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YouTubers v. the European Union

Remix Videos and the Construction of their Values

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Abstract

The European Union's new Directive on Copyright has caused YouTubers to expect negative changes to YouTube as a platform, who have responded with criticism of the directive. YouTube content that is made of a combination of copyrighted and original content, which I call YouTube remix videos, was particularly defended by YouTubers in light of the directive. I have analyzed five cases of such critique on YouTube, with the goal of analyzing how they function to construct the value of remix videos. The five videos all validated remix videos in multiple ways, which functioned to support the main argument that the directive should not make remix videos illegal. By applying a discourse-analytical approach on these videos, based on the idea that values are constructs, I confirmed that the videos function to construct values regarding remix videos. Moreover, the analysis showed that the value of remix videos is constructed in six different ways, which can be classified under five different types of value: economic, social, cultural, democratic, and legal value. These findings show that YouTubers validate remix videos against the directive through multiple values, thus supporting the argument of Göran Bolin that economic value is not the only relevant value. The way the various values were constructed also supported various academic understandings of remix and creativity, particularly by authors such as Lawrence Lessig, Martin Irvine, and Giancarlo Frosio. In consideration of the fact that the five videos that served as this study's corpus were not chosen to be representative of all YouTuber critique on the directive, I do not make any claims regarding the general way in which remix videos are given value on YouTube. Instead, what I hope to offer with this analysis is a framework for future reference, through which the way the value of remix videos is constructed can be studied further.

1. Introduction

In June 2018, the European Parliament was introduced to a draft of a new law called the Directive on Copyright in the Digital Single Market. This law was to be an amendment of the previous EU copyright directive, originally passed in 2001. The new directive was intended to improve the EU's copyright framework so that it would fit the rapidly developed technology of the past two decades.¹ While the new directive was passed by the European Parliament and the Council of the EU in respectively March and April of 2019, the process did not go uncriticized. On the contrary, the directive was met with heavy online criticism.² One major aspect of the directive that was met with criticism is Article 17 of the passed directive. However, in the directive's draft this was called Article 13, which is how most online criticism refers to it as.³

In general, copyright laws are meant to protect copyright holders, who own rights to media products. Draft Article 13 essentially states that online platforms "that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users" will be required to take measures.⁴ These measures have the purpose of protecting the people who own the rights to the "works and other subject-matter" uploaded to the platforms.⁵ In response to this, many only users have expressed their worries that platforms such as YouTube might have to be fundamentally changed as result of this new law. YouTube is a platform on which users can

¹ "Proposal for a Directive of the European Parliament and of the Council on Copyright in the Digital Single Market," European Commission, last modified June 23, 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0593>.

² Matt Reynolds, "What is Article 13? The EU's Divisive New Copyright Plan Explained," Wired, May 24, 2019, <https://www.wired.co.uk/article/what-is-article-13-article-11-european-directive-on-copyright-explained-meme-ban>; Zoe Kleinman, "Article 13: Memes exempt as EU backs controversial copyright law," BBC News, March 26, 2019, <https://www.bbc.com/news/technology-47708144>; Kate Whitfield, "Article 13: What is Article 13? Are memes BANNED? What has the EU banned?," Express, March 27, 2019, <https://www.express.co.uk/news/world/1105584/Article-13-what-is-Article-13-meaning-EU-article-13-memes-banned-what-has-EU-banned>; Frank Swain, "Article 13: A guide to the new EU copyright rules and the ban on memes," NewScientist, March 27, 2019, <https://www.newscientist.com/article/2197907-article-13-a-guide-to-the-new-eu-copyright-rules-and-the-ban-on-memes/>.

³ For the remainder of this paper, I will refer to it, in accordance with the online criticism that I discuss, as Article 13 as well.

⁴ "Proposal for a Directive of the European Parliament and of the Council on Copyright in the Digital Single Market," European Commission.

⁵ "Proposal for a Directive of the European Parliament and of the Council on Copyright in the Digital Single Market," European Commission.

upload and access a wide range of content, including copyrighted content. Prior to the new directive, users themselves were accountable for any copyrights they violate. However, now YouTube is expected to be held accountable, which many users expect to have negative consequences for YouTube. While the directive has been passed by the EU, member states have until June 2021 to implement it. Therefore, this topic will still be a highly relevant issue until the directive has been fully implemented in each member state. However, this also means that the actual effects of the directive cannot yet be discerned. Instead, what I am interested in is the way in which online users argue that the directive will negatively affect the internet and YouTube in particular. YouTube videos, particularly ones which use copyrighted material in such a way that they have often been allowed to be uploaded onto YouTube, have proven to be difficult for media scholars to define. As I explain in my theoretical framework, I call this type of videos 'YouTube remix videos.' The new directive has caused a moment of protest and resistance in which these remix videos are defended and discussed by YouTubers themselves.

As I show in this paper, such a phenomenon can provide new insights into how this type of content can be understood. Essentially, this is because the arguments given by YouTubers in defense of remix videos not only function to criticize the directive but also to justify and validate the existence of remix videos themselves. In other words, the criticism ascribes values to remix videos. My research question, then, is how videos that criticize the new directive function to construct the values of YouTube remix videos. I have analyzed this using five YouTube videos as case studies and perceiving the online criticism in these videos as a discourse through which values are constructed and applying a discourse-analytical approach accordingly, which is explained in the methods section.

2. Theoretical Framework

YouTube is a platform on which anyone can upload videos. This means that wide variety of video types can be uploaded onto YouTube. For example, there is music that gets uploaded to YouTube by users who do not own the rights to the music. There are also people who produce fully original music and upload it to YouTube without belonging to a record label, as well as record labels that authorize a YouTube channel to upload their music onto YouTube. A final example is music such as covers and mashups, which use existing music to make a new song.⁶ For this study, I am only interested in the last example, which YouTubers themselves argue to be unjustly threatened by the copyright directive. Among YouTube's users are people who make videos specifically for YouTube, whom are often called 'content creators.' In this section, I will establish a working definition for the YouTube content that is relevant to my analysis. To accomplish this, I will draw on literature that discusses how media content such as YouTube's can be defined.

The thing that makes music such as covers and mashups unique is that they are partially made of copyrighted material, often from multiple different sources, while also being altered in such a way that the music is not just a copy of the sources it uses. On YouTube, there exist many other types of videos, rather than just music, that are partially original while also using existing, copyrighted material. This type of video, however, is prone to being a site of conflict, because their legality is debatable since they contain copyrighted material, albeit in an altered state.⁷ Considering the ratio of original to non-original content of these videos can differ on a case by case basis, this category is especially complicated to describe. There are many definitions of this video category within academic literature, however even there no official term has been decided upon. I will now discuss some of these terms.

⁶ While I have only used music videos as an example here, this alone is not the main focus of this study. I am interested in YouTube videos that use copyrighted material from any medium.

⁷ Jean Burgess, "YouTube and the Formalisation of Amateur Media," in *Amateur Media: Social, Cultural and Legal Perspectives*, ed. Dan Hunter, Megan Richardson, Julian Thomas, and Ramón Lobato (Oxfordshire: Taylor & Francis Group, 2012), 56-57.

As Michael Mandiberg says in his introduction to *The Social Media Reader*, various of the prominent terms are focused on one aspect of the videos.⁸ For example, the term 'user-generated content' mainly focuses on the people who make the videos: the users.⁹ This brings up a frequently returning point of discussion within the literature, namely the division between professional and amateur content creation.¹⁰ According to this view, content creation is an amateur practice whereas copyrighted works are professional. In this view, user-generated content (UGC) is considered amateur, since the users who 'generate' the content are (generally) amateurs. This view is mainly adopted by the corporate media. However, some find this amateur/professional dichotomy problematic, because it tends to lead to a definition of UGC as being the opposite of what it is not: professional. Here, UGC is often seen as being 'disruptive' to professional work, and therefore as an issue. An alternative to this problem created by the amateur/professional dichotomy is presented by Lobato, Thomas and Hunter.¹¹ They argue that professional work also has amateur qualities, and that amateur work also has professional qualities. Based on this argument, it becomes clear that classifications of amateur or professional do not work since YouTubers can be both.

Another problematic dichotomy that has been used to define YouTube content, is the division of commercial and non-commercial works. YouTube as a platform started out as a non-commercial platform on which mostly anything could be uploaded. However, as the platform grew, it also became more commercialized and professionalized. As a result, it has become difficult to use the commercial/non-commercial distinction to define content creation on YouTube.¹² The YouTube videos relevant to this study can thus be commercial, non-commercial, or a mix of both.

⁸ Michael Mandiberg, "Introduction," in *The Social Media Reader*, ed. Michael Mandiberg (New York: New York University Press, 2012), 2-3.

⁹ Mandiberg, "Introduction," 2.

¹⁰ Ramón Lobato, Julian Thomas, and Dan Hunter, "Histories of User-generated Content: Between Formal and Informal Media Economies," In *Amateur Media: Social, Cultural and Legal Perspectives*, ed. Dan Hunter, Megan Richardson, Julian Thomas, and Ramón Lobato (Oxfordshire: Taylor & Francis Group, 2012), 3-7.

¹¹ Lobato, Thomas, and Hunter, "Histories of User-generated Content," 13-14.

¹² Burgess, "YouTube and the Formalisation of Amateur Media," 57.

One term that has increasingly gained ground in academic literature is that of 'remix'.¹³ This term originated from music, where 'remixing' is used to refer to the art of altering a song by adding, removing or changing aspects of the song. The term remix has since been adopted to various other media, and is now used in various different contexts by the general public to describe different aspects of media.¹⁴ Moreover, the definition of the term 'remix' has not been agreed upon within academic literature either. One scholar who has written about remix is Lawrence Lessig.¹⁵ Rather than attempting to accurately define remix, Lessig states its defining feature: "Old cases are remixed. The remix is meant to do something new."¹⁶ Thus, a remix is something that takes existing material and does something new with it, although a citation is always required. This description leaves the mechanism of 'doing something new' with existing material vague, however.

The problem that such definitions of the term remix are vague has been addressed by Martin Irvine.¹⁷ He states that remix as a phenomenon is by no means unique and that its underlying principles are present in the construction of all works in a culture. As such, Irvine defines remix by reducing it to its base mechanisms. Simply put, at the basis of Irvine's theory lies the idea that an infinite amount of (new) expressions can be created with the finite resources of a symbolic system (language).¹⁸ This is an ever-present system that Irvine calls "ongoing dialogism."¹⁹ What this means is that every utterance obtains meaning in relation to previous utterances, and every utterance also gives meaning to future utterances. Thus, it is ongoing. However, Irvine says that these utterances are not just "bundles of repetitions, plagiarisms, copies, or technically generated clones, but value-add interpretive nodes."²⁰ In short, every remix acknowledges that it is related to the material it remixes, while also transforming it. Moreover,

¹³ Martin Irvine, "Remix and the Dialogic Engine of Culture: A Model for Generative Combinatorality," in *The Routledge Companion to Remix Studies*, ed. Eduardo Navas, Owen Gallagher, and Xtine Burrough (London: Routledge, 2014), 15.

¹⁴ Irvine, "Remix and the Dialogic Engine of Culture," 15-16.

¹⁵ Lawrence Lessig, *Remix: Making Art and Commerce Thrive in the Hybrid Economy* (London: Bloomsbury Academic, 2008), 1-20.

¹⁶ While this is a very broad definition, it should be stated that Lessig often describes remix through examples rather than and that this quote alone therefore does not fully capture the way he describes remix works in his writings about the subject; Lessig, *Remix*, 52.

¹⁷ Irvine, "Remix and the Dialogic Engine of Culture," 15-16.

¹⁸ Irvine, "Remix and the Dialogic Engine of Culture," 19-26.

¹⁹ Irvine, "Remix and the Dialogic Engine of Culture," 26-27.

²⁰ Irvine, "Remix and the Dialogic Engine of Culture," 27.

every remix also creates new possibilities by acting as new material for future remixes. Irvine's definition of remix thus illustrates the core mechanisms of remix on YouTube, giving us a way to understand the notion of 'doing something new' as an inherent aspect of all human culture.

To Irvine, the underlying mechanisms of 'remix' have existed for all of human culture.²¹ Similarly to Irvine, Giancarlo Frosio has also argued that modes of cultural production such as digital remix are by no means new or irregular.²² In Frosio's case, the argument is of historical nature. He argues that "for most of human history, the essential nature of creativity was understood to be cumulative and collective."²³ In other words, creativity was understood as the reusing and remodelling of stories. Moreover, this understanding of creativity is in line with Irvine's definition of remix' core mechanics.²⁴ This definition of creativity used to be a socially accepted fact.²⁵ Frosio argues that this changed, proven by the countless cases of modern copyright laws getting in the way of creative endeavours such as fan activity and remix.²⁶ According to him, the cause lies the end of the eighteenth century, when policies regarding creativity and copyright began to misunderstand the nature of creativity.²⁷ Rather than cumulative and collective creativity, the law made individual authorship of 'fully' original works the norm. This led to the problem that digital remix, which by nature acknowledges the sources it uses, contradicts the ideology of modern copyright laws. Frosio thus argues that modern copyright laws fail to correspond to the present state of digital media.²⁸

This notion is shared by Lessig. He states that technology has made new modes of media production possible, namely what he calls remix.²⁹ Lessig distinguishes remix from peer-to-peer piracy, which is the realm of illegal downloads and illegal distribution of copyrighted content.³⁰ He argues that copyright laws need to accommodate for this distinction as well, indicating that

²¹ Irvine, "Remix and the Dialogic Engine of Culture," 32-33.

²² Giancarlo Frosio, *Reconciling Copyright with Cumulative Creativity: The Third Paradigm* (Cheltenham: Edward Elgar Publishing Limited, 2018), 15-23.

²³ Frosio, *Reconciling Copyright with Cumulative Creativity*, 1.

²⁴ Irvine, "Remix and the Dialogic Engine of Culture," 26-29.

²⁵ Frosio, *Reconciling Copyright with Cumulative Creativity*, 1-4.

²⁶ Frosio, *Reconciling Copyright with Cumulative Creativity*, 220-225.

²⁷ Frosio, *Reconciling Copyright with Cumulative Creativity*, 161-181.

²⁸ Frosio, *Reconciling Copyright with Cumulative Creativity*, 220-225.

²⁹ Lawrence Lessig, "REMIX: How Creativity is Being Strangled by the Law," in *The Social Media Reader*, ed. Michael Mandiberg (New York: New York University Press, 2012), 158-159.

³⁰ Lessig, "REMIX," 161-162.

this currently is not the case.³¹ Presently, remix heavily relies on laws of fair use, which function as an exception to copyright laws.³² While they differ per country, copyright laws generally function to protect copyright holders from having their material copied and distributed without their permission.³³ Fair use, then, allows for copyrighted material to be used "if the benefit to society (e.g., the creation of new culture) is greater than the private loss," which is decided on a case-by-case basis.³⁴ Whether the use of copyrighted material is ruled as fair use has long been a cultural struggle for remix creators.³⁵ YouTube is no exception, as many videos on the platform have seen copyright claims and takedowns for the past decade and a half.³⁶ On top of that, both peer-to-peer piracy and remix videos on digital platforms such as YouTube are being actively constructed as illegal practices by the media industries.³⁷ Even before the situation regarding the EU copyright directive, it is apparent that the validity and legality of YouTube's content has long been a site of conflict. According to Lessig, this conflict is a result of remix having to rely on fair use laws to exist.³⁸ He thus argues that the law needs to change in accordance with remix culture, with the purpose of allowing remix as a contemporary phenomenon to exist legally.³⁹

In order to explain why he believes that remix should be fully legalized by the law, Lessig explains how remix culture has various types of worth in contemporary society. First, he distinguishes between two types of culture: read-only (RO) and read/write (RW), and places remix in the latter category. In a RO culture, professionals make content and the public consumes it, while in a RW culture professionals and amateurs both create and consume.⁴⁰ He says both

³¹ Lessig, "REMIX," 165-166.

³² Similar laws are called laws of fair dealing, as fair use laws is the common term particularly in the US; Patricia Aufderheide, "Copyright and Fair Use in Remix: From Alarmism to Action," in *The Routledge Companion to Remix Studies*, ed. Eduardo Navas, Owen Gallagher, and Xtine Burrough (London: Routledge, 2014), 271.

³³ Aufderheide, "Copyright and Fair Use in Remix," 271-272.

³⁴ Aufderheide, "Copyright and Fair Use in Remix," 272.

³⁵ Eric S. Faden, "A Fair(y) Use Tale," in *The Routledge Companion to Remix Studies*, ed. Eduardo Navas, Owen Gallagher, and Xtine Burrough (London: Routledge, 2014), 486-493.

³⁶ Aufderheide, "Copyright and Fair Use in Remix," 278.

³⁷ Jessica Reyman, *The Rhetoric of Intellectual Property: Copyright Law and the Regulation of Digital Culture* (New York: Routledge, 2009), 26-28.

³⁸ While he states that copyright is necessary to protect the media industries, he argues that remix on platforms such as YouTube should be allowed "free use" of copyrighted material; Lessig, "REMIX," 165.

³⁹ To clarify, I specify here that he is talking about contemporary remix as a phenomenon to indicate that he does mean remix as defined by Irvine, who states that remix as a cultural mechanism has been a central part of culture for all of human history.

⁴⁰ Lessig, *Remix*, 28.

cultures are necessary for a democratic media landscape. In other words, Lessig argues that the existence of remix is of cultural importance, as well as of importance to democracy. Furthermore, Lessig argues that remix is of importance to the economy.⁴¹ He explains this with the theory of hybrid economies. According to Lessig, a hybrid economy is an economy in which financial actions create non-financial value and vice versa.⁴² In summary, it is apparent that Lessig's definition of remix is based on its context and functions: A community of both amateurs and professionals who take a digital copy and, by doing something new with the copy, distinguish themselves from digital pirates. The remix is of value not only to the economy, in the sense that it functions to make the owners of the original material used in the remix more money, but also on social and cultural levels. This is because remix also functions to create communities, often online, and the very practice of 'remixing' is to Lessig important to democracy on a whole. In essence, Lessig discusses the 'value' that he views remix culture to have with respect to various aspects of contemporary society.

When it comes to defining remix, the main difference between Lessig and Irvine is that the former is largely concerned with the context of remix as a contemporary phenomenon. Meanwhile, the latter defines it based on its underlying mechanisms, which have always been a part of human culture. This study is concerned with the EU copyright directive and the way YouTubers criticize it. Therefore, if I were to adopt the term remix for the type of YouTube videos I am interested in, the basis for my usage of the term would be that it is a present-day occurrence with no historical precedent. However, by accepting remix as a contemporary phenomenon, I do not wish to reject Irvine's view. On the contrary, I adopt his view by defining Lessig's description of remix as doing 'something new' with Irvine's definition of how remix functions. Therefore, I will refer to the specific type of YouTube video as discussed above, as 'YouTube remix videos.' This term functions to indicate that I am referring to videos, compared to remix as a music genre, which have been uploaded specifically on the platform YouTube.⁴³

⁴¹ Lessig, *Remix*, 225-231.

⁴² Lessig, *Remix*, 177-178.

⁴³ It should be noted that I am not excluding music videos on YouTube from my definition here. On the contrary, I am including any remix music as long as they are videos uploaded to YouTube. However, since remix is originally a term from music, I believe it to be important to specify that I am only talking about videos here.

We have now seen that remix videos within their contemporary context can be said to be of importance to various contextual factors such as the economy, culture and even democracy. Since my analysis will show how remix videos are 'valued' with respect to such contextual factors, I will elaborate on how I understand the term 'value.' The term value is a broad and complicated term that is used in a variety of different contexts, for example in relation to media as described by Göran Bolin.⁴⁴ Values are always constructed relatively.⁴⁵ Giving value to something will automatically put it in relation to other things with a comparable type of value. Moreover, values are always constructed by someone. A 'value being constructed' thus refers to the activity of someone giving something value relative to a societal aspect such as the economy.⁴⁶ The term value itself has economic origins, and while there are many other types of values, Bolin states that "increasingly often, cultural, aesthetic, social and other forms of value are only judged as positive if they contribute to economic value."⁴⁷ Bolin's main argument is that restricting the worth of cultural activities and objects to market value is highly problematic.⁴⁸ In Bolin's view, this is because "this value form [...] reduces all qualitative distinctions to quantity by forcing upon the aesthetic, social, political, cognitive and cultural fields the principles of equivalence and interchangeability."⁴⁹ In other words, economic value leaves context out of the equation and effectively makes it irrelevant. I adopt this view that more types of value than economic value can be constructed regarding remix videos on YouTube.

Drawing on the theories of Bourdieu, Bolin explains that "value is produced as an effect of the relationship between agents and institutions in a social field. A field consists of the struggle between agents and institutions over a value, [...] which is considered worth striving for."⁵⁰ This struggle essentially functions to construct values, which can be of different types depending on the field.⁵¹ The different fields here refer to the different forms of value, such as economic, social and cultural value.

⁴⁴ Göran Bolin, *Value and the Media: Cultural Production in Digital Markets* (London: Routledge, 2011), 1-3.

⁴⁵ Bolin, *Value and the Media*, 3.

⁴⁶ Ibid.

⁴⁷ Bolin, *Value and the Media*, 2.

⁴⁸ Bolin, *Value and the Media*, 136-137.

⁴⁹ Ibid.

⁵⁰ Bolin, *Value and the Media*, 42.

⁵¹ Ibid.

As I show in my analysis, I have found several types of value that are ascribed to remix videos in the YouTube videos I have analyzed. Although I will now briefly introduce each value form relevant to my analysis, it should be noted that their definitions will be left broad. This is because, in line with Bolin, I understand values to emerge from the videos I have analyzed themselves. Bolin has mentioned value forms such as economic, social and cultural. I understand economic value as the contribution of remix videos to the economy. Similarly, social and cultural values also refer to contributions to their respective fields. However, unlike economic value in which the 'contribution' ultimately boils down to money (capital), social and cultural value deal in 'symbolic' contribution.⁵² Moreover, in accordance with Lessig's hybrid economy theory, I make a distinction between financial and non-financial economic value.⁵³ The former directly contributes to the economy through, for example, sales. Conversely, the latter contributes to the economy indirectly.⁵⁴ The last two value forms relevant to my analysis are not directly discussed by Bolin. I base democratic value on Lessig's argument that remix functions to uphold democratic ideals and morals.⁵⁵ As such, I see anything that is constructed to be of relevance to the practice of democracy as democratic value. Finally, Bolin mentions political value as the product of politics.⁵⁶ I distinguish political value from legal value, as politics and the law are different fields. While politics are concerned with, among other things, legislation and governance, the law refers to the regulation of existing rules. As such, I understand legal value as a value form that concerns matters of regulation rather than legislation.

⁵² Bolin, *Value and the Media*, 41-42.

⁵³ Lessig, *Remix*, 177-178.

⁵⁴ For example, a commercial on TV functions to stimulate people into buying a product, which indirectly leads to capital.

⁵⁵ Lessig, *Remix*, 54-55.

⁵⁶ Bolin, *Value and the Media*, 29.

3. Methods

My analysis is based on the idea that YouTubers who criticize the EU copyright directive consequently construct the value of YouTube remix videos. In order to study this, I chose five YouTube videos in which the directive is criticized, and analyzed them as 'discourses.' .. he term discourse refers to the view of text or speech as playing an active role in constructing the social world.⁵⁷ In this view, discourse is defined as a social activity, which is in line with Bolin's view of values as being constructed through social activity.⁵⁸ While discourses can come in many forms, those relevant to my analysis are YouTube videos. To analyze these videos as discourses, I have applied a discourse-analytical approach.⁵⁹ The application of a discourse-analytical approach means that I have applied several presuppositions in my analysis of the videos. As consequence of applying a discourse-analytical approach, I have concerned myself with the videos themselves.⁶⁰ This means that what is important to my analysis is not how the directive will function in practice, but rather how its effect is constructed in the videos.⁶¹ Moreover, since discourses are active, I have payed attention to the way statements in the videos function to construct the value of remix videos.⁶² This also means that I see values as constructs, an idea that is supported by Bolin's definition of value.⁶³ As such, I did not take the arguments made in the videos as facts, rather I attempted to view them as part of a rhetorical structure that has the purpose of criticizing the directive.⁶⁴

With these presuppositions in mind, I first found five videos to analyze. The videos were all uploaded to YouTube in the period that the European Parliament was debating the directive,

⁵⁷ Rosalind Gill, "Discourse Analysis," in *Qualitative Researching with Text, Image and Sound: A Practical Handbook*, ed. Martin W. Bauer and George Gaskell (London: Sage Publications, 2000), 172.

⁵⁸ Gill, "Discourse Analysis," 176; Bolin, *Value and the Media*, 3.

⁵⁹ Cf. Gill, "Discourse Analysis," 176-180; Michael Z. Newman, "Free TV: File-Sharing and the Value of Television," *Television & New Media* 13, no. 6 (2012): 463-479; Reyman, *The Rhetoric of Intellectual Property*, 59-74.

⁶⁰ Gill, "Discourse Analysis," 174.

⁶¹ It should be noted that, as the directive has not yet gone into effect in the various member states of the EU, it is still impossible to accurately establish what the effects of the directive are. Any claims made regarding the effects of the directive in the videos I have analyzed, then, are, at least in this view, speculative.

⁶² Gill, "Discourse Analysis," 172-174.

⁶³ Gill, "Discourse Analysis," 173-175.

⁶⁴ Gill, "Discourse Analysis," 174.

which was between June 2018 and April 2019. My main criteria for choosing the videos was that they had to have been uploaded by YouTubers who have uploaded remix videos in the past, and that the videos' main topic was the directive.⁶⁵ Considering the scope of this study, I limited myself to five videos. Admittedly, when I had found five videos that fitted my criteria, I stopped searching for alternative videos to include in my analysis. While there are many videos on YouTube that criticize the directive, there was no way for me to watch the majority of them and choose videos to represent them. Thus, I do not claim that these five videos are representative of all YouTuber criticism of the directive. Instead, I have used these videos as case studies to explore the idea that they construct the value of remix videos. The following five videos were analyzed:

- "Goodbye YouTube. #SaveYourInternet" by Inside A Mind.⁶⁶
- "Why Article 13 Will Destroy YouTube" by The Closer Look.⁶⁷
- "Will Article 13 Destroy YouTube?" by LifesBiggestQuestions.⁶⁸
- "The EU Just Destroyed The Internet" by Computing Forever.⁶⁹
- "YouTubers React To Article 13 #SaveYourInternet" by FBE.⁷⁰

When using a discourse-analytical approach, it is considered useful to first transcribe the material for the analysis, since it is otherwise easier to miss aspects of the text as speech tends to be cluttered.⁷¹ However, I have chosen not to do this out of time constraints, allowing me to instead use all five videos for the analysis. After choosing my corpus, I did an initial analysis in

⁶⁵ Elaborations on how both of these criteria are met by the five videos can be found in the appendix. The appendix also includes some of my notes on the contents of the videos, mainly in terms of the argumentations presented in the videos regarding the expected effects of the directive on YouTube.

⁶⁶ Inside A Mind, "Goodbye YouTube. #SaveYourInternet," YouTube Video, 10:06, November 18, 2018, <https://www.youtube.com/watch?v=JNAXsxTaA7M>.

⁶⁷ The Closer Look, "Why Article 13 Will Destroy YouTube," YouTube Video, 27:28, November 16, 2018, <https://www.youtube.com/watch?v=gBTJb08VYUU>.

⁶⁸ LifesBiggestQuestions, "Will Article 13 Destroy YouTube?," YouTube Video, 9:21, December 10, 2018, <https://www.youtube.com/watch?v=thisWxEb4CQ>.

⁶⁹ Computing Forever, "The EU Just Destroyed The Internet," YouTube Video, 10:09, March 26, 2019, <https://www.youtube.com/watch?v=J4DhecOOjdM>.

⁷⁰ FBE, "YouTuber React To Article 13 #SaveYourInternet," YouTube Video, 16:57, September 11, 2018, <https://www.youtube.com/watch?v=YBphJanne1A>.

⁷¹ Gill, "Discourse Analysis," 178.

which I paid attention to the following topics: Which effects the directive is expected to have on YouTube, how YouTube content is discussed, and the rhetorical techniques used to give shape to the arguments in the videos. With these questions in mind, I looked for patterns in the data and analysed the functions of the components of the videos.⁷² Based on this, I was able to conclude that there are five value forms that the videos construct YouTube remix videos to have. These five types have previously been discussed in the theoretical framework, and are economic, social, cultural, democratic, and legal value. As I have found cultural value to be constructed in two different ways, two subsections of the analysis are dedicated to discussing this value form. These six points, then, form the structure of my analysis. For each subsection, I will discuss which form of value is of relevance, in what way values are constructed pertaining to the relevant value form, and how I understand the values that are constructed, in relation to the previously discussed theories regarding remix videos when relevant.

⁷² Gill, "Discourse Analysis," 180.

4. Analysis

4.1 Economic Value

As previously discussed, economic value can refer to the market worth of a product or the non-financial worth of, for example, a service. In the latter case, the worth of i.e. a service lies in its ability to indirectly lead to financial gain in the long run, rather than an immediate gain. In the videos, economic factors of YouTube and its content are frequently brought up. Generally, the major cause for Article 13 as explained in the videos is of economic nature. Specifically, they say that copyright holders and big distribution companies want to receive more money for the media they hold the rights to. The former is argued by Inside A Mind, FBE and The Closer Look. Inside A Mind says that "Article 13 in summary is supposed to help balance the gap between artists and platforms when getting paid online while also protecting their copyrighted material."⁷³ Moreover, The Closer Look states that "copyright holders, specifically those in the music industry, want more money."⁷⁴ A similar statement is made in the FBE video, and both Inside A Mind and a number of YouTubers in FBE's video acknowledge and agree with the idea that artists are losing out on money because of platforms such as YouTube. Thereby they construct that videos of copyrighted material on YouTube and similar platforms on the internet have economic, financial value. After all, videos on YouTube make revenue for YouTube itself.

However, counter-arguments to this are given in the videos as well, functioning to construct a different economic value for YouTube videos. It is argued that YouTube videos in which copyrighted material is used in a transformative way essentially functions as free advertisement for copyright holders. A YouTuber in the FBE video, for example, argues that companies should want YouTube to keep its relative freedom because it means a large amount of free marketing for the companies. Another says that videos that use copyrighted media in a transformative way already give exposure to copyright holders, and that they might not understand the value in this. In this way, YouTube remix videos are constructed to have the

⁷³ Inside A Mind, "Goodbye YouTube. #SaveYourInternet," 3:00-3:12.

⁷⁴ The Closer Look, "Why Article 13 Will Destroy YouTube," 2:55-2:59.

function of acting as free advertisement for copyright holder, and therefore having non-financial economic value. The Closer Look makes similar arguments in the case of the film community on YouTube. According to him, the European film community on YouTube affects interest in movie culture in Europe, which by extension affects the European film industry. The idea here is that, if Article 13 destroys the European film community on YouTube, less people will become interested in films and spend money to see them. He thus constructs the act of appreciation films in a YouTube community as having non-financial economic value to the European film industry.

This last point in particular is in line with Lessig's theory of hybrid economies.⁷⁵ An example of a hybrid economy is YouTube: The platform functions as a 'space' where communities can thrive and, in return, the communities of users essentially make YouTube their revenue.⁷⁶ I understand The Closer Look's argument about the European film industry as similar to this: If the YouTube film industry is allowed to 'freely' discuss film through videos, in return it will stimulate the community's passion for film, which leads to more film sales for the industry.

The videos thus construct arguments for both their side and that of the copyright holders. From the perspective of copyright holders, the videos construct an image of them only seeing YouTube as a platform that decreases the economic value of their products. This is then countered with arguments that constructs YouTube videos to have non-financial economic value to copyright holders by arguing that the videos function as free advertisement and exposure for the copyright holders' products.

⁷⁵ Lessig, *Remix*, 177-178.

⁷⁶ Lessig, *Remix*, 194-196.

4.2 Social Value

In videos where the social aspect of remix videos is discussed, it is constructed as valuable and used as an argument against the directive. Essentially, the ability to reuse copyrighted material to make YouTube videos is considered as an important characteristic of the community building side of YouTube.⁷⁷ In other words, remix videos are constructed to function in such a way that it stimulates the growth of communities on YouTube.

Particularly, *The Closer Look* discusses how videos about film are important to the film appreciation community on the internet. He mentions a YouTuber called NerdWriter, who makes opinionated videos about films in which he discusses the meanings he finds in films. *The Closer Look* says that NerdWriter's videos convey the passion he has for film, which subsequently attracts others with an interest in films as well. As a result, a community interested in films forms around videos and YouTube channels such as NerdWriter's and *The Closer Look*'s. However, if videos cannot use footage from films, it might not be possible to discuss films to this extent anymore. *The Closer Look* expresses worry that this might destroy the film community on YouTube and the internet in general. The FBE video also constructs social aspects of YouTube and the internet as valuable. For example, a YouTuber says that overregulation of YouTube might destroy community building, and calls this "an important aspect of the internet."⁷⁸ Another considers the ability to share things digitally a vital aspect of the internet as well. In this video, too, social aspects of YouTube and the internet are constructed as valuable. In summary, remix videos are constructed to function as a way for communities to build on YouTube. Moreover, the idea that Article 13 could negatively impact this function is positioned as a negative effect on the social aspects of the internet. In this way, community building is constructed as an important aspect of YouTube remix videos and therefore given social value.

⁷⁷ Lessig, *Remix*, 77-80.

⁷⁸ FBE, "YouTuber React To Article 13 #SaveYourInternet," 10:45-11:00.

4.3 Cultural Value: Creativity

In the videos, the types of YouTube videos that are threatened by Article 13 are generally seen as anything that uses copyrighted material. However, certain content that uses copyrighted material should be allowed according to the videos, because in general, this type of content is distinguished from piracy by its creative nature. The way this type of content is constructed in the videos makes it comparable to the remix videos as discussed in the theoretical framework. This subsection discusses how these videos construct a type of YouTube video distinctive because of its creativity, as well as how creativity is constructed as valuable to culture.

As has been previously discussed, creativity is not a simple term. Frosio, for example, defines creativity as a "cumulative and collective" aspect of human culture, while Lessig mentions the aspect of remix culture that does "something new" with original content.⁷⁹ In the five videos, there is also no single term used, but it generally comes down to aspects that are related to creativity as discussed by Frosio and Lessig.

Inside A Mind mentions fair use laws, which "allow you to upload copyrighted material providing that you can add something new to the original piece."⁸⁰ According to him, 'adding something new to the original piece' can be for example parodying the original piece, critiquing it, or giving it a new meaning altogether. According to Computing Forever, Article 13 will "undermine [...] online creativity."⁸¹ He also constructs a distinction between piracy and creative use of copyrighted media through the argument that media industries do not distinguish between them. LifesBiggestQuestions questions what Article 13 will mean for creativity in general. She discusses the possibility that YouTube content creation might only be able to exist under Article 13 with a library of copyright-free stock imagery and audio. However, according to LifesBiggestQuestions this would negatively impact "artistic creation." With this, she constructs present remix videos as a creative and artistic endeavour, and therefore as culturally valuable. The Closer Look discusses how he frequently uses clips from films in his own videos, which are generally about film analysis. He describes the usage of copyrighted clips from films in this way

⁷⁹ Frosio, *Reconciling Copyright with Cumulative Creativity*, 1; Lessig, *Remix*, 52.

⁸⁰ Inside A Mind, "Goodbye YouTube. #SaveYourInternet," 5:24.

⁸¹ Computing Forever, "The EU Just Destroyed The Internet," 0:36.

as "transformative" and says that the copyrighted material is used in a meaningful and unique way. This functions to construct the way he uses copyrighted material in his videos as creative. Furthermore, this type of creativity is constructed as valuable because the general argument of the video is that Article 13 should not be allowed to undermine YouTube content such as The Closer Look's videos. In FBE's video, various YouTubers note the creative nature of YouTube remix videos. In general, "reusing" and "repurposing imagery" in a "transformative" way to make videos is said to be "a major part of creating content." Statements in this video regarding the creative nature of YouTube videos generally function to construct creativity as an important and valuable aspect of YouTube and internet culture.

Thus, creativity and various phrases related to creativity are frequently used in the five videos to validate YouTube remix videos. The five videos essentially argue that YouTube remix videos as they presently are should not be made impossible to create. As a result, the importance of creativity to YouTube culture on a whole is constructed. In this way, YouTube remix videos are given cultural value. Incidentally it should be noted that the main aspect of creativity mentioned in the videos is akin to Lessig's description of remix "doing something new" with copyrighted material.⁸²

⁸² Lessig, *Remix*, 1.

4.4 Cultural Value: Creative Freedom

At the core of culture lies what Irvine calls an "ongoing dialogism," which means that all culture builds on works of the past as well as producing new material for future works to be based on.⁸³ Frosio, too, describes how creativity was originally understood as cumulative and collective, always building on existing material.⁸⁴ Based on this, "ongoing dialogism" can thus be seen as a vital aspect of culture. In the videos I have analyzed, comparable values are constructed in relation to YouTube. As such, this subsection analyzes how the way the videos construct the functions of remix videos on YouTube is comparable to the core mechanics of culture according to Frosio and Irvine.

A major element in all five videos is that it is argued that YouTube and the internet on a whole will not be able to function anymore. In other words, the core aspects of the internet as understood by these YouTubers such as sharing and remix are expected to become impossible under the new directive. A YouTuber in FBE's videos says that the EU's lawmakers do not understand the value of the internet. Because of all the different types of values construed and given to YouTube remix videos in these five videos, I interpret this statement to be about more than just economic value, which is what the phrase value most commonly refers to.⁸⁵ The YouTubers in FBE's videos, *Inside A Mind*, *LifesBiggestQuestions*, and *The Closer Look* all state that EU lawmakers do not understand that YouTube and the internet on a whole will not be able to function anymore under Article 13. According to them, this is because YouTube would be forced to police all content uploaded to the platform. Since there are massive amounts of videos uploaded to YouTube each day, scanning videos for copyrighted content could only be done by an algorithm. As the YouTubers already have little faith in YouTube's current algorithm, they can only see Article 13 leading to disaster. *Computing Forever*, too, expects the internet to be locked up from sharing and remix, but in his view this is exactly what the EU and the media industries want. While Lessig says that the law is out of touch with technology, the YouTubers in these

⁸³ Irvine, "Remix and the Dialogic Engine of Culture," 26-27.

⁸⁴ Frosio, *Reconciling Copyright with Cumulative Creativity*, 1.

⁸⁵ Bolin, *Value and the Media*, 127.

videos instead suggest that the law is trying to harm it.⁸⁶ Regardless, all five videos construct the ability to share and remix as a vital element of the internet by stating that the internet would be destroyed if sharing and remix were to become impossible.

The qualities attributed to the ability to share and remix on YouTube in the five videos, are in line with Frosio's and Irvine's definitions of culture's core mechanisms. As established in the previous sub-section, YouTube remix videos are constructed to be creative. However, this is mostly based on the transformative nature of remix videos. Another point raised in some of the videos, however, is the creative freedom on YouTube. Computing Forever essentially expects the directive to effectively censor the internet in Europe, and The Closer Look states that Europe will become a "creative deadzone."⁸⁷ LifesBiggestQuestions and various YouTubers in the FBE video indicate that EU lawmakers should not be allowed to limit creative freedom on the internet and that the internet should remain as open and free as it has been. The characteristic of YouTube that is given value here, is the ability to freely build on and do something new with existing works. These YouTubers are worried that the exact core mechanic of cultural production is going to be disrupted by the new directive. While they may only be talking about the creation of YouTube remix videos rather than cultural production on a whole, they have nonetheless constructed value for the very thing that Frosio and Irvine both define as the core element of culture.⁸⁸ In this way, these videos do not only construct the cultural value of the creative aspect of YouTube remix videos, but also the value of having creative freedom in the first place.

⁸⁶ Lessig, "REMIX," 161.

⁸⁷ The Closer Look, "Why Article 13 Will Destroy YouTube," 18:08.

⁸⁸ Frosio, *Reconciling Copyright with Cumulative Creativity*, 15-68; Irvine, "Remix and the Dialogic Engine of Culture," 27.

4.5 Democratic Value

We have now seen how the creative freedom of YouTube's content creators is constructed as an important part of YouTube culture. The subject of creative freedom is also brought up in relation to other issues of freedom. Particularly, the opposition of freedom of speech and censorship plays a prominent role in the five videos.⁸⁹ This subsection discusses how this opposition constructs democratic value.

In the videos, creative freedom and freedom of speech are constructed as rights which the YouTubers should have but are at risk of losing as a consequence of Article 13. I have already established how remix videos are constructed to be a creative activity and therefore as a practice of creative freedom. The freedom to remix content is constructed as something YouTubers have a right to since they have had it more or less unobstructedly so far. Moreover, the idea is also constructed that they can and will lose it as a result of Article 13. Freedom of speech is used similarly. In Computing Forever's video, freedom of speech is used to refer to both creative freedom and press freedom, both of which he argues will be negatively affected by the directive. Moreover, a YouTuber in the FBE video states that Article 13 will diminish freedom of speech on the internet. In these instances, freedom of speech is constructed as a value that YouTube creators possess, that they have the rights to possess it, and that they are at risk of losing it.

The idea that content creators will lose their ability to express themselves by remixing copyrighted material, is constructed as censorship in the videos. Computing Forever shows a clip from a speech by MEP Gerard Batten, who says that the new copyright directive "will institutionalize censorship."⁹⁰ LifesBiggestQuestions also expresses her concern with what Article 13 will mean for internet freedom. She suggests that politicians having the ability to create laws that obstruct freedom in this way is comparable to aspects of a police state. As a result of such ideas being expressed in these videos, the idea is constructed that Article 13 will effectively function as censorship and undermine the freedom of speech of internet users.

⁸⁹ Freedom of speech refers to one of the human rights stated Article 19 of the Universal Declaration of Human Rights of the United Nations from 1948. However, it should be noted that the actual declaration of human rights is not mentioned in the five videos; "Universal Declaration of Human Rights," United Nations, accessed June 17, 2020, <https://www.un.org/en/universal-declaration-human-rights/>.

⁹⁰ Computing Forever, "The EU Just Destroyed The Internet," 8:00.

Inversely, this also means that YouTube and the internet in their present states are vehicles of democratic values, especially when placed in contrast to the way Article 13 is constructed in these videos. Democratic values, in this case, mainly refer to freedom of speech and press as well as creative freedom. Based on Lessig, it can also be concluded that the coexistence of remix videos and industrial media production promotes the values of democracy.⁹¹ While the existence of YouTube remix videos is defended in these videos, works produced by the media industry themselves are not argued to be a problem. As such, these videos construct the idea of coexistence of amateur and professional media in line with Lessig's ideas about democracy. In this way, these videos contribute to the construction of the democratic value of YouTube remix videos.

⁹¹ Lessig, *Remix*, 54-55.

4.6 Legal Value

The final aspect of the videos that I will discuss in this analysis is of legal nature. I have previously shown that democratic rights such as freedom of speech are brought up. However, the videos discuss another aspect of the law that is relevant to remix videos: fair use laws.

A major point argued in all five videos is that the YouTube content that is unfairly threatened by Article 13 falls under fair use laws, which should allow such videos to be uploaded to YouTube. As Inside A Mind explains it, the function of fair use laws is to "allow you to upload copyrighted material providing that you can add something new to the original piece."⁹² This discursive construction of YouTube remix videos as creative functions to support the argument that remix videos fall under fair use and should therefore be allowed. In the other videos, the idea that remix videos fall under fair use is presented as a given fact. For example, The Closer Look demonstrates how his use of a two-second clip with Jack Nicholson would lead to his video being removed under Article 13, "even though it falls under fair use."⁹³ Moreover, it should be noted that these videos do not construct all of YouTube's content to fall under fair use laws. A YouTuber in FBE's video, for example, says that there are also people who abuse fair use laws in order to upload others' works as their own. Computing Forever also makes the distinction between piracy and remix. He states that the media industries have always been against the latter, even though it falls under fair use. I see this distinction between fair use and piracy as a counterpoint to the prevalent discourse of the media industries, which frequently label both fair use content and piracy as criminal activities.⁹⁴ Lastly, LifeBiggestQuestions also suggests that, since Article 13 does not seem to follow existing fair use laws, the new directive could be an indication that present fair use laws will change accordingly.

In short, these videos construct Article 13 as being naturally conflicting with existing fair use laws. The cultural and legal debate of what is and is not fair use has existed for the last few decades.⁹⁵ These videos therefore illustrate that this debate is still an actively ongoing process.

⁹² Inside A Mind, "Goodbye YouTube. #SaveYourInternet," 5:24.

⁹³ The Closer Look, "Why Article 13 Will Destroy YouTube," 3:18.

⁹⁴ Reyman, *The Rhetoric of Intellectual Property*, 26-28.

⁹⁵ Faden, "A Fair(y) Use Tale," 486-493.

As such, the situation regarding Article 13 and YouTube remix videos is not only a cultural matter but also a legal matter. This is especially the case because the legal discourse regarding fair use in the videos functions to not only make the critique on Article 13 a legal matter but also to construct a legal high-ground for YouTubers through the argument that remix videos fall under fair use laws. This lies in contrast to Lessig's argument, being that current laws are asynchronous to culture.⁹⁶ Rather than constructing the idea that the law is behind on culture, the idea that is constructed here is that the law is contradicting itself, since Article 13 is going against fair use laws. With this, I conclude that YouTube remix videos are, in relation to Article 13, of legal value in that it challenges the validity of a new law in contrast to pre-existing laws.

⁹⁶ Lessig, "REMIX," 161.

5. Conclusion

The goal of this study was to analyze how YouTube videos who criticize the EU copyright directive function to construct the values of remix videos. I have drawn multiple conclusions based on my findings. First, the videos I have analyzed function to construct the value of YouTube remix videos. This shows that a discourse-analytical perspective can be used to understand how values are constructed, and that this understanding can be derived from a cultural struggle such as the situation surrounding Article 13 and YouTube.

Second, there are at least five value forms which constructed in the videos. Arguments that remix videos function as free advertisement of the copyrighted material used to make the videos constructed the economic value of remix videos. This supports Lessig's argument that remix has economic value that goes beyond financial market value.⁹⁷ The way remix videos function to stimulate the growth of online communities was the basis for the construction of remix videos' social value. Cultural value was constructed through two aspects of remix videos: Firstly, the creative nature of remix videos, which is in line with Frosio's understanding of creativity, and secondly, the making of remix videos as practice of creative freedom, which is concurrent with both Frosio's and Irvine's understanding of culture.⁹⁸ Both creativity and creative freedom are constructed to be of importance to culture on a whole. The importance of remix videos to the practice of democratic values was constructed as well, which is an argument that Lessig has made as well.⁹⁹ Lastly, the changes proposed by Article 13 are constructed to be in contradicting with existing laws of fair use, therefore establishing the importance of remix videos for the conservation of existing laws and thus giving it legal value. Together, these six findings show how the videos function to construct various forms of value.

It should be noted that, in practice, these values are interconnected. For example, the growth of communities on YouTube may also have the economic effect that media products get more free marketing as a result of users sharing their interests. However, relating the different

⁹⁷ Lessig, *Remix*, 177-178.

⁹⁸ Frosio, *Reconciling Copyright with Cumulative Creativity*, 15-68; Irvine, "Remix and the Dialogic Engine of Culture," 27.

⁹⁹ Lessig, *Remix*, 54-55.

value forms to each other has the tendency to focus on economic value over the other ones, since it is the most common value.¹⁰⁰ Therefore, by indicating the different value forms constructed in the videos separately, it is possible to differentiate from economic value and thus supporting Bolin's argument.¹⁰¹

Moreover, as previously stated, these five videos cannot be considered representative of all YouTube videos that criticize the directive. My goal was not to find the average values constructed around remix values, but rather to analyze whether the discourse of criticism against the directive constructs such values in the first place. However, a future study could analyze which values are frequently attributed to remix videos using the perspective of different value forms as described by Bolin and myself.¹⁰²

Finally, I conclude that the way YouTubers understand remix videos are, to an extent, in line with the views of Lessig, Irvine and Frosio regarding remix and creativity. On the one hand, I argue that it is important to specify the ways in which the contemporary phenomenon of remix videos is unique with respect to its context. However, it is also necessary to accurately define the way a remix works on a functional level and to explain its current cultural conception in reference to its history.

¹⁰⁰ Bolin, *Value and the Media*, 2-3.

¹⁰¹ Ibid.

¹⁰² Ibid.

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Appendix

I.

Video #1: “Goodbye YouTube. #SaveYourInternet” by Inside A Mind

Video link: <https://www.youtube.com/watch?v=JNAXsxTaA7M>.

Title:	Goodbye YouTube. #SaveYourInternet.
Uploader:	Inside A Mind
Is uploader European?	Yes (source: this video)
Uploaded on:	November 18, 2018
Video length:	10:06
Views - likes - dislikes (as of May 7, 2020)	455,850 - 24K - 475

Inside A Mind is a channel about how art, artists and the public come into contact with each other. Most of Inside A Mind's uploads, just like this video, are video essays. In this video, Inside A Mind discusses draft Article 13 of the EU copyright directive. The video is mainly focused on the negative consequences of the directive. The title also mentions the [saveyourinternet.eu](https://www.saveyourinternet.eu) movement, which was advocating awareness of the threat posed by Article 13 at the time this video was uploaded. In the video, Inside A Mind not only argues why Article 13 is bad, he also calls for action.

In his video, Inside A Mind discusses the way draft Article 13 of the new EU copyright directive will most likely affect YouTube. The first possible effect of Article 13 that he mentions is in reference to an official statement by YouTube itself. The statement says that the directive will force YouTube "to block millions of videos by users who live inside the EU." Inside A Mind agrees with this, and adds that European YouTubers might never be able to upload again under

Article 13. The reason why Inside A Mind views specifically Article 13 as the thing that will affect YouTube the most, is because of the way it will change the way copyright functions on YouTube. The big change he is worried about, is that Article 13 will cause YouTube (and other platforms) to be liable for any copyrighted content that gets uploaded to their platform rather than individual uploaders themselves. Previously, under YouTube's content ID system, Inside A Mind argues that, while the system is rather faulty to begin with, users were at least able to dispute any copyright strikes thrown at them. However, under Article 13, Inside A Mind expects this to change for the worse. This is because YouTube as platform will be held liable instead of individual uploaders, causing YouTube to need to worry about every single upload to their site since they could be potential lawsuits. Inside A Mind speculates that other platforms might be affected as well, resulting in an actual "meme ban."

2.

Video #2: “The EU Just Destroyed The Internet #Article11 #Article13” by Computing Forever

Video link: <https://www.youtube.com/watch?v=J4DhecQQjdM>.

Title:	The EU Just Destroyed The Internet #Article11 #Article13
Uploader:	Computing Forever
Is uploader European?	Yes (Irish; source: channel description & this video)
Uploaded on:	March 26, 2019
Video length:	10:09
Views - likes - dislikes (as of May 7, 2020)	849,126 - 56K - 1.3K

This video by Computing Forever was uploaded on the day that the EP officially passed the copyright directive on March 26, 2019. In this video essay, Computing Forever explain why, according to him, draft Articles 11 and 13 being passed means that the internet will be destroyed. He discusses both the effects that the directive will have as well as the stakeholders who gain something from the directive being implemented. The uploader, Computing Forever, is a video essayist with a focus on politics, social commentary and technology.

Computing Forever's video is told from the perspective that the directive has been officially passed by the EP after they voted on it on March 26 2019. In fact, Computing Forever uploaded this video on that same day, using the title "The EU Just Destroyed The Internet." In this video, he makes the point that specifically draft Articles 11 and 13 of the directive will essentially destroy the internet. Computing Forever defines Article 11 as the "link tax," which will largely affect small, alternative news sources. This is because, under Article 11, small news publishers will not be able to use large news publishers as sources for free. They will have to pay a "link tax" to the big publishers, which will effectively make alternative news publication almost impossible according to Computing Forever. He says that new publishers will be unable to get a start because of the large amount of funding it will require to even get going. Furthermore, he defines Article 13 as the "database filter," which will require internet platforms to scan anything that gets uploaded for copyrighted material, and consequently remove it. Computing Forever calls this an unrealistic plan, because the amount of content that would need to be filtered is too large to be done manually. As a result, he reasons that AI would be needed to scan the content and filter between what is fair use and what is not. This, according to Computing Forever, is also unrealistic, because it is impossible for an AI to accurately distinguish between videos that make 'fair use' of copyrighted content, and videos that do not. As a result, Computing Forever expects that this will give the film, television, music and video game industries the power to remove any online content that uses copyrighted media, even if in fair use. He also speculates that the directive will give the EU itself more power. This is because the copyright reform will function as a "smokescreen" for the EU's regulation of their narrative and censorship of any counter-narratives on the internet. He references MEP Gerard Batten, who in a speech said that the directive will "institutionalize censorship."

3.

Video #3: “Will Article 13 Destroy YouTube?” by LifesBiggestQuestions

Video link: <https://www.youtube.com/watch?v=thisWxEb4CQ>.

Title:	Will Article 13 Destroy YouTube?
Uploader:	LifesBiggestQuestions
Is uploader European?	No (Canada; source: channel description)
Uploaded on:	December 10, 2018
Video length:	9:21
Views - likes - dislikes (as of May 7, 2020)	97,987 - 3.8K - 119

LifesBiggestQuestions is a channel dedicated to solving mysteries, debunking conspiracy theories, and discussing possible future real-life scenarios. In this video essay, she aims to answer whether Article 13 will destroy YouTube. In a speculative manner, the video discusses the possible and likely consequences of Article 13, as well as the questions it raises regarding topics such as online creativity and freedom of speech.

In line with the channel's name, LifesBiggestQuestions attempts to answer the question "will Article 13 destroy YouTube?" in this video. She introduces Article 13 as an amendment to European copyright laws, which has garnered critique from a lot of people including the creator of the world wide web, Tim Berners-Lee. According to LifesBiggestQuestions, the big change that Article 13 will bring is that it will make platforms such as YouTube themselves legally responsible for any copyright violations that happen on their platform. Under YouTube's current content ID system, copyright strikes can still be disputed by individual uploaders. LifesBiggestQuestions says that Article 13 will change this so that uploaders will simply get

copyright strikes without question. Furthermore, the people whose videos get copyright strikes might have their videos blocked and will potentially be unable from uploading anymore videos in the future. Moreover, any past videos will similarly be scanned for copyright violations. She argues that all types of content on YouTube that make use of visual imagery or audio clips would essentially be banned. As a result, only "100% original" content would be allowed on YouTube. Furthermore, other platforms such as Twitch.tv would be completely unable to function. She also says that this would hurt smaller channels more than large ones, since the smaller channels will not have their own brand to fall back on. As a result of Article 13, YouTube could essentially lose its entire population of European viewers and uploaders. According to LifesBiggestQuestions, this could have a knock-on effect where the lost revenue from not having the European audience could even destroy YouTube's business model in the long run. She concludes that, while Article 13 might not directly destroy YouTube, the knock-on effects of the directive could hurt YouTube to the extent that it might collapse in the long run.

4.

Video #4: “Why Article 13 Will Destroy YouTube” by The Closer Look

Video link: <https://www.youtube.com/watch?v=gBTJb08VYUU>.

Title:	Why Article 13 Will Destroy YouTube
Uploader:	The Closer Look
Is uploader European?	Yes (UK; source: twitter)
Uploaded on:	November 16, 2018
Uploaded before/after directive was accepted by EP in March 2019?	Before
Video length:	27:28

Views - likes - dislikes (as of May 7, 2020)	509,832 - 27K - 715
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The Closer Look is a channel dedicated to educational film analysis, generally in video essay format. In this video, The Closer Look argues that Article 13 will destroy YouTube. In particular, he focuses on the negative effects that Article 13 will have on the online film theory community on YouTube and, by extension, the European film community and industry. The video is rather lengthy compared to the other video essays, being over 27 minutes long.

In this video, The Closer Look argues that "Article 13 is threatening to cause a major disruption to the way everyone creates and consumes content on the internet," particularly with regard to how the internet film community will be affected. According to him, most European content creators on the internet are at risk. The change that Article 13 will bring to YouTube, he explains, is that the platform will be held accountable for copyright violations instead of the uploader. He argues that this is problematic because YouTube's algorithm cannot process the amount of videos it would need to process. This would make YouTube vulnerable to lawsuits since copyright infringements are guaranteed to slip through the algorithm sooner or later. As a result, YouTube would need to become a lot more strict. Essentially, he says that "YouTube will have no choice but to assume everyone is guilty until proven innocent." If, instead of a faulty algorithm, videos were to need to go through manual review being able to be uploaded to YouTube, The Closer Look says that this would also cause problems. This is because manually reviewing the large amount of videos uploaded to YouTube every day would take way too long, and therefore slow the uploading process down immensely. This would be especially problematic for news coverage, potentially even making a lot of independent news sources on YouTube irrelevant. Since The Closer Look himself is a film analyst on YouTube, he goes on to discuss the effects of the directive on his own type of content in more detail. Based on his understanding of Article 13, The Closer Look says that whether a video is fair use or not in the EU will depend on whether the video is educational and/or non-profit. He argues that this is a problem because video essays and other opinion pieces about films are technically not educational and will therefore be banned. This is a problem because those videos still function to make people aware

of films and essentially function as free advertisement for the producers of the films. The Closer Look argues that this will negatively affect the online film community, which as a result will negatively affect the interest in films in Europe, which in turn will damage the European film industry itself. In reference to a statement by YouTube about Article 13, The Closer Look concludes that the worst and most likely scenario is that only a select few large channels will be allowed to post on YouTube. Thus every small content creator in Europe will be banned from uploading and all videos from outside Europe will be blocked inside Europe. In short, he says that Europe will become a "creative deadzone."

5.

Video #5: "YouTubers React To Article 13 #SaveYourInternet" by FBE

Video link: <https://www.youtube.com/watch?v=YBphJannelA>.

Title:	YouTubers React To Article 13 #SaveYourInternet
Uploader:	FBE
Is uploader European?	No (this counts for everyone else featured in the video as well; source: channel description)
Uploaded on:	September 11, 2018
Video length:	16:57
Views - likes - dislikes (as of May 7, 2020)	1,391,786 - 48K - 780

Unlike the first four videos, this video is not a video essay, or at least not directly. This video was made by Fine Bros Entertainment (FBE), who are known for their 'react' videos, in which a group of people react to i.e. videos chosen by FBE. In this video, nine featured YouTubers are shown reacting to several videos as well as other information about Article 13. The videos shown

to the YouTubers were made by YouTuber Philip DeFranco and introduce Article 13 as topic and note the likely effects it will have on YouTube. The YouTubers are shown reacting to the videos, after which they give their thoughts on Article 13. Because of the differences in format of this video compared to the first four videos, this video functions as a collection of short opinions on Article 13 rather than the extensive opinion of a single person.

In this video, a larger variety of opinions about the directive and specifically draft Article 13 are shown. Apart from the featured YouTubers in this video, host channel FBE's leading questions can also be interpreted in a way as a viewpoint on what the effects of Article 13 will be. Moreover, excerpts of videos by Philip DeFranco are shown in which effects of Article 13 are discussed as well. According to Philip DeFranco, Article 13 will make platforms themselves liable for copyright infringement. He says that any reaction gifs and memes as well as parodies and critique videos will need to be taken down if the copyright holder want them to be. The host from FBE says that any content that contains copyrighted media will be taken down on platforms such as YouTube. When the FBE host asks the featured YouTubers the question of what they think is the worst thing that could happen as a result of Article 13, a variety of answers ensue. Multiple YouTubers say that other regions could follow the EU's example and join in on the new copyright law, extending the problem to the entire world. Another thinks the directive will make it impossible for a lot of people to put out content or discourage people from even creating anything in the first place. Yet another says Article 13 could destroy community building through platforms such as YouTube, which they say is an extremely important aspect of the internet. The YouTubers are also asked if they think Article 13 will affect their own content. Important to note here is that most featured YouTubers are not European themselves. Nonetheless, the YouTubers seem to think it will affects them because they have European viewers. Others think it will affect them because of their content in which they make use of mixed media or play video games or even just quote lines from a movie. One YouTuber says that videos about film or game theory are threatened by Article 13. The general consensus presented in this video seems to be that the effects of Article 13 will be more bad than good because "it truly affects everyone."