

# Swarm creativity - The legal and organizational challenges of Open Content Film production

*Irene Cassarino – Politecnico di Torino*

*Wolf Richter – Oxford Internet Institute, University of Oxford*

While the creation of software under the FLOSS paradigm is a well-established and recognized mode of production, the peer collaborative production of Open Content Film is a fairly new phenomenon. The two approaches share several common features: both are characterized by the massive collaboration of actors in a shared creative space and both are enabled by Information and Communication technologies, in particular the Internet. But technology itself is not sufficient to create and maintain a shared creative space. A governance structure resting on a legal framework and a set of control and incentive mechanisms regulates the transactions between the collaborators and is designed to ensure coordination.

In this paper we will outline the legal and organizational challenges faced by the first major Open Content Film production "A Swarm of Angels" (ASOA) in creating and maintaining a shared space for collaborative film production and contrast the findings with the practices of the FLOSS community. The study will be based on a series of interviews with ASOA founder Matt Hanson and the major contributors to his project, the analysis of the discussion threads about the appropriate organizational and legal structure for this Open Film project taken from the community's online discussion forum, and the available legal documents governing membership in the Swarm.

ASOA's aspiration is to be "Remixing cinema": the openness of the product for future remixes is a matter of identity and recognition for the community. The products stemming from the collaboration will be released under a Creative Commons non-commercial, share-alike license, which allows the creation of derivative works, "remixes", as long as these are also shared under the same license. This arrangement was chosen to protect and safeguard the identity of the project.

A high-quality feature film is not a purely informational good, but also involves physical production for shooting the footage, which requires significant resources. The completion of the project therefore depends on both commitment of the community and money. Instead of relying on outside funding, the leader of ASOA decided to merge the role of the donor and the creator: Under the ASOA model,

the entitlement to participate in the creation and shaping of the project depends on the contribution of a nominal microfunding. This initial investment is designed to encourage participation and smoothly link the pre-production with the production phase.

In this paper we will analyse the legal and organizational sustainability of this model. In particular we will focus on two areas, in which the ASOA model is the first of its kind: The Creative Commons license has been used as a governing framework for creative production for quite a while, but other than the FLOSS licenses it has not been designed for a massive multi-collaborator environment. The second aspect is the co-funding model underlying ASOA. While in the FLOSS environment, the contributors mainly contribute their time and creativity, in the ASOA community they are both shaping and funding the production.

The discussion of the legal and organizational aspects is pivotal in the debate about whether a peer collaborative production model could be applied to other industries than software production, in particular to industries which involve not purely informational goods and hence require significant funding. The technology is ready. The governance capabilities to take advantage of it maybe not yet.