A SWARM OF ANGELS:
Legal and organizational challenges of collaborative peer production of a movie

WWW.ASWARMOFANGELS.COM

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Collaborative peer production system: “radically decenterized, collaborative and non proprietary; based on sharing resources and outputs among widely distributed, loosely connected individuals who cooperate with each other without relying on either market signals or managerial commands. It refers to production systems that depend on individual action that is self-selected and decentralized rather than hieracally assigned” (Benkler, 2006)
Does it work like..?

CC-NC-SA is not GPL

and

Money

To collect resources (like production facilities) that are not the exclusive possession of contributors (like time and skill)
(1) CONTRIBUTORS == DONORS?

Freedom of creation

Movies are investments. Producers control the output in order to make it suitable for a large audience. “Production exists to meet the demand created by the mechanism of distribution, rather than the distribution existing to serve the production.”

In ASOA money is provided by creators who expect to gain freedom of creation and artistic independence, rather than investors who expect a ROI.

Money has an encouragement effect in joiners because it is complementary to the effort they would offer.

Complementarity

Alignment of incentives

No movie without potentially massive collaboration.

Paid membership positively affects the community by weeding out spammers and ambivalent participants. (Hanson)

Entry barrier
HOW TO SHARE CREATIVE DECISION?

- Discussion, as informal method of coordination
- Voting sessions, as formal system to take a collective and clear decisions (21 polls so far, 15% quorum)

HOW TO MANAGE COLLECTIVE RESPONSIBILITY?

--> delegation

OPEN DOES NOT MEAN FLAT

either in OSS or ASOA
HOW TO MANAGE COLLECTIVE CREATION?

If the particular output is modular, each part is assigned to a single person responsible for doing it. Such person shares his creation and the creation process with the swarm, enabling interested Angels to provide their opinion and to suggest improvements, but basically he keeps the ‘paintbrush’ in his hands.

Is the organization typical of FLOSS projects, with one leader or chief creator and several maintainers, spreading along the product architecture as long as it can be split into smaller parts and finally in different task.

Only one person is responsible for the creation of a single output and a large group of advisors follow the creation providing feedbacks and suggestions when the author publish different releases.

Open, again, does not mean ‘popular’ and/or unstructured
SO FAR THEY.....
0

1.500

25.000 ÷ 50.000
TWO SCRIPTS

CONTEMPORARY ‘SOFT’ SCI-FI

• THE UNFOLD
  ‘ON RAILS’
• THE RAVAGES
  EMERGENT

FADE IN:

EXT. CENTRAL TOKYO - NIGHT

The City is illuminated by millions of lights, animated billboards, neon, LEDs. Floating overhead it looks like a vast computer game level. Moving closer in, reflections of people and buildings are split, fragmented in windows, the mirrored surfaces of skyscrapers, and video arcade cabinets.

EXT. OMOTESANDO - NIGHT

A gleaming black Mercedes cruises down Omotesando, past the luxury boutiques beamed down from the future. It slows and disgorges TAKEMURA (mid-30s), resplendent in a sharply tailored black suit and sunglasses, he exudes confidence.

EXT. HARAJUKU/SHIBUYA - NIGHT

He walks purposefully through the low-rise maze of streets, sweeping past the youths hanging out and shopping.
THE UNFOLD TRAILER

Unfold animatic 3

Mayec

More from this show:

Unfold animatic 3

Unfold animatic 28

Share with Email
Lesson learnt from ASOA organization

‘common’ and ‘collective’ does not mean unruled

Open and collaborative does not mean flat and popular

Even if they have not been originally designed to manage collective creation, CC licences - along with social norms - seems to be flexible enough to create and safeguard a free space for collective creation
The multitude of creators generates a web of legal relationships between the Angels, the Swarm, and the Community

- **Relationship between the Contributors and the Swarm**
- **Relationship between the Swarm and the Audience**

- **Angels**
- **Swarm**
- **ROI**
- **PRs**
- **money**
- **time**
- **ROE = Return On Entertainment**

**WWW community**

**ROI = Return On Investment**

**PRt = Production Resources at time t**
The community has decided to release the film under a Creative Commons CC-BY-NC-SA license.

Creative Commons
- Modular framework to release copyrightable material with “some rights” reserved - There is no such thing as “The Creative Commons license”
- “Hack of copyright law” - Copyright stays with the producer and is licensed to the public
- Non-commercial definition is untested, but widely seen as enabling dual licensing

BY – Attribution
NC – “Non-Commercial”
SA – Share alike
Dual licensing allows the Swarm to tap into the revenue potential from commercial exploitation while maintaining free use for the community.

- **Angels**
- **ROE**
- **ROI**
- **PRs t**

**Commercial users**
- Cinemas
- TV stations
- Festivals (?)
- Advertisers

**Swarm**

**WWW community**

- money
- time
- ROE = Return On Entertainment
- Commercial license
Why not getting money for the next wave of creation?

In my opinion, it is very important that this money does not contribute to ASOA 2 (except maybe advertising in the early stages, should a ASOA 2 film exist), because then all we have done is create another Hollywood, and we have significantly undermined the 'wisdom of the crowds' approach. People who have contributed financially will be more involved, and more willing to argue for what they want. (Urzumph)

This part of the model might introduce a paradigm shift with respect to the first, Angel-funded stage, and may compromise ASOA original vision. BUT, it was the result of a vote held at the very beginning of the project.

non commercial option > ideological choice
-ASOA does not want others to financially benefit from their effort
-Social good motivation
Angels contribute their material to the Swarm under CC-BY

**Relationship between the Contributors and the Swarm**

**Media Release Statement**
- Non-exclusive CC-by (attribution only) license
- Restricted to uses “as part of the A Swarm of Angels project”
- Contribution is “unconditionally and irrevocably”

**Open Question**
Is restriction of CC-by to uses “as part of ASOA” an “understandings, agreements or representations with respect to the Work not specified here” in the meaning of section 8-e CC-BY license and hence null and void?

* Footnote
Source: Source
Challenges and legal risk

• Use of one consistent license across the project
• Attribution of multitude of creators
• Infiltration with copyrighted material
Despite legal openness, factual access/participation is impeded by use of proprietary standards.
Lessons learnt from ASOA’s legal framework

Managing copyright in Open Content Film production is a non-trivial task

- Multitude and variety of contributions require a flexible legal framework
- Legal framework has to respect and reflect the diverse ecology of motivations of the contributors

Legal framework has to be supported, and supplemented by a social organization / community

- Organization to facilitate discourse within the community and if need be to re-align legal framework with consensus
- Organization to address the remaining legal uncertainty with emerging social practice and norms, and self-governance mechanisms

Openness at the license layer is not sufficient: Use of Open Standards required to create a truly “Open” film
THANK YOU
“Then the movie could gather additional funds from media companies and distributors who might want to broadcast or use assets from the production for their own commercial endeavours, and from other opportunities for the project which don’t conflict with ASOA general principles, such as sponsorship and equipment partnership” (Hanson)

Arguments:
- ASOA does not want others to financially benefit from their effort
- Movies need money, then it’s good to have it for the next one - really?
Challenges and legal risk

• Use of one consistent license across the project
  – No tracking system to identify the legal status of individual contributions
  – Otherwise end-product becomes unusable
  – First signs of erosion already visible: Release of Palla’s poster picture under CC-BY-NC-SA

• Attribution of multitude of creators
  – The video material was produced by Mark Hough and released under a CC-by license, include a link to the license text as required by the CC license, and a link to the original video;
  – The soundtrack was produced by Timo Hummel and released under a CC-by license, again a link to the license text, and a link to the soundtrack;
  – The concept of the trailer was developed by the Swarm, and include a link to the ‘Swarm’s’ home page and a list of contributors to the ‘Swarm’.

• Infiltration with copyrighted material
  – Intentional or unintentional contribution of material without the consent of the copyright owner
    – in particular risk stemming from labor contracts
  – Detection and removal of infringing material tedious and time-consuming