Off The Boat is just as offensive as 'the Wetbacks'. And everybody went crazy like, oh can't, you're so racist, why can't, why can't Mexicans and Asians have their own show, Shane. I'm like, that's not what I'm saying. [SR: Right.] I'm sticking up for the other races. [SR: Right.] Why can't we have The Cosby Show, eh, not great timing on that one [SR: haha, no], but you know, it wasn't called "The Black Family". [SR: Right.] You know what I'm saying? [SR: Right.] That-

17:02-17:06

Interviewer Sam Roberts:

The, that, the, the point of watching this show is the ethnicity.

17:06-17:07

Shane Dawson:

Yeah it's weird.

17:07-17:12

Interviewer Sam Roberts:

Like we're-, we-, like, this is for you guys, this is for you [**SD:** yeah], as opposed to just here's a show [**SD:** hmhm], and there's lots of different people on it.

17:12-17:25

Shane Dawson:

Yeah. And the poster was literally like and Asian family wearing like Asian hats, making like dumb faces and then next to it was like "from the people that brought to you Blackish," [**SR:** haha] I mean this is just, come-, I'm the offensive one? [**SR:** Right.] Zachary Quint- Where's Zachary Quinto? He needs to slap some people.

17:21-17:35

Interviewer Sam Roberts:

Right. He is the offensive one, he's smacking children. [**SD:** Haha.] And that's my main issue with the show and I've gone over it a hundred times is, one child gets slapped. And it's, I give you, watch-, if he was promising to slap a child every week, I'll watch every week.

17:34-17:35

Shane Dawson:

Give it to me.

17:36-17:40

Interviewer Sam Roberts:

But if it's one slap and then there's seven more episodes of this bullshit [**SD:** please], I'm not going to do it anymore.

17:39-17:41

Shane Dawson:

That's a typical Tuesday.

17:41-17:46

Interviewer Sam Roberts:

Yeah. So. [**SD:** Haha.] You also got in trouble for bl-, you got thrown into the blackface barrel.

17:46-17:49

Shane Dawson:

Oh, I got thrown into that blackface barrel so hard.

17:48-17:55

Interviewer Sam Roberts:

Hard, dude. [**SD:** Haha.] Like, like this is one that travelled past, uh, shitty websites and actually made it to legitimate websites.

17:53-18:15

Shane Dawson:

Oh, they told me it was going to be on, on CNN, it was going to be on all these news-, and I'm like really-, you know, here's the thing. When I was first starting on YouTube I was playing all these characters, every celebrity I was trying to, whatever-, and I loved Wendy Williams so much [**SR:** hmhm], "how you doing?", she's my favorite. [**SR:** right.] So I'm like oh I want to look like her, so I put bronzer on my face. I didn't know that was like such a big thing. [**SR:** hmhm.] And then it wasn't for five years, and then five years later everybody's taking screenshots and freaking out, and-

18:16-18:20

Interviewer Sam Roberts:

How did it take, what was the catalyst that brought them five years later into realizing that you had done that?

18:19-18:41

Shane Dawson:

There was, there was a bunch of like s-, annoying social warrior YouTubers who go on Twitter and they don't make funny videos, all they do is complain about everything [**SR:** yeah]. So they were, they hate me, 'cause my movie's coming out and I'm having success so they're like oh let's tear down Shane. So that's, they started that. And then it was like, I made, I made an apology video, which was sincere, 'cause I didn't know it was so offensive, I was like I'm playing Wendy Williams and I played her great [**SR:** right]. I didn't know it'd offended so many people. [**SR:** yeah.] And I'll never do it again.

18:41-18:59

Interviewer Sam Roberts:

Does it make you, when you start getting thrown under the bus for your tweets, when you start getting people mad at you for Twitter, when you got Zachary Quinto and Taylor Swift [**SD:** haha] creating an army against you, how m- often do you just want to say like fuck it [**Ira:** Ha.], I'm not going to do any of this, I'm going to do-, I'm not going to, I'm not going to be in front of people, I'm not going to do anything that anyone is going to judge.

18:59-19:08

Shane Dawson:

You know it actually made me want to go harder and it-, that's what really forced me into doing a podcast. 'Cause like, you guys like, radio show, it's-, you can say whatever the hell you want.

19:08-19:10

Interviewer Sam Roberts:

And it-, and you have time for context too.

19:10-19:19

Shane Dawson:

Yeah, you have time for context, you can explain yourself more, but then, YouTube you have to cut, cut, cut, it's a three minute video. [**SR:** yeah.] I love the hour long format. So no, now I just say whatever the hell I want on my podcast.

19:19-19:24

Interviewer Sam Roberts:

Do you want to stop YouTube videos at some point? How many do you do? [**SD** Oh god, s-] In a given week, say.

19:24-19:25

Shane Dawson:

Seven a week.

19:25-19:26

Interviewer Sam Roberts:

So you do them every single day?

19:26

Shane Dawson:

Yeah.

19:27-19:28

Interviewer Sam Roberts:

And you have multiple channels.

19:28

Shane Dawson:

Yeah.

19:28-19:30

Interviewer Sam Roberts:

Why do you have multiple channels?

19:30-19:41

Shane Dawson:

'Cause I'm an idiot. [SR: haha.] I mean, when I started YouTube, every-, it was like, ooh, one channel for this, one channel for that, one channel for that. Now everybody does whatever the hell they want. [SR: right.] So back then you had to like put it in categories. [SR: Yeah.] So I now I just have a bunch of channels. Haha.

19:41-19:45

Interviewer Sam Roberts:

It's just there, because you can't combine them, or delete them, or-

19:44-19:48

Shane Dawson:

I have one for crappy stuff, one for crappier stuff and one for stuff I put money into.

19:48-19:53

Interviewer Sam Roberts:

Right [SD: yeah], I see, I see. [SD: Yeah, yeah.] But you get all these followers on the shitty one [SD: I know, haha], you're like why am I putting all this money into this?

19:53-20:02

Shane Dawson:

Oh, literally I, I can do a video where like me and some gay dude on YouTube are making out and eating oatmeal or whatever we're doing that gets a million views, and then I put a bunch of money into a short film, it gets half a million, it's very frustrating.

20:01-20:05

Interviewer Sam Roberts:

Yeah. So how do you w-, why do you make videos uh, making out with gay dudes?

20:05-20:09

Shane Dawson:

Oh, I think it's fun. I mean, haha. You know, it's funny-

20:07-20:12

Interviewer Sam Roberts:

Haha okay. Like just a way to express yourself [**SD:** well-], it's fun to make out with gay dudes.

20:11-20:23

Shane Dawson:

There's this weird thing right now with teenagers where they want to see two guys, like their favorite YouTubers, like, make out, or even like two One Direction members make out, have sex, but then if you call them gay they get mad. "They're not gay!" It's like, but-

20:23-20:30

Interviewer Sam Roberts:

So, so girls want to- [**SD:** yeah.] Like the way guys want to see lesbian pornography. [**SD:** Exactly.] It's becoming a th-, 'cause gay porn was never a thing.

20:30-20:31

Shane Dawson:

Oh it's a thing now.

20:31-20:36

Interviewer Sam Roberts:

I mean it was a thing for gay guys [**SD:** yeah, yeah, yeah], but girls were never like oh I want see these two guys fuck in the ass.

20:35-20:48

Shane Dawson:

No, they, they put our heads on other guys' bodies-, which by the way, if these-, if any of these little girls, that's what's so funny, they tweet me like "oh I want to fuck you Shane, take my virginity", [Ira: Ha.] I'm like if you saw my nasty 26 year old hairy, hangy body. [SR: right.] Like, crawling on your bed. Haha.

20:48-20:52

Interviewer Sam Roberts:

Do you still h-, do you still have like, like hanging skin from [SD: no, I got uh-], from being fat?

20:52-20:56

Shane Dawson:

No I got 15 pounds of skin removed, [SR: oof] like five years ago. It was rough.

20:56-20:58

Interviewer Sam Roberts:

So you carried around 15 pounds of skin?

20:58-21:05

Shane Dawson:

I g-, I girdled it all into like my mom's swimsuit, that I'd wear underneath my clothes. [SR: aw haha.] [Ira: Haha.] Haha, you like that.

21:05-21:09

Interviewer Sam Roberts:

You got one out of Ira for that one. How long did you have to carry around all that skin for?

21:09-21:10

Shane Dawson:

Uh, three years.

21:10

Interviewer Sam Roberts:

Really?

21:10-21:21

Shane Dawson:

Yeah. That was-, and this is like a joke but not really, that was the most suicidal I've ever been. Because having all that skin underneath, every time anybody hugs you, you don't want to hug, you don't want to touch anybody, you can't have a g-, a girlfriend, you can't do anything because you're afraid of it.

21:20-21:22

Interviewer Sam Roberts:

So that's, that's worse than being fat?

21:22-21:25

Shane Dawson:

Way worse. [**SR:** Because-] I was like why, why did I lose weight, this sucks.

21:25-21:34

Interviewer Sam Roberts:

Because you're thinking, I g-, uh, psycholog-, psychologically [**SD:** yeah], you're thinking to yourself I'm just a fat person in disguise, 'cause I still have all this grossness on me.

21:33-21:35

Shane Dawson:

Oh, I still feel that way, which is weird.

21:36-21:38

Interviewer Sam Roberts:

Even now [**SD:** yeah], with all the surgeries and everything? [**SD:** A hundred percent.] Do you have scars a whole bunch?

21:39-21:52

Shane Dawson:

They went away and plus I have a lot of hairy-, hairy-, hair. Haha. [**SR:** Hair.] So it just covers it. [**SR:** You have very hairy hair.] The guy was like, if you want to cover your scar, just get like, my other client has a barbwire tattoo that goes all the way across his waist [**SR:** haha.] [**Ira:** ha.]. I'm like, who the fuck do you think I am [**SR:** right], that I could pull that off?

21:53-21:57

Interviewer Sam Roberts:

There's already gay rumors about you, you don't need a- haha, you don't need a barbwire dick tattoo.

21:54-21:56

Shane Dawson:

There's already gay rumors, I don't need a barbwire around my chest.

21:57-22:02

Interviewer Sam Roberts:

So, now, you go forward and you're like, but d-, you don't feel confident in yourself?

22:02-22:04

Shane Dawson:

No. Haha.

22:03

Interviewer Sam Roberts:

Huh.

22:04

Shane Dawson:

Well, I feel-

22:04-22:05

Interviewer Sam Roberts:

'Cause you still got fat guy mentality?

22:06-22:14

Shane Dawson:

A hundred percent. I still look in the mirror and I see a, a huge person. I've been going to therapy every day for, no not every day, wow, uh once a week and, nope, still there.

[**SR:** Hm.] Yeah.

22:14-22:16

Interviewer Sam Roberts:

It's body dys-, is it full on body dysmorphia?

22:16-22:19

Shane Dawson:

Yeah. [SR: Wow.] but I'm confident with my work, which is good.

22:19-22:20

Interviewer Sam Roberts:

You like your stuff.

22:20-22:32

Shane Dawson:

Like I, I like what I put out into the world and I'm proud of it and I love the book and I love the movie and, um, yeah but my body and everything, like today I have a meet and greet and I'm terrified because I'm scared all the kids are going to '#fatterinperson', which has happened.

22:32-22:34

Interviewer Sam Roberts:

It-, so okay, so I was about to say do they really do that, they do.

22:34-22:41

Shane Dawson:

Yes. Yeah. [SR: how-] They took pictures or-, one girl was like, you're not like, as like good-looking in person, you're kind of chubby, like as we're taking a picture.

22:41-22:43

Interviewer Sam Roberts:

And that's the most terrible thing they could say about you?

22:43-22:47

Shane Dawson:

Oh I would rather them actually stab me [SR: haha], then say that.

22:47-22:51

Interviewer Sam Roberts:

You're like, where is that autistic guy with the knife [SD: yeah, come back], bring him back here. Have you had death threats?

22:51-22:52

Shane Dawson:

Every day, yeah.

22:52-22:53

Interviewer Sam Roberts:

Wow. And you don't take them seriously anymore?

22:53-23:01

Shane Dawson:

No. My mom does. Like she gets fan mail sent to her house sometimes and they'll be like really intense death threats with like hair and blood and whatever and uh, and uh-

23:01-23:02

Interviewer Sam Roberts:

Hair and blood?

23:02-23:10

Shane Dawson:

Yeah they'll cut their hair, and they'll be like, and, and put their blood on the paper and be like "I'm signing this in blood", um, she gets freaked out [**SR: Jesus Christ**], I love it haha. It's so funny.

23:11-23:17

Interviewer Sam Roberts:

At what point did you not take death threats seriously anymore? I would assume a-, at least the first one you had to be like oh shit I'm not used to being treated like this in my life.

23:17-23:30

Shane Dawson:

The only time I took it seriously was the guy in the Best Buy. Um, 'cause that was like face-to-face, but, I don't think I've ever taken them seriously, because, really, like, if they care that much to make a death threat, then they actually like me. [**SR: right.**] 'Cause when I hate something, I don't talk about it, I ignore it.

23:30-23:34

Interviewer Sam Roberts:

Right, you make secret plans to kill them. [**SD:** yeah.] Nobody ever knows [**SD:** nobody knows], until it's way too late.

23:35-23:43

Shane Dawson:

Till it's late, too late, till I make a, you know, video about it on YouTube. Oh that kid, do you remember that? Oh this is dark, never mind. [**SR:** Tell me.] That kid who made the video where he's like I'm going to kill everybody and nobody took him seriously and then he did it.

23:34-23:44

Interviewer Sam Roberts:

I don't know about that.

23:44-23:45

Shane Dawson:

What-, Elliot Rodger?

23:45-23:36

Interviewer Sam Roberts:

No I don't know.

23:46-23:47

Shane Dawson:

Oh my god.

23:47-23:48

Interviewer Sam Roberts:

What happened?

23:47-24:00

Shane Dawson:

Oh, look it up. He was this crazy YouTuber [**SR:** yeah], who like I had known about, and he was making these crazy vlogs where he was like in his car and, "hey guys" [**SR:** oh I, I recognize the face now, yeah], and he was talking about how he was going to kill everybody, nobody took him seriously, and then he fucking did it. [**SR:** pff.] It's crazy.

24:00-24:08

Interviewer Sam Roberts:

So you have to watch what you say then, because people are going to take you seriously. [SD: hahaha.] Because this, this murderer [SD: haha], psychopath ruined it for everybody.

24:08-24:15

Shane Dawson:

I know, so many things I've said in videos that are so terrible, I'm like one day I'm going to end up in court and be like, well, yeah, I said it. [SR: haha, yeah.] You know. Sorry!

24:15-24:22

Interviewer Sam Roberts:

So yeah, y-, let's get back to the uh gay fantasies [SD: haha] that these teenage girls have about Shane Dawson. So you're a heterosexual man.

24:22-24:25

Shane Dawson:

I am, yeah. But I'm only 26, who knows. [SR: Who-, yeah haha.] You know what I mean?

24:24-24:31

Interviewer Sam Roberts:

Who knows where this w-, crazy world [SD: where this is going to go] is going to take you. Do you put your girlfriend in videos to say like hey everybody, just a reminder?

24:31-24:46

Shane Dawson:

Haha. No. Uh no we uh, we met making a po-, a video and uh, and I started casting her in all of my like short films and then we started dating after that, um so now it's just kind of like she's a part of my life, I'm a part of her life, so we just film together, um-

24:45-24:46

Interviewer Sam Roberts:

Do you get competitive about your video channels?

24:47-24:52

Shane Dawson:

No, no, no, no, no. I mean, no. I don't, I don't care about stuff like that. I don't even-

24:52-24:53

Interviewer Sam Roberts:

You're not a competitive person?

24:53-24:59

Shane Dawson:

I'm a competitive person when it comes to like mainstream stuff, like the book and the movie, I want them to do well, I want them to succeed.

24:59-25:00

Interviewer Sam Roberts:

But you don't even care about the YouTube stuff?

25:00-25:09

Shane Dawson:

YouTube, I'm, I don't give a fuck. [**SR:** haha.] I mean like, I'm, first of all, it's, I'm so lucky that people still give a shit and watch my stuff [**SR:** uhu], that like, I, I have a number in my head if it slopes, if it goes down to that, I'll stop.

25:09-25:22

Interviewer Sam Roberts:

Yeah like I was going to ask you that because for me. And let me tell you Shane Dawson, you're not talking to somebody who hasn't had a 5 million hit YouTube video okay? [**SD:** Yeah, yeah, yeah.] That's me. [**SD:** Alright.] But a, a, a-

25:21-25:22

Shane Dawson:

That was in an email they sent me about you.

25:23

Interviewer Sam Roberts:

Was it?

25:23-25:24

Shane Dawson:

Haha, hmhm.

25:23-25:26

Interviewer Sam Roberts:

Haha good, good. So you're like yeah.

25:26-25:27

Shane Dawson:

It's like yeah okay, yeah.

25:27-25:37

Interviewer Sam Roberts:

Yeah he's, he's, he understands the community. [**SD:** Haha.] But, after that it was like, like I'm good, if I get like 5.000, 10.000 views on something [**SD:** yeah] I'm like okay, people are seeing it.

25:37-25:38

Shane Dawson:

That's a whole high school, that's two high schools.

25:38-25:39

Interviewer Sam Roberts:

What's your number?

25:40-25:42

Shane Dawson:

Uh what my number if I'll quit?

25:42-25:48

Interviewer Sam Roberts:

No, no, no. Like if you're, like, when you just post a video. [**SD:** Oh.] And you go like, what d-, what's like a, a low sort of 'okay I'm fine with that'?

25:48-25:59

Shane Dawson

My main channel, which is where I put all the money into, if I get a million views or more I'm happy [**SR:** pff], uh on a video. And then my other channel if I get like 400.000 views a video I'm happy. If it's under that I'm like well I fucked up what'd I do.

25:59-26:02

Interviewer Sam Roberts:

Huh. And you try to go back to the drawing board and figure out what not to do again?

26:02-26:06

Shane Dawson:

Yeah. [SR: Wow.] More gay fantasies, less talk about- haha.

26:05-26:07

Interviewer Sam Roberts:

Right, haha. How do the gay fantasy videos do?

26:07

Ira:

Ha.

26:08

Shane Dawson:

Haha.

26:08-26:10

Interviewer Sam Roberts:

Ira you're on board with that, am I right?

26:10

Ira:

Yeah.

26:10-26:14

Interviewer Sam Roberts:

Yeah Ira. [SD: Haha.] How do the gay fantasy videos do?

26:13-26:20

Shane Dawson:

Well we, me and my friend reenacted a fanfiction, which you know about that word? [SR: Fanfiction?] Little, little kids write like dirty stories about people.

26:20-26:26

Interviewer Sam Roberts:

Well isn't that how the uh, uh, Fifty Shades of Grey movie? [**SD:** Yeah, Twilight.] Which created based on a Twilight fanfiction. [**SD:** Yeah, yeah, yeah.] Except that was heterosexual fanfiction.

26:26-26:33

Shane Dawson:

Yeah. No so somebody wrote one about me and this YouTube guy, and we reenacted it. And it got real gross. [**SR:** Haha.] I think I got like 7 million views or something.

26:33-26:34

Interviewer Sam Roberts:

Well I guess so.

26:34-26:36

Shane Dawson:

And that was on my shitty channel [**SR:** yeah], so that was good.

26:36-26:38

Interviewer Sam Roberts:

Well it didn't take any-, it doesn't take any money to find a dude to-

26:39-26:41

Shane Dawson:

It's like a lot of weird props, a lot of lotion.

26:41-26:46

Interviewer Sam Roberts:

Did it, uh, do you just not care about that stuff or did it have to get to a place where 'how am I going to be comfortable with this'?

26:46-27:04

Shane Dawson:

Oh the gay stuff? [**SR:** Yeah.] Oh I don't care. I think nowadays especially. When I was in high school it was a big thing. I was so scared everybody thought I was gay because I had a girly face and I had a high-pitched voice and all these things. Now like people don't give a cr- uh give a fuck. [**SR:** Nobody cares.] Like, one of the most popular YouTubers is a transgender girl who's, who's in my short film who's awesome and like sh-, nobo-, no comments were like 'you fucking tranny'.

27:04-27:19

Interviewer Sam Roberts:

Well yeah I mean we're finally getting to a point where it's like, especially with young people who are the ones watching YouTube, that the fact that she's transgender is not the drawing point. [SD: No.] It's just that, she happens to be [SD: she's fine], like the fact that you're a dude or you know, or, or a, or a chick can do it or whatever. [SD: Yeah, yeah.] Um.

27:19-27:26

Shane Dawson:

Wow, you, oh, you typed in 'transgender YouTuber'. I'm like how did you find it-, you know who I'm talking about. [SR: Yeah, no.] Yeah, it's GiGi, yeah.

27:26-27:28

Interviewer Sam Roberts:

Hm. So do you like-, do you get along with the other YouTubers?

27:28-27:38

Shane Dawson:

Oh yeah, I mean but, you know how it is, like, you, some of them are friends, most of them are acquaintances, and then most of them are enemies who, who you smile at who hate you. [SR: Right.] You know. [SR: Do you-.] It's like serious.

27:38-27:44

Interviewer Sam Roberts:

Do you, are there points where you want to not have everybody thinking that they know you based on your videos?

27:44-27:57

Shane Dawson:

Oh yeah I think a lot of YouTubers are scared to even meet me because they think I'm an asshole or I'm a racist or I'm a homophobe or I'm offensive, or this, this and that, and then when they meet me they're like "wow you're so nice and so normal", 'cause I'm even... Yeah, I'm pretty low-key in real life.

27:56-27:57

Interviewer Sam Roberts:

You're just a dude.

27:57-27:59

Shane Dawson:

I'm really depressed, haha.

27:59-28:04

Interviewer Sam Roberts:

Haha. No success, you're just like maybe 2 million hits will do it, nope, still depressed.

28:04-28:06

Shane Dawson:

Haha, nothing. Still eating my feelings.

28:06-28:11

Interviewer Sam Roberts

I think if I can get 7 million on this gay vid- nope, nope. [**SD:** Haha.] Still a shell of a human being.

28:11-28:12

Shane Dawson:

Haha, yeah.

28:13-28:18

Interviewer Sam Roberts:

When did you start making real money doing this, 'cause this is your -job- job, correct?

[**SD:** Hmhm, yeah.] Like the YouTube is what brings in the money.

28:18-28:22

Shane Dawson:

YouTube is like t-, actually it's weird, YouTube is only like 25 percent of the income now, 'cause-

28:22-28:23

Interviewer Sam Roberts:

Where does the rest of it come from?

28:23-28:30

Shane Dawson:

The ads are not that great anymore. Uh well, you know, the podcast as well, the book and merch and product placement stuff.

28:30-28:36

Interviewer Sam Roberts:

So you still have to make sure that you know, you're selling t-shirts as well as being a YouTuber and you also w-, like what's the next project and blablabla...?

28:36-28:45

Shane Dawson:

Yeah, well my goal is to save enough money to where you know I can slowly phase out of YouTube a little bit. [SR: Right.] 'Cause seven videos a week is a lot. But yeah, making another movie hopefully, selling another show.

28:45-28:48

Interviewer Sam Roberts:

Have you b-, I, are you a millionaire based on YouTube yet?

28:48-29:03

Shane Dawson:

Haha. Here's the thing. Um I save a lot of money but also my overhead is crazy. Like I pretty much spend every month what I make on YouTube. Just on like employees or on video production, like my short film cost like 30 grand. [SR: Shane.] And I'm never going to make that back.

29:03-29:04

Interviewer Sam Roberts:

What do you do that for?

29:04-29:06

Shane Dawson:

I don't know. [Just fi-]. 'Cause I like it.

29:06-29:07

Interviewer Sam Roberts:

Find a guy.

29:07

Shane Dawson:

Alright.

29:07-29:08

Interviewer Sam Roberts:

Make out with him.

29:07-29:08

Shane Dawson:

Make out with him, haha.

29:09-29:13

Interviewer Sam Roberts:

Pay him 35 dollars, whatever it is. [**SD:** Alright, alright.] And then put that on YouTube.

29:13-29:24

Shane Dawson:

I got an ad when I was first starting on YouTube in 2008 from a guy and he said he wanted me to strip naked for him for a 1000 dollars. [**SR:** Haha.] I mean, we were poor and I told my mom about it as a joke and she, she gave me a face like "what are we going to do".

29:24-29:25

Interviewer Sam Roberts:

Right, haha, like-

29:25-29:27

Shane Dawson

Haha and that fucked me up.

29:26-29:29

Interviewer Sam Roberts:

Like ah that's funny unless you're going to... do it.

29:28-29:30

Shane Dawson:

Unless I mean are we going to do it. Are we going there.

29:30-29:32

Interviewer Sam Roberts:

Was your mom always supportive of this?

29:32-29:34

Shane Dawson:

Ha of my stripping for old men? Yeah.

29:33-29:38

Interviewer Sam Roberts:

Yeah, yeah. Your gigolo days, your young uh your young boy phase, your rent boy.

29:37-29:41

Shane Dawson:

Haha yeah. She uh, haha, rent boy?

29:41-29:42

Interviewer Sam Roberts:

Rent, yeah, it's a term.

29:42

Shane Dawson:

I like that.

29:42-29:43

Interviewer Sam Roberts:

Yeah.

29:43-29:45

Shane Dawson:

Oh I just learned about fuck boy, I just learned what that was.

29:45-29:47

Interviewer Sam Roberts:

What's that? A boy who just is around to get fucked?

29:47-29:50

Shane Dawson:

That's what I thought [**SR:** yeah], but it's actually a straight guy who just wants to fuck.
Doesn't sound like that.

29:50-29:53

Interviewer Sam Roberts:

No, that's the least heterosexual name I've ever heard.

29:52-29:53

Shane Dawson:

That's the least, "I'm a fuck boy".

29:53

Interviewer Sam Roberts:

Yeah.

29:53-30:01

Shane Dawson:

Um, no yeah my mom has also been supportive which is crazy 'cause she's the most religious like bible thumper in the world [**SR:** hmhm], but she is the one that came to me and was like-

30:01-30:03

Interviewer Sam Roberts:

What'd you say, what'd you say Ira?

30:03-30:04

Ira:

I'll see you next week.

30:05-30:06

Interviewer Sam Roberts:

Alright Ira, I'll see you next week.

30:06-30:12

Ira:

Shane, good to meet you. [**SD:** Nice to meet you.] Good luck. [**SR:** Alright, alright.]

Whatever you do.

30:12-30:13

Shane Dawson:

Thank you, haha.

30:13-30:15

Interviewer Sam Roberts:

Goodbye Ira [**Ira:** Thank you], always a pleasure when you stop by.

30:15-30:16

Ira:

Thank you, Sam.

30:16-30:18

Interviewer Sam Roberts:

So great and I'm so glad that Shane got to meet you as well.

30:18

Ira:

Yes.

30:18-30:19

Shane Dawson:

Yeah, that was exciting.

30:19-30:22

Interviewer Sam Roberts

So your mom has always been uh supportive-

30:22-30:31

Shane Dawson:

Yeah, when I was mixing up a cum concoction for uh one of my videos for a prop, she came in and she goes "it's too thick. [**SR:** Haha.] Maybe add some of my lotion in." And I did and it was perfect.

30:31-30:37

Interviewer Sam Roberts:

Did the fact that your mom, it, was that the first time that you really knew though that your mom very well knows the consistency of semen?

30:37-30:40

Shane Dawson:

Yeah, which is weird because... well... Haha...

30:41

Interviewer Sam Roberts:

Go ahead.

30:42-30:45

Shane Dawson:

I'm just thinking... I'm just thinking about my mom having sex right now, it's really disturbing.

30:45

Interviewer Sam Roberts:

Yeah.

30:45-30:51

Shane Dawson:

Uh it, 'cause it had been a while, I mean she hadn't had sex for like, I mean she still hasn't since she got divorced, what she tells me.

30:51-30:52

Interviewer Sam Roberts:

When did she get divorced?

30:52-30:53

Shane Dawson:

Like I don't know, 25 years ago or something, 20 years ago.

30:53-30:55

Interviewer Sam Roberts:

And she, you don't think she's had a sexual partner since then?

30:55-30:57

Shane Dawson:

She says she hasn't, but she has a lot of dogs.

30:57-30:59

Interviewer Sam Roberts:

You think she's having sex with the dogs?

30:58-31:06

Shane Dawson:

I don't know [**SR:** Haha], er- I-, I joke a lot about it when I say "oh, there, you have a lot of peanut butter here mom, what are you doing with all that" [**SR:** right, right], she just laughs but she doesn't like say no.

31:06-31:08

Interviewer Sam Roberts:

Right and she knows exactly what you're talking about.

31:08-31:10

Shane Dawson:

And I, you, we've all done it, come on.

31:10

Interviewer Sam Roberts:

We-, of course.

31:11

Shane Dawson:

Haha.

31:11-31:12

Interviewer Sam Roberts:

What?

31:12-31:13

Shane Dawson:

Haha.

31:13-31:14

Interviewer Sam Roberts:

But you know the fact that she laughs...

31:15-31:18

Shane Dawson:

Here comes the bestiality.com tweets.

31:18-31:23

Interviewer Sam Roberts:

"I don't know why Shane Dawson thinks this is funny. You know, so many animals are tortured, and..."

31:23

Shane Dawson:

Haha.

31:24-31:25

Interviewer Sam Roberts:

Well uh and your dad was not around.

31:25-31:31

Shane Dawson:

Dad wasn't around, I actually just saw him l-, this year for the first time in like 15 years and reconnected with him, which is crazy.

31:31-31:40

Interviewer Sam Roberts:

But now that you have success, does a part of you want to be like, you know what dad, like you weren't around when I was growing up fat and poor, now that I'm skinny and successful you don't get to share in this?

31:41-31:42

Shane Dawson:

A lot of it was me pushing him away, though.

31:42-31:43

Interviewer Sam Roberts:

Really?

31:43-31:56

Shane Dawson:

Yeah, it was a lot of me like ignoring his calls and not wanting to see him, 'cause I, I kind of turned, you know how you turn somebody into the monster? [SR: Hmhm.] And then when you grow up you're like, oh, both of my parents are crazy [SR: haha], and like, everybody fucks up all the time. [SR: Right.] Maybe I shouldn't have done that.

31:57-32:00

Interviewer Sam Roberts:

Ri- okay, so you're, you, you got a little bit of culpability in the whole thing?

32:00-32:04

Shane Dawson:

Yeah I mean I don't know, I don't want to have any enemies in my family, I have enough enemies in the internet, haha.

32:04-32:07

Interviewer Sam Roberts:

Yeah, yeah. How are you treating you know? I mean you apologized for the blackface...

32:07

Shane Dawson:

Oh the internet?

32:08

Interviewer Sam Roberts:

Yeah.

32:08-32:17

Shane Dawson:

Oh, they hate me. Well, no. Here's the thing. I think a lot of people get it. And then a lot of people just use my name to get clicks. I don't think that many people actually think I'm a bad person.

32:17-32:28

Interviewer Sam Roberts:

How could they if you're getting million, like y-, like your bottom-line, your okay number is a million hits? [Yeah.] If that many people hated you, you wouldn't get that many hits because people would not like to see you're face.

32:28-32:50

Shane Dawson:

I think the best part was, I did a, right after the blackface thing I had a meetup here in New York for my movie and like you know, most of my audience is black. Maybe like 50% Mexicans, 50% black and like two white kids. That's what it is. [**SR:** Haha, of course.] Um and all the black kids were wearing shirts saying 'Shane's not racist' and all this stuff, and my security who had no idea who I was, was just like: "Yo man, man what the fuck is up with all this racist shit, like what do you do?" [**SR:** Haha.] It's like ah, let's not get started.

32:50-32:54

Interviewer Sam Roberts:

Yeah there's too many of you, people are starting to think I'm racist because you're insisting I'm not.

32:54-32:55

Shane Dawson:

Yeah, haha. Yeah, haha.

32:55-33:03

Interviewer Sam Roberts:

Well listen everybody uh if you're interested in going out and meeting Shane Dawson, I believe you should, he's got a whole bunch of signings [**SD:** yeah], you like doing the signings?

33:04

Shane Dawson:

I love it.

33:05

Interviewer Sam Roberts:

You do.

33:06-33:15

Shane Dawson:

It, w-, if it's a, yes. Especially since it's about something I actually like, the book is actually funny and I really, I wrote it myself, no ghost writer, and I fucking love it [SR: Yeah], so seeing people who have already read it, it's like the best.

33:14-33:32

Interviewer Sam Roberts:

And you know what the amazing thing about doing stuff like signings is? [SD: Yep.] You find out that when you hold an event where you can meet people in person [Yeah], they like you. [SD: Yeah.] It's only on the internet that they don't like you. [SD: Exactly.] Like when you can actually interact face-to-face with a human [SD: Yeah], they're like oh, I love everything you do. Well I wish you would type that.

33:31-33:37

Shane Dawson:

Yeah and you, and you realize, yeah and you realize how many uh, how many bad parents there are out there, haha. [SR: Haha yeah]. I've signed so many mom boobs.

33:37-33:38

Interviewer Sam Roberts:

Have you?

33:38

Shane Dawson:

Oh yeah.

33:39-33:42

Interviewer Sam Roberts:

Wow, has anybody tattooed, had and gotten any Shane Dawson tattoos?

33:42-33:45

Shane Dawson:

They say they do, but I don't know if I believe it. I haven't seen one in person yet.

33:45-33:54

Interviewer Sam Roberts:

I'm going to tell you something. I met uh Rob Zombie and I met Jack White. When I met them in person I asked them to sign my arm [**SD:** Hmhm], it's tattooed on. So there is a chance that it's actually ha-

33:52-33:53

Shane Dawson:

What where?

33:53-33:54

Interviewer Sam Roberts:

It's on my arm.

33:54-33:56

Shane Dawson:

Where, show, rip it off.

33:56

Interviewer Sam Roberts:

It's right here.

33:59-34:01

Shane Dawson:

Wow. [**SR:** See I'm not-] No!

34:00-34:02

Interviewer Sam Roberts:

But so there are people who do not bluff.

34:02-34:04

Shane Dawson:

Why those sp-, specific people?

34:04-34:09

Interviewer Sam Roberts:

Why J-, I started the show today with Rob Zombie. These are people that musically they uh...

34:06-34:08

Shane Dawson:

Wow, that's awesome.

34:10-34:14

Interviewer Sam Roberts:

And Shane you're here because I have a sharpie, and I want you to sign my other- I'm just kidding.

34:14-34:15

Shane Dawson:

Get it tattooed.

34:15-34:16

Interviewer Sam Roberts:

Haha yeah and get it tattooed.

34:16

Shane Dawson:

Done.

34:16-34:17

Interviewer Sam Roberts:

I need it on my neck.

34:17-34:18

Shane Dawson:

I'll sign your face.

34:18-35:01

Interviewer Sam Roberts:

Yeah haha, yeah definitely. Uh he's in Los Angeles at The Grove on uh March 10th... [**SD:** Haha] that's uh, past, I don't if haha, thank you Roland for the date. [**SD:** Haha.] Tonight though, today at 5pm, it's in about an hour [**SD:** Yeah], uh he's in Union Square here in New York City, tomorrow he's in Paramus, on the 16th he's in Chicago, on the 17th Shane Dawson's in Houston. Back in LA, if you missed him [**SD:** Haha], uh on the 21st at Vroman's and at Book Con in, back in New York [**SD:** Wow], on the 31st of May. [**SD:** Alright]. So you've got a couple of months between them but uh definitely pick up the

book I Hate Myselfie: A Collection of Essays by the great Shane Dawson. Shane, thank you for hanging out on the show today man.

35:01-35:02

Shane Dawson:

Thank you.

Bijlage 7.7

Twitterberichten Michelle Phan

 **MICHELLE** 
@MichellePhan  Volgen

When they try to pull you down, fly stronger and higher to lift them up with you!

20:53 - 18 juli 2014

← 229 ❤ 529

 **MICHELLE** 
@MichellePhan  Volgen

@kaskade Your music inspired not just myself, but millions of my followers to dance and dream on :) #thankyou

21:24 - 18 juli 2014

← 118 ❤ 413

 **MICHELLE** 
@MichellePhan  Volgen

Thanks for all the love and support :) I've been through tougher times...and I know there is always a silver lining after a storm. IRLY ALL!

06:31 - 19 juli 2014

← 144 ❤ 990

Bijlage 7.8

Twitterberichten Shane Dawson



 **Shane Dawson** 
@shanedawson

 Volgen

NEW IMPORTANT VIDEO. ****BANNED FROM
YOUTUBE**** youtu.be/PjjRuYIPSxw RT and SUPPORT
#shanedawsonsony

01:06 - 24 december 2014

4 7.856 9 9.835

 **Shane Dawson** 
@shanedawson

 Volgen

@BartBaker thanks for the support man!! #sony #hptablet
#triplechin

01:37 - 24 december 2014

4 281 9 989

 **Shane Dawson** 
@shanedawson

 Follow

#ShaneDawsonSONY RT and support free speech

1:38 AM - 24 Dec 2014

4 9,742 9 8,132

Rian this was blocked by our Nashville office at the request of Taylor Swift's management. Per the terms of our YouTube agreement we reserve the right to issue a takedown due to a writer's objection. Given the violence in this video it seems prudent in this instance. In the future we will give you a heads up if this happens again so Fullscreen can voluntarily remove the video, but this particular video needs to stay blocked or removed altogether.



Shane Dawson

@shanedawson

Volgen

ridiculous. this is the response for the video being removed.

@taylorswift13

01:40 - 24 december 2014



1.929



4.095

Worldwide Trends · Change

#GalaxyFamily

Promoted by Samsung Mobile US

#HappyBirthdayLouis

#shanedawsonsony

#LoUnicoQueQuieroEs

#MazeRunnerSlang

#ElRetornoDelRey

Colin Wilson

Helena Bonham Carter and Tim Burton

Boo Bear

AlexandreNeroNoEspecialRC



Shane Dawson

@shanedawson

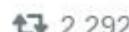
Volgen

i thought sony was ANTI censorship? seems like they arent.

#shanedawsonSONY thanks for trending this worldwide

guys

01:50 - 24 december 2014



2.292



4.572



Shane Dawson

@shanedawson

Volgen

@taylorswift13 i really hope it was your team and not you who had my video removed. i didnt say anything derogatory about you.

01:51 - 24 december 2014



1.257

3.066



Shane Dawson

@shanedawson

Follow

ur guys' support today has been amazing. thank u. i will never stop fighting for freedom of speech. not even if im up against billionaires.

5:57 AM - 24 Dec 2014



2,010

6,509



PopCrush @PopCrush

24 december 14

@taylorswift13's team reportedly had a 'Blank Space' video parody removed from the web--> popcrush.com/taylor-swift-b... pic.twitter.com/67rXKgtTne



Shane Dawson

@shanedawson

Volgen

@PopCrush @taylorswift13 how about instead of ASSUMING my video was over the line you report about how this is 100% artistic censorship.

07:05 - 24 december 2014



177

445



YouTube @YouTube



Shane Dawson

@shanedawson

Volgen

@PerezHilton taylor's team took down my parody cause
they "didn't like it". youtube.com/watch?v=PjjRuY...

07:14 - 24 december 2014



116

344



Perez Hilton

@PerezHilton

24 december 14

@shanedawson @YouTube It's clearly YouTube that is in
the wrong here. I'm surprised they would wrong you give
you're a TOP YouTuber.



Shane Dawson

@shanedawson

Volgen

@PerezHilton @YouTube from sony...
pic.twitter.com/UmwduYY0xD

07:24 - 24 december 2014



this was blocked by our Nashville office at the request of Taylor Swift's management. Per the terms of our
YouTube agreement we reserve the right to issue a takedown due to a writer's objection. Given the violence in this
video it seems prudent in this instance. In the future we will give you a heads up if this happens again so Fullscreen
can voluntarily remove the video, but this particular video needs to stay blocked or removed altogether.



186

516



Perez Hilton @PerezHilton

24 december 14

@shanedawson @Staccato_Girl Chin up! Use this as an opportunity to learn. @YouTube cares more about its money than its content creators.



Shane Dawson

@shanedawson

Volgen

@PerezHilton @Staccato_Girl @YouTube thanks man! my chin shall stay high (and way to big for my face but ive made peace with that.)

07:46 - 24 december 2014

↳ 97 ⚡ 97 ❤ 418



Zpooky Antoun

@ZoeKatharine

Volgen

Idk why @shanedawson and his minions think acting out a scene where @taylorswift13 is bludgeoned to death is funny...

07:54 - 24 december 2014

↳ 6 ⚡ 6 ❤ 15



Zpooky Antoun @ZoeKatharine

24 december 14

@shanedawson @taylorswift13 especially considering that young girls (and I'm sure guys too) have been murdered for saying no



Shane Dawson

@shanedawson

Volgen

@ZoeKatharine @taylorswift13 sidenote, IT DOESNT FUCKING MATTER. if we can make a MOVIE about killing a dictator why cant i make a PARODY?

07:55 - 24 december 2014

↳ 309 ⚡ 309 ❤ 879



Shane Dawson

@shanedawson

Volgen

@taylorswift13 im sorry if you are getting mean tweets. that was 100% not my intention. but i hope you can understand the frustration. <3

07:57 - 24 december 2014

◀ 658 ❤ 2.370



Shane Dawson

@shanedawson

Volgen

@TotallySketch this is crazy right? never thought so many people would support. #freedomofsewingmachines

17:52 - 24 december 2014

◀ 147 ❤ 487



Shane Dawson

@shanedawson

Volgen

holy shit!!! thanks @PerezHilton for spreading the word!

perezhilton.com/2014-12-24-tay... #shanedawsonsony

09:35 - 26 december 2014



Hey, Taylor, here I come!

What Happened To Free Speech?? Sony Just Pulled Thi...

Is this even legal??

perezhilton.com

◀ 880 ❤ 2.870



Shane Dawson

@shanedawson

Volgen

My [@taylorswift13](#) SPOOF "BLANK SPACE" is back! I'm not sure how long it will be up for haha so go show it some!
[love!](http://youtube.com/watch?v=hclukR...)youtube.com/watch?v=hclukR...

02:11 - 11 februari 2015



1.087

2.757

Bijlage 7.9

Juridisch document van de aanklacht Ultra Music v. Michelle Phan

Case 2:14-cv-05533-MMM-AGR Document 1 Filed 07/16/14 Page 1 of 20 Page ID #:1	
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12 UNITED STATES DISTRICT COURT	
13 CENTRAL DISTRICT OF CALIFORNIA	
14 ULTRA INTERNATIONAL MUSIC PUBLISHING, LLC and ULTRA RECORDS, LLC,	CASE NO. _____
15	COMPLAINT FOR COPYRIGHT INFRINGEMENT
16 Plaintiffs,	Demand For Jury Trial
17 v.	
18 MICHELLE PHAN,	
19 Defendant.	
20	
21 Plaintiffs Ultra International Music Publishing, LLC ("UIMP") and Ultra	
22 Records, LLC ("Ultra") (together, "Plaintiffs"), by their undersigned attorneys, for	
23 their Complaint against Defendant Michelle Phan ("Phan"), allege as follows:	
24 JURISDICTION AND VENUE	
25 1. This is a civil action seeking damages and injunctive relief for	
26 copyright infringement under the Copyright Act, 17 U.S.C. § 101 <i>et seq.</i> This	
27 Court has subject matter jurisdiction over Plaintiffs' claims for copyright	
28 infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).	
Mitchell Silberberg & Knuupp LLP 6251523.2	<hr/> COMPLAINT FOR COPYRIGHT INFRINGEMENT

1 2. This Court has personal jurisdiction over Phan because, among other
2 things, Phan is engaged in tortious conduct within the State of California and in
3 this District, including by copying, altering, publicly performing, and distributing
4 Plaintiffs' recordings and musical compositions within the United States and the
5 State of California. Plaintiffs additionally aver that, among other things, (a) Phan
6 or her agents are doing or have been doing business continuously in the State of
7 California and this District, (b) a substantial part of the wrongful acts committed
8 by Phan have occurred in interstate commerce, in the State of California, and in the
9 Central District of California, and (c) Phan's conduct causes injury to, and is
10 directed at, Plaintiffs and their intellectual property within the United States and
11 the State of California.

12 3. Phan, through her agents, has consented to jurisdiction in this District
13 by submitting a Counter-Notification to YouTube, LLC ("YouTube"), in response
14 to a take-down notice sent to YouTube on Plaintiffs' behalf.

15 4. Venue is proper in the Central District of California pursuant to 28
16 U.S.C. §§ 1391 and 1400, in that Plaintiffs are subject to personal jurisdiction, and
17 may be found, in this District.

18 **THE PARTIES**

19 5. Plaintiff UIMP is a limited liability company organized and existing
20 under the laws of the State of New York, having its principal place of business at
21 235 West 23rd Street, 6th Floor, New York, New York 10011.

22 6. Plaintiff Ultra is a limited liability company organized and existing
23 under the laws of the State of Delaware, having its principal place of business at
24 235 West 23rd Street, 6th Floor, New York, New York 10011.

25 7. Plaintiffs are a record label and music publishing company, which are
26 engaged in the business of acquiring, owning, publishing, producing,
27 administering, licensing and otherwise exploiting copyrights in musical
28 compositions and sound recordings, including but not limited to licensing the

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1 reproduction, distribution, sale and performance of their compositions and sound
2 recordings in phonorecords, in audiovisual works, and for streaming (*i.e.*,
3 performing) and downloading over the Internet. Plaintiffs invest substantial
4 money, time, effort and creative talent developing and exploiting such copyrights,
5 on their own behalves and on behalf of the songwriters, producers and recording
6 artists with whom they have contractual relationships.

7 8. UIMP owns or administers (in whole or in part) copyrights and/or
8 exclusive rights in and to numerous compositions, including by way of example
9 those compositions identified on Schedule A hereto, incorporated herein by
10 reference (the "Musical Compositions"). UIMP has obtained or has applied for
11 certificates of copyright registration issued by the United States Copyright Office
12 in each of the Musical Compositions identified on Schedule A. As the owner or
13 administrator of the copyrights (in whole or in part) in these Musical
14 Compositions, UIMP possesses the exclusive right, among other things, to
15 reproduce the Musical Compositions in copies or phonorecords, to adapt the
16 Musical Compositions, to distribute copies or phonorecords of the Musical
17 Compositions to the public, and to perform the Musical Compositions publicly.

18 9. Ultra owns copyrights and/or exclusive rights in and to numerous
19 sound recordings, including by way of example, the recordings identified on
20 Schedule B hereto, incorporated herein by reference (the "Recordings"). Ultra has
21 obtained or has applied for certificates of copyright registration issued by the
22 United States Copyright Office in each of the Recordings. As the owner of the
23 copyrights in the Recordings, Ultra possesses the exclusive rights, among other
24 things, to reproduce the Recordings in copies or phonorecords, to distribute copies
25 or phonorecords of the Recordings to the public, to perform the Recordings
26 publicly by means of a digital audio transmission and to license these exclusive
27 rights, including over the Internet.

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1 10. Defendant Phan is an individual that is engaged in the production of
2 videos that are distributed worldwide over the Internet via, among other things, the
3 website located at www.youtube.com ("YouTube"), which videos are accessible
4 throughout the United States and in the State of California.

5 FACTUAL BACKGROUND

6 11. Ultra is one of the leading independent music companies in the world,
7 and is one of the dominant independent music labels currently operating in the
8 genre of what is generally referred to in the music industry as "dance music."
9 UIMP is a music publishing company. Among the successful artists whose works
10 are or have been on the Ultra label and/or published by UIMP are Kaskade,
11 deadmau5 and Calvin Harris.

12 12. Phan is a makeup artist that is most well-known for a series of video
13 tutorials that she began posting on YouTube in 2007. In these videos, Phan
14 provides makeup advice centered around a variety of different themes.

15 13. Phan's videos are extremely popular. Her YouTube channel, located
16 at www.youtube.com/user/MichellePhan, has more than six million subscribers
17 from all over the world. One of her YouTube videos, entitled "Barbie
18 Transformation Tutorial," has been viewed more than fifty million times.

19 14. This year, Phan has been featured in a high profile and multi-platform
20 advertising campaign for YouTube, which features some of YouTube's most
21 popular personalities. Phan has also been featured in national advertising for Dr.
22 Pepper.

23 15. Upon information and belief, Phan monetizes her YouTube videos by
24 collecting substantial income from YouTube derived from the advertisements that
25 appear in association with her videos.

26 16. Phan's videos are also available through her own website located at
27 michellephan.com, which website also prominently features advertising.

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1 17. Upon information and belief, Phan has also parlayed her Internet fame
2 into other business ventures, including authoring a book and designing a makeup
3 line.

4 18. Phan, without license, authorization or permission from Plaintiffs, has
5 embarked on a wholesale infringement of Plaintiffs' musical compositions and
6 recordings. Phan has copied and synchronized the Musical Compositions and/or
7 Recordings, in whole or in part, together with certain visual footage to create
8 audiovisual works (the "Unauthorized Videos") and has made the Unauthorized
9 Videos available to the public without license, authorization or permission by
10 publishing the Unauthorized Videos on the Internet.

11 19. Schedule C, incorporated herein by reference, contains an non-
12 exclusive list of the Unauthorized Videos, together with the Musical Compositions
13 and/or Recordings embedded within such videos.

14 20. Upon information and belief, the Unauthorized Videos have been
15 viewed more than 150 million times.

16 21. While Schedule C includes nearly fifty examples of blatant copyright
17 infringement, Plaintiffs' analysis is still preliminary, and the full extent of Phan's
18 infringement has not yet been determined.

19 22. Phan's conduct is willful and deliberate. Phan knows and has been
20 informed that she does not possess a license from Plaintiffs to utilize the Musical
21 Compositions and/or Recordings in the Unauthorized Videos, and yet continues to
22 wilfully infringe in blatant disregard of Plaintiffs' rights of ownership.

23 **COUNT I**

24 **COPYRIGHT INFRINGEMENT**

25 **[By Ultra Against Phan]**

26 23. Plaintiffs incorporate by reference each and every averment contained
27 in paragraphs 1 through 22, inclusive.

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1 24. Phan has infringed Ultra's copyrights in the Recordings, including by
2 reproducing, distributing, adapting and digitally publicly performing the
3 Recordings without authorization, in violation of the Copyright Act, 17 U.S.C. §§
4 106 and 501.

5 25. The unauthorized use of each Recording constitutes a separate and
6 distinct act of infringement of each such Recording.

7 26. Phan's acts of infringement are willful, in disregard of and with
8 indifference to the rights of Ultra.

9 27. As a direct and proximate result of the infringement by Phan, Ultra is
10 entitled to damages and to Phan's profits in amounts to be proven at trial, and
11 which are not currently ascertainable. Alternatively, Ultra is entitled to maximum
12 statutory damages of \$150,000 for each copyright infringed, or in such other
13 amount as may be proper under 17 U.S.C. § 504(c).

14 28. Ultra is further entitled to its attorneys' fees and full costs pursuant to
15 17 U.S.C. § 505.

16 29. As a result of Phan's acts and conduct, Ultra has sustained and will
17 continue to sustain substantial, immediate and irreparable injury for which there is
18 no adequate remedy at law. Ultra is informed and believes, and on that basis avers,
19 that unless enjoined and restrained by this Court, Phan will continue to infringe
20 Ultra's rights in the Recordings. Ultra is entitled to temporary, preliminary and
21 permanent injunctive relief to restrain and enjoin Phan's continuing infringing
22 conduct.

23 **COUNT II**

24 **COPYRIGHT INFRINGEMENT**

25 **[By UIMP Against Phan]**

26 30. Plaintiffs incorporate by reference each and every averment contained
27 in paragraphs 1 through 29, inclusive.

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1 31. Phan has infringed UIMP's copyrights in the Musical Compositions,
2 including by reproducing, distributing, adapting and digitally publicly performing
3 the Recordings without authorization, in violation of the Copyright Act, 17 U.S.C.
4 §§ 106 and 501.

5 32. The unauthorized use of each Musical Composition constitutes a
6 separate and distinct act of infringement of each such Musical Composition.

7 33. Phan's acts of infringement are willful, in disregard of and with
8 indifference to the rights of UIMP.

9 34. As a direct and proximate result of the infringement by Phan, UIMP is
10 entitled to damages and to Phan's profits in amounts to be proven at trial, and
11 which are not currently ascertainable. Alternatively, UIMP is entitled to maximum
12 statutory damages of \$150,000 for each copyright infringed, or in such other
13 amount as may be proper under 17 U.S.C. § 504(c).

14 35. UIMP is further entitled to its attorneys' fees and full costs pursuant to
15 17 U.S.C. § 505.

16 36. As a result of Phan's acts and conduct, UIMP has sustained and will
17 continue to sustain substantial, immediate and irreparable injury for which there is
18 no adequate remedy at law. UIMP is informed and believes, and on that basis
19 avers, that unless enjoined and restrained by this Court, Phan will continue to
20 infringe UIMP's rights in the Musical Compositions. UIMP is entitled to
21 temporary, preliminary and permanent injunctive relief to restrain and enjoin
22 Phan's continuing infringing conduct.

23 WHEREFORE, Plaintiffs pray for judgment against Phan as follows:

24 1. For a preliminary and permanent injunction enjoining and restraining
25 Phan and her agents, servants, employees, representatives, affiliated companies and
26 other business entities, successors, assigns, and those acting in concert with her or
27 at her direction, from directly or indirectly infringing in any manner any right in
28 any and all copyrighted works (or portions thereof), whether now in existence or

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1 later created, in which any Plaintiff (including its parents, subsidiaries, affiliates or
2 distributed labels) owns or controls an exclusive right under Section 106 of the
3 United States Copyright Act (17 U.S.C. § 106), including without limited by
4 directly or indirectly reproducing, downloading, distributing, communicating to the
5 public, uploading, linking to, transmitting, publicly performing, or otherwise
6 exploiting in any manner any of Plaintiffs' copyrights, including but not limited to
7 the Recording and Musical Compositions identified in Schedules A and B to the
8 Complaint;

9 2. For Phan's profits and for damages in such amount as may be
10 determined; alternatively, for maximum statutory damages in the amount of
11 \$150,000 with respect to each copyrighted work infringed, or for such other
12 amount as may be proper pursuant to 17 U.S.C. § 504(c);

13 3. For Plaintiffs' attorneys' fees and full costs;

14 4. For prejudgment interest according to law; and

15 5. For such other and further relief as the Court may deem just and
16 proper.

17

18 DATED: July 16, 2014 MITCHELL SILBERBERG & KNUPP LLP

19

20

By: /s/ Bradley L. Mullins

21 Christine Lepera (*pro hac vice application forthcoming*)
22 Bradley J. Mullins
23 Attorneys for Plaintiffs
24 Ultra International Music Publishing,
25 LLC and Ultra Records, Inc.

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COMPLAINT FOR COPYRIGHT INFRINGEMENT

1 **DEMAND FOR JURY TRIAL**

2 Plaintiffs demand a trial by jury as to all claims averred herein that are
3 triable to a jury.

4

5 DATED: July 16, 2014

6 **MITCHELL SILBERBERG & KNUPP LLP**

7

8 By: /s/ Bradley L. Mullins

9 Christine Lepera (*pro hac vice application forthcoming*)
10 Bradley J. Mullins
11 Attorneys for Plaintiffs
12 Ultra International Music Publishing,
13 LLC and Ultra Records, Inc.

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COMPLAINT FOR COPYRIGHT INFRINGEMENT

SCHEDULE A

SCHEDULE A

SCHEDULE A

Compositions

<u>Song Title</u>	<u>Artist</u>
4AM	Kaskade
All That You Give	Kaskade
All You	Kaskade
Angels And Angles	Late Night Alumni
Back On You	Kaskade
Borrowed Theme	Kaskade
Days	Late Night Alumni
Empty Streets	Kaskade
Epilogue	Late Night Alumni
Everything	Late Night Alumni
Eyes	Kaskade
Finally Found	Late Night Alumni
Golden	Late Night Alumni
How Long	Kaskade feat. Late Night Alumni
Hope	Late Night Alumni
I Remember	deadmau5 & Kaskade
I'll Never Dream	Kaskade
Illuminating	Haley
In This Life	Kaskade
It's Only Life	Late Night Alumni
It's You It's Me	Kaskade
Last Chance	Kaskade & Project 46
Light Reading	Late Night Alumni

SCHEDULE A

Compositions

Song Title	Artist
Midnight Light	Haley
Moonwalking	Late Night Alumni
Move For Me	Kaskade & deadmau5
My Awake	Late Night Alumni
No Or Yes	Late Night Alumni
Of Birds, Bees, Butterflies, Etc.	Late Night Alumni
One Heart	Kaskade
Potions	Late Night Alumni
Ring a Bell	Late Night Alumni
Run A Mile	Late Night Alumni
Sapphire	Late Night Alumni
Shine	Late Night Alumni
Start Again	Kaskade
Still Still Still	Kaskade
Sun Space	Late Night Alumni
The World Spins 'Round	Late Night Alumni
This Is Life	Late Night Alumni
This is Why	Late Night Alumni
Uncharted	Late Night Alumni
Vixen	Late Night Alumni
What's In A Name	Late Night Alumni
You Can Be The One	Late Night Alumni

SCHEDULE B

SCHEDULE B

SCHEDULE B

Sound Recordings

Song Title	Artist
4AM	Kaskade
All That You Give	Kaskade
All You	Kaskade
Angels and Angles	Late Night Alumni
Back On You	Kaskade
Borrowed Theme	Kaskade
Days	Late Night Alumni
Empty Streets	Kaskade
Epilogue	Late Night Alumni
Everything	Late Night Alumni
Eyes	Kaskade
Finally Found	Late Night Alumni
How Long	Kaskade feat. Late Night Alumni
I Remember	deadmau5 & Kaskade
I'll Never Dream	Kaskade
Illuminating	Haley
In This Life	Kaskade
It's Only Life	Late Night Alumni
It's You It's Me	Kaskade
Last Chance	Kaskade & Project 46
Midnight Light	Haley
Moonwalking	Late Night Alumni

SCHEDULE B

Sound Recordings

<u>Song Title</u>	<u>Artist</u>
Move For Me	Kaskade & deadmau5
My Awake	Late Night Alumni
No or Yes	Late Night Alumni
One Heart	Kaskade
Ring a Bell	Late Night Alumni
Sapphire	Late Night Alumni
Shine	Late Night Alumni
Start Again	Kaskade
Sun Space	Late Night Alumni
The World Spins 'Round	Late Night Alumni
This is Why	Late Night Alumni
Vixen	Late Night Alumni

SCHEDULE C

SCHEDULE C

SCHEDULE C

<u>Unauthorized Video Title</u>	<u>Songs Used</u>
\$20 Makeup Challenge Tutorial	Kaskade feat. Late Night Alumni, "How Long"
3 Ways to Change Up Your Look	Late Night Alumni, "My Awake"
Angelina Jolie Makeup Tutorial	Late Night Alumni, "Golden" Late Night Alumni, "Vixen"
Avatar Inspired Look	Late Night Alumni, "Run A Mile" Late Night Alumni, "Uncharted"
Beautiful Basic Curls	Kaskade, "It's You It's Me"
Beauty Survival Guide: Emergency Kit	Late Night Alumni, "Sapphire" Late Night Alumni, "Days"
Cara Delevingne Makeup	Late Night Alumni, "Ring A Bell"
Catch My Heart	Kaskade, "Eyes"
Catch My Heart	Kaskade, "Eyes"
Clubbing Makeup Tutorial Ep. 1	deadmau5 & Kaskade, "I Remember" Kaskade & deadmau5, "Move For Me"
DIY Scarf Dresses and Giveaway!	Late Night Alumni, "Days"
Double Lines	Late Night Alumni, "Of Birds, Bees, Butterflies, Etc."
Double Wing Eyeliner	Kaskade, "I'll Never Dream"
Easy Autumn	Late Night Alumni, "Light Reading"
Easy Ways to Use Liquid Liner	Late Night Alumni, "Sapphire" Late Night Alumni, "Days"
Elegant Masquerade	Late Night Alumni, "Potions" Late Night Alumni, "Golden"

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SCHEDULE C

<u>Unauthorized Video Title</u>	<u>Songs Used</u>
Enchanting Christmas	Late Night Alumni, "Epilogue" Late Night Alumni, "This Is Why"
Enchanting Prom	Late Night Alumni, "Golden"
Forest Fairy	Late Night Alumni, "Moonwalking" Late Night Alumni, "Golden"
Fresh Spring Look	Late Night Alumni, "Moonwalking" Late Night Alumni, "Finally Found"
Futuristic Look	Kaskade, "Empty Streets"
Graduation ★ Tutorial	Late Night Alumni, "Finally Found"
Holiday Glam	Kaskade, "Still Still Still"
How To Master The High Heel	Kaskade, "Back On You"
How to Master the High Heel	Kaskade, "Back On You"
How to Recycle Your Wardrobe	Late Night Alumni, "The World Spins 'Round"
Impressionism Lace Nails	Late Night Alumni, "What's In A Name"
Kissable ♥ Lips DIY	Kaskade, "All You"
Luscious Lips	Kaskade, "Borrowed Theme"
Mascara Business Card Trick	Kaskade, "Back On You"
Mascara Business Card Trick	Kaskade, "Back On You"
Metallic Knight	Kaskade, "How Long" Haley, "Illuminating" Late Night Alumni, "You Can Be The One"
Michelle's Favorites Vol. 2	Late Night Alumni, "Ring A Bell"

SCHEDULE C

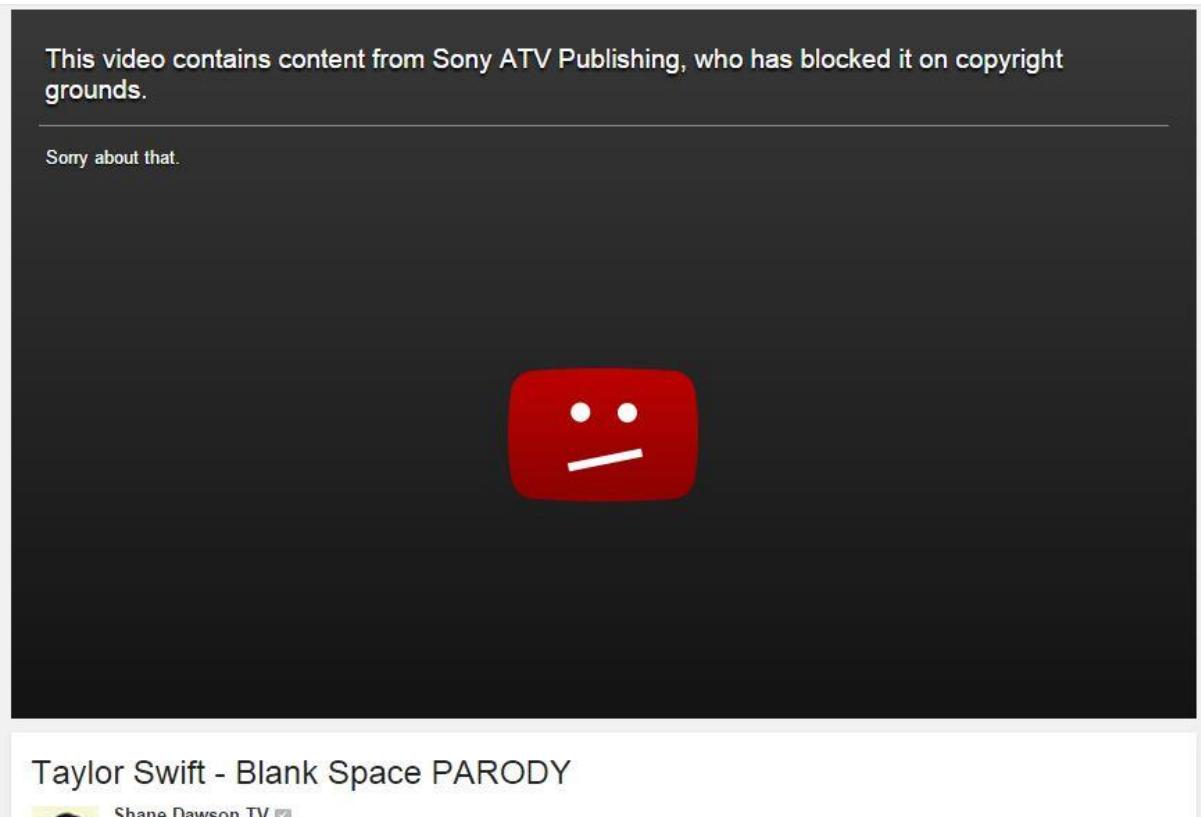
<u>Unauthorized Video Title</u>	<u>Songs Used</u>
Midnight Kiss	Late Night Alumni, "No or Yes" Late Night Alumni, "You Can Be The One" Haley, "Midnight Light"
Midnight Luster	Late Night Alumni, "Shine" Kaskade, "Eyes"
New Year Give Away & Meet n Greet	Kaskade, "One Heart" Kaskade, "Eyes"
New Years Eve / Party Makeup Tutorial	Kaskade, "4AM Remix"
New Years Glam	Kaskade, "4AM" Kaskade, "One Heart"
New Years Magic	Kaskade, "Start Again"
Night Life Favorites	Kaskade, "4AM"
Out All Night	Kaskade, "In This Life" Haley, "Illuminating"
Painting A Beautiful Heart	Kaskade, "One Heart"
Payne's Grey Smokey Eyes	Late Night Alumni, "Ring A Bell"
Purple Hazy Look	Kaskade, "Borrowed Theme"
Queen of Darkness	Late Night Alumni, "It's Only Life"
Romantic Curls Tutorial	Kaskade, "4AM"
Sexy Glasses	Late Night Alumni, "Angels and Angles" Late Night Alumni, "No or Yes"
Stretch Your Shoes With Ice	Late Night Alumni, "Hope"
Summer Meadow	Kaskade, "All That You Give"

SCHEDULE C

<u>Unauthorized Video Title</u>	<u>Songs Used</u>
The Golden Hour	Kaskade & Project 46, "Last Chance" Late Night Alumni, "Golden"
The Sweetest Thing	Late Night Alumni, "Light Reading"
Twilight Noir	Late Night Alumni, "It's Only Life" Late Night Alumni, "Sun Space"
Underneath Your Love	Late Night Alumni, "This Is Why"
Waterproof Your Makeup	Late Night Alumni, "Everything"
What to Wear to a Holiday Party!	Kaskade, "Still Still Still"

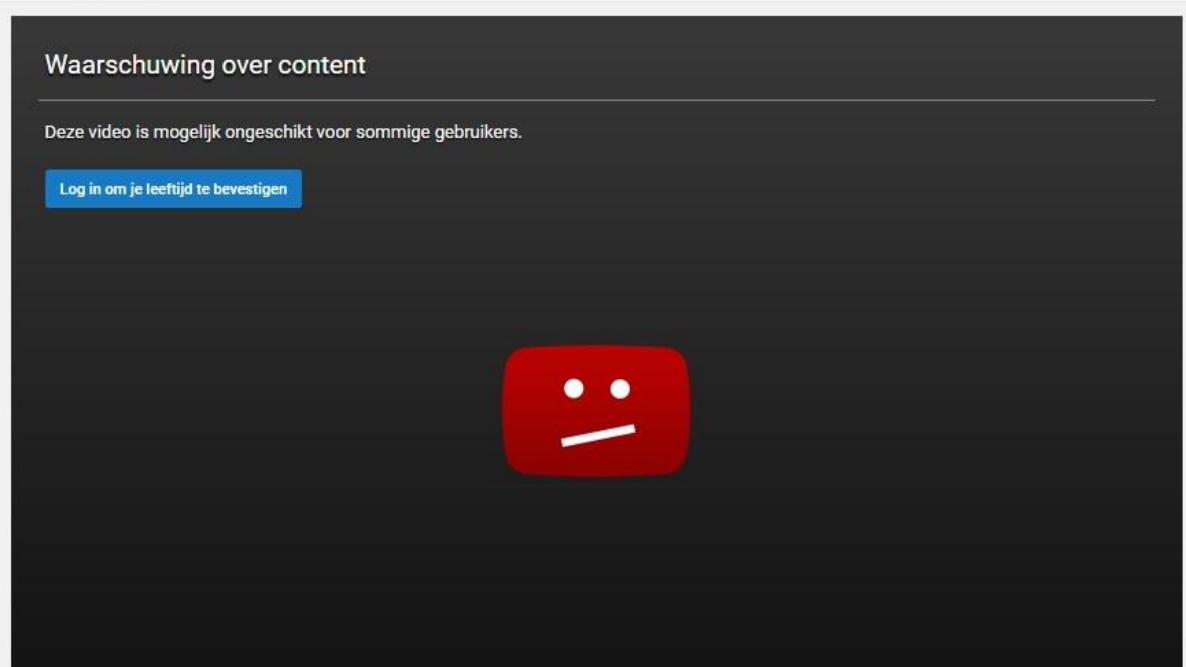
Bijlage 7.10

Melding van Sony op YouTube. Kennisgevingsbericht van auteursrechtschending en videooverwijdering van parodievideo van Shane Dawson.



Bijlage 7.11

Blokering van Dawsons parodievideo voor YouTube gebruikers onder de achttien jaar en mensen zonder YouTube account.



The screenshot shows a YouTube video page for a parody video. At the top, there's a 'Waarschuwing over content' (Content warning) message: 'Deze video is mogelijk ongeschikt voor sommige gebruikers.' (This video may be unsuitable for some users.) Below this is a large red ':(sad face' button. The video title is 'Taylor Swift - Blank Space PARODY' by Shane Dawson TV. The channel has 7.909.809 subscribers. The video has 4.931.940 views, 194.081 likes, and 12.034 dislikes. It was published on 5 dec. 2014. The video is described as a 'Video met leeftijdsbeperking (op basis van communityrichtlijnen)' (Age-restricted video based on community guidelines). There are 36.840 reactions.

Bijlage 7.12

Mail van YouTube over Sony's klacht over Shane Dawsons parodievideo.

Rian this was blocked by our Nashville office at the request of Taylor Swift's management. Per the terms of our YouTube agreement we reserve the right to issue a takedown due to a writer's objection. Given the violence in this video it seems prudent in this instance. In the future we will give you a heads up if this happens again so Fullscreen can voluntarily remove the video, but this particular video needs to stay blocked or removed altogether.

Bijlage 7.13

VERKLARING: INTELLECTUEEL EIGENDOM

De Universiteit Utrecht definieert het verschijnsel “plagiaat” als volgt:

Van plagiaat is sprake bij het in een scriptie of ander werkstuk gegevens of tekstgedeelten van anderen overnemen zonder bronvermelding. Onder plagiaat valt onder meer: het knippen en plakken van tekst van digitale bronnen zoals encyclopedieën of digitale tijdschriften zonder aanhalingsstekens en verwijzing; het knippen en plakken van teksten van het internet zonder aanhalingsstekens en verwijzing; het overnemen van gedrukt materiaal zoals boeken, tijdschriften of encyclopedieën zonder aanhalingsstekens of verwijzing; het opnemen van een vertaling van bovengenoemde teksten zonder aanhalingsstekens en verwijzing; het parafraseren van bovengenoemde teksten zonder verwijzing. Een parafrase mag nooit bestaan uit louter vervangen van enkele woorden door synoniemen; het overnemen van beeld-, geluids- of testmateriaal van anderen zonder verwijzing en zodoende laten doorgaan voor eigen werk; het overnemen van werk van andere studenten en dit laten doorgaan voor eigen werk. Indien dit gebeurt met toestemming van de andere student is de laatste medeplichtig aan plagiaat; ook wanneer in een gezamenlijk werkstuk door een van de auteurs plagiaat wordt gepleegd, zijn de andere auteurs medeplichtig aan plagiaat, indien zij hadden kunnen of moeten weten dat de ander plagiaat pleegde; het indienen van werkstukken die verworven zijn van een commerciële instelling (zoals een internetsite met uittreksels of papers) of die tegen betaling door iemand anders zijn geschreven.

Ik heb de bovenstaande definitie van het verschijnsel “plagiaat” zorgvuldig gelezen, en verklaar hierbij dat ik mij in het aangehechte essay / werkstuk niet schuldig heb gemaakt aan plagiaat.

Naam: Roos Frelih

Studentnummer: 3698580

Plaats: Utrecht

Datum: 14-11-2016

Handtekening: R. Frelih