

# Creator Governance in Social Media Entertainment

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## Abstract

This article addresses the platformization of cultural production by offering a creator-centric account of industrial and governance issues in social media entertainment (SME). SME is our term for the emerging industry of native online cultural producers together with the platforms, intermediaries, and fan communities operating interdependently, and disruptively, alongside legacy media industries and across global media cultures. The central concern of the article is that these creators are not recognized as stakeholders in current debates both academic and policy on platform governance. The relationship between the platform behemoths and individual creators may seem grossly disproportionate, but insights from network economics suggest a more supple account of power. The interests of creators are examined in the “top-down” context of the exercise of platform governance and efforts, by platforms and the state, to improve it. Those interests are also canvassed from the “bottom up”—how creators and creator advocacy are organizing and acting collectively to improve prospects for creators in this emerging industry.

## Keywords

social media entertainment, creator governance, platform regulation, platform content moderation, network economics

## Introduction

History, it has been said, is written by the victors. Perhaps for this purpose, Google executives have advanced the beneficence of their platform in two recent books: *Streamponks: How YouTube and the New Creators are Transforming Our Lives* (Kyncl & Peyvan, 2017) and *Videocracy: How YouTube is Changing the World . . . with Double Rainbows, Singing Foxes, and Other Trends we can't stop watching* (Allocca, 2018). These are celebratory corporate narratives, the effect of which is to diminish the central role that online creators have played in the success of YouTube. In his review of *Streamponks*, industry commentator Chris Landa (2017) has noted three “omissions.” First, the critical role of intermediary organizations supporting creators, such as multichannel networks, has been written out. Second, the books whitewash the endemic strains between YouTube and the creator community. The authors invoke the online civic leadership and commercial success of a leading creator such as Casey Neistat, but ignore how Neistat has been publicly critical of YouTube for unjust monetization policies and lack of creator support. Third, the book minimizes the failure of YouTube's early attempts to embrace professional content, marginalizing the centrality of SME creators to YouTube's success and brand identity.

This article seeks to redress the whitewashing of creator history by arguing for disciplinary attention in communication, cultural, and media studies, and social media studies, to industrial and governance issues critical to the future of creator culture. Previously, our research monograph (Cunningham & Craig, 2019) began the process of redress. There, we define creators alternatively called influencers, Instagrammers, YouTubers, livestreamers, game players, as well as KOLs, zhubo, and Wang Hong in China as cultural entrepreneurs securing some form of remuneration on the major social media platforms. Most creators have started out as amateur enthusiasts who, through the network affordances of the dominant social media platforms, have built sustainable, and sometimes stellar, careers. In addition to YouTube, creators harness multiple platforms (including Instagram, Facebook, Twitch, Snapchat, Twitter) to aggregate participatory fan communities which, through a portfolio of entrepreneurial strategies, they convert into commercial value. Social

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media entertainment (SME), our term for the emerging industry to which these practices have contributed, comprises the platforms, creators, intermediaries, and fan communities operating interdependently, and disruptively, alongside legacy media industries, down the middle of Madison Avenue, and across global media cultures. Our history of SME (Cunningham & Craig, 2019) shows how the relation between established media and platforms, especially YouTube, has been a constant shuffling between courting professional media and being rebuffed by them, and how social media platforms' business models are increasingly more interdependent with creator culture.

In this article, we extend that redress by developing a creator-centric account of industrial and governance issues in SME. The central concern of the article is that these creators are not recognized as stakeholders in current debates both academic and policy on platform governance. The relationship between the platform behemoths and individual creators may seem grossly disproportionate, but insights from network economics suggest a more supple account of power. The interests of creators are examined in the "top-down" context of the exercise of platform governance and efforts, by platforms and the state, to improve it. Those interests are also canvassed from the "bottom up"—how creators and creator advocacy are organizing and acting collectively to improve prospects for creators in this emerging industry.

Earlier scholarship on content creation on platforms focused on critique of the "formalization" of the vernacular and the informal, mapping YouTube's early history in a "fall from grace" or "declinist" narrative. Social media platforms' original communal visions were argued to have been compromised by the encroachment of commercialism. This scholarship was unequivocal about YouTube becoming part of the traditional media content industry. Jin Kim (2012) describes this shift as the "institutionalization of YouTube from user-generated to professional-generated content." Similarly, José van Dijck (2013) describes YouTube's evolution from home-casting to broadcasting and "toward viewer-based principles and away from community-oriented social networking" (p. 117). In the wake of these changes, according to van Dijck (2013), "[a] far cry from its original design, YouTube is no longer an alternative to television, but a full-fledged player in the media entertainment industry" (p. 127). Similarly, Joanne Morreale (2013) tracks the trajectory of short-segment comedy *Annoying Orange*, "from user-generated content to television series and cultural phenomenon" and argues,

The case of *Annoying Orange* exemplifies the processes whereby everyday prosumer content on the web becomes fodder for commercial media and demonstrates how YouTube, while presenting itself as a site for participatory culture, has become an arm of traditional media. (p. 3)

However, in a significant piece of historiographical revision that throws the "fall from grace" narrative into question,

Patrick Vonderau (2016) has shown that YouTube was always envisaged as a commercial proposition as the former PayPal employees and engineers behind its beta iteration sought to develop a scalable project capable of rapidly growing an audience comprised of millions, with revenue generation opportunities designed as part of its core functions.

More recent work has focused on precarious labor and again made the argument that SME is much more like traditional media industries than offering anything new (Abidin, 2015, 2016; Duffy, 2017; Mann, 2014). "Myths" such as amateurism, creative autonomy, and collaboration serve to "conceal the hierarchical, market-driven, quantifiable, and self-promotional realities of the blogosphere" (Duffy, 2015, p. 61). The structure of the arguments of these authors is less about decline and more about claiming that SME offers little innovation or difference from main media.

Meanwhile, the scandals perpetrated by malfeasant creators fuel moral panics that, in turn, reaffirm the anxieties expressed by critical scholars around platforms and participatory culture. Graeme Turner's (2010) critique of the "demotic turn" within media that continues to advance the banality of global celebrity culture anticipates the vulgarity of Jake and Logan Paul and PewDiePie, the bad boys of YouTube, along with the crass commercialism and hypercapitalism advanced by the Kardashians and the legions of lifestyle influencers they inspire on platforms such as Instagram.

This article intervenes in these narratives to argue that critical scholarship needs now to recognize SME in rapid formation as a new industry, and attend to issues that actually *support* the further formalization of the industry. We analyze the industrial and regulatory forces mostly arrayed against creators, and canvas measures designed to buttress creator careers and livelihoods, particularly focusing on those socially and politically progressive creators whose cultural production offers potential for civic advance in platform culture—now surely needed more than ever. This preserves some of the core insights of the previous strands of critical studies (the internal contradictions and inherent tensions of major commercial platforms significantly built around the value of originally amateur content and content makers; the lived reality of precarity) but grounds and focuses them on working toward better governance of cultural outcomes (industrial, regulatory, and support measures).

## Founding Frameworks

The media, communication, and online environment is dominated by the "platform paradigm" (Burgess, 2015); the five largest companies in the world (measured by capital expenditure) are all now tech companies (Apple, Alphabet/Google, Microsoft, Facebook, Amazon). The advantage of the size and scale of the big digital platforms is further compounded by their first mover advantage. The network effects of their "born digital," "network native," and "mobile friendly"

status means that they dominate the network economy even more effectively than standard forms of capitalist oligopoly. The relationship between the platform behemoths and individual creators may seem grossly disproportionate, but insights from network economics (e.g., Ballon, 2014) suggest a more supple account of power. The same network effects that accord platforms enormous power also enable better connected, networked possibilities for horizontal, grass roots peer-to-peer connectivity and communicative and organizational capability. Thus, while there may be a greater tendency toward oligopoly in platform capitalism, there is also an expansive opportunity for peer-to-peer, horizontal and potentially also democratic voices and self-expression.

While fully cognizant of the winner-take-all network effects of platform oligopoly, we have evidenced (Cunningham & Craig, 2019) how SME has become a conduit for new voices and has facilitated the growth of vernacular expression globally, while addressing the interests of underserved communities. Creators articulate the ambivalence of commercialized brand culture (Banet-Weiser, 2012) while often engaging in representational strategies and cultural activism. Gameplayer Markiplier secured 20 million subscribers while also raising over \$US3 million for charity. The Vlogbrothers' Project for Awesome (P4A) has encouraged legions of creators in their Nerdfighter community to raise funds and awareness for social causes for over a decade. Jerome Jarre's #LoveArmy social media activism helped raise millions for Mexican earthquake victims, Somalian famine sufferers, and Rohingya refugees. YouTube launched the Creators4Change program, which frames and supports global multicultural creators engaging in transformational social and civic work.

In this article, we examine the new regulatory era that platforms face as it is shaping creator governance from the "top down" (platform and state power) and "bottom up" (creator power and assistive advocacy). We draw on original interviews with policy professionals at the major US policy agencies (Federal Trade Commission [FTC], Federal Communications Commission [FCC], US Copyright Office, and National Telecommunications and Information Agency [NTIA]) as well as activists and policy experts at the Internet Creators Guild (ICG), ReCreate Coalition, Electronic Frontier Foundation, and the Center for Democracy and Technology (CDT). The goal is to demonstrate how creators are, and should be recognized as, vital stakeholders in a complex media ecology alongside platforms and policy makers, activists and advertisers, communities, users, and citizens.

### **"Top Down" Creator Governance**

Top down creator governance refers to the exercise of institutional power over creators. This power may be seen in both state agency and platform self regulation and policy. State agency governance over creators may be exercised through direct regulation or policy "guides," as illustrated, for

example, by FTC guides for influencers' endorsement of brands. Despite their being guides, the FTC has begun to send warning letters to violating creators (Katz, 2017). More readily, state governance over creators is indirect, namely *through* state's regulation of platforms, as with the Children's Online Privacy Protection Rule (COPPA) laws. Our mapping of state governance affirms what de Sola Pool (1983) described in *Technologies of Freedom*: multiple agencies with overlapping and under-determined areas of jurisdiction. The global performance of platforms has contributed to increasing fissures within Western policy regimes (between the United States and the EU) and between Western and non-Western regimes, particularly China. These fissures reveal conflicts over values and policy, with creators often caught in the fray. (While mostly focused on the United States, we reference EU policy where it directly impacts on creators. We compare Western-Chinese platform performance elsewhere (Cunningham & Craig, 2019).

Platform governance over creators primarily serves their own corporate interests. As Lawrence Lessig (1999) and Sandra Braman (2006) have shown, tech systems engage in latent and invisible forms of policy-making. This is especially the case with repeated, iterative, and non-transparent changes in algorithms, programmatic filters, and automated rights management systems. Some forms of platform governance are more overt, such as changes in partnership programs, commercialization features, and user interfaces. Platform self-governance may also allow the state to "govern at a distance" (Rose & Miller, 2010), but the efforts of non-state actors, including critics, journalists, advertisers, activists, and legacy media players, also influence platforms to seek to discipline creators.

In the wake of what *The Economist* dubbed, the "Techlash" (Smith, 2018) around fake news, election hacking, anti-trust, privacy violations, and more, the power dynamics between state and platform governance have grown more contentious. Platforms are being held to account for shirking their civic duties and placing their own corporate interest over the public interest. Policy makers are rethinking the fundamental legal modeling of platform principle, policy, and practice.

But no one believes that platform regulation will be straightforward. As Republican Senator Lindsey Graham, one of Mark Zuckerberg's inquisitors in Congressional hearings in 2018, declared, "I expect the regulatory regime for a company like Facebook will be challenging and difficult. The regulatory tools available to us today may or may not work with Facebook" (Kelly, 2018). Ranking US Democrat on the Senate Intelligence Committee, Senator Mark R Warner (2018) has developed 20 options for regulating platforms. They group around combating disinformation, protecting user privacy, and promoting competition in the tech space. None go to the question of the distinctive place creators occupy in the platform ecology.

"Digital constitutionalism" is a framework for the governance of platforms based on the public values of the rule of

law which may begin to legitimately set limits on the power of platforms (Suzor, 2018, 2019) and offers a framework for bringing together some of the interests of creators with those of general users. It proposes that if platforms are to secure their social license to operate into the future, it may be legitimate to expect them to put in place certain fundamental minimum procedural standards, or to have such minimum standards imposed on them. Suzor argues these would include that decisions should be made according to a set of publicly available rules. These rules should be relatively stable and applied equally and consistently. Protecting this system would be adequate due process safeguards, including the availability of explanations of why a decision was made, and an appeals process that allows for independent review and attempted resolution of disputes.

Platforms will argue that they have many of these elements in place already. There are armies of moderators curating platform content constantly, and these armies have been bolstered significantly since 2016 and the era of fake news. Platforms, operating as they do under safe harbor provisions, have had clear take down mechanisms and forms of appeals processes. However, as Napoli and Caplan (2017) show, and Gillespie (2018a) reminds us in *Custodians of the Internet*, platforms have always sought to minimize awareness of moderation and curation, given that they must, under the safe harbor provisions, be seen to be “neutral” carriers of content, rather than editors and publishers of it. But the new regulatory era is presaged by the inescapable reality that platforms have become, as Gillespie notes, “essential public forums, and where their choices affect livelihoods, elections, and even life or death” (Gillespie, quoted in Rosenberg, 2018).

Any regulation of the platforms is going to be a form of co-regulation or “soft law,” according to Flew (2018). In his overview of the regulatory options, Flew argues that the very identity of these platforms is inextricably tied to users as primary generators of content. While platforms curate and moderate at an increasingly enormous scale (and even commission to a greater extent than hitherto), for them to survive in their present form, Flew argues they must remain open to the distribution of user generated content to a degree that would never be tolerated by traditional publishers or media broadcasters. This gives rise to the principle, as enunciated by Picard and Pickard (2017), that

accountability and attendant punitive actions need to be exercised in measured ways to ensure that free expression is not unduly restricted . . . The most serious breaches of laws and norms should typically be handled through legal and regulatory mechanisms and less serious breaches through self-regulatory private mechanisms.

As we will see in our review of bottom up advocacy strategies, free speech is seen as a bedrock principle underpinning hopes that digital constitutionalism can lead to platform reform.

But platforms and content moderation are a problematic mix for creators. The platforms benefit from the “safe harbor” provisions of Section 230 of the Communications Decency Act of 1996, which protects them against copyright infringement liability, provided they responsively block access to alleged infringing material on receipt of infringement claims from a rights holder and they do not control the IP of content creators. As a result, the FCC has yet to entertain oversight over content issues with platforms, which also reflects how state regulation over content matters have always been fraught with First Amendment concerns. In our background interviews with FCC policy makers, the FCC continues to resist direct oversight over platforms, referring to them as “edge providers” (i.e., at the edge of the communications system the FCC is tasked to oversee), which would also include users and creators. That said, the FCC’s reversal of its net neutrality policy, framed primarily as a telecommunications intervention, posed indirect influence on platforms and, in turn, creators.

Still, as Gillespie (2018a, 2018b) and others have repeatedly shown, platforms are centrally engaged in content moderation through a mix of latent technological innovations as well as overt shifts in policies and practices. YouTube’s ContentID (Google’s artificial intelligence rights management system which preemptively flags copyrighted content on YouTube) was framed by underlying US copyright law, designed as it was to thwart legal action from legacy media. This has been largely successful. The only major rights violation suit was run by Viacom against Google for a decade until it was settled in 2014 (Kafka, 2014). (Viacom now partners with YouTube and even owns Vidcon, the main global creator and fan conference.)

The consequence of ContentID on creators has been deeply paradoxical. On the one hand, creators have seen their content taken down or their revenue from advertising removed (“demonetized”) for using legacy media IP. (We are about to discuss a major instance of demonetization, the so-called “Adpocalypse,” and we reference in our section on bottom up governance the struggles over copyright infringement and Fair Use that continue to be engaged by media activists and organizations in response to such unilateral platform action.) On the other hand, these provisions turned creators into original content producers if they wanted to make sustainable careers through monetization. This is not, however, media studies 101 copyrighted content. Platforms do not license or own creator content a core provision, as we have seen, of the “safe harbor” rules, nor are creators exclusive to platforms. This affords creators the agency to engage in a raft of commercialized communicative practices across multiple platforms.

Creator-produced video content is produced in discursive formats (“verticals”) that reflect the communicative affordances of social media platforms. Vlogging, Insta and Snap stories, tweets, and live streams represent content innovation quite different to film, sitcoms, and music, including music

videos. A new business model—shared advertising revenue, typically split 55 (creator)/45 (platform)—replaced the traditional media model of owned or shared IP. This does not mean that traditional IP controls do not matter—the more successful the creator is, more they will seek to negotiate traditional IP deals for merchandising, licensing, and live appearances. But the base of the business pyramid is not based on IP control, but on constant generation of very low cost, original content.

For this reason, creators lack the protections afforded by copyright directives and platform rights management systems. As platforms like Facebook have introduced video players, creator content has been “freebooted” for profit, essentially a platform affordance for piracy and plundering (D’Onfro, 2015). In the case of one prominent creator, “Facebook’s freebooting ‘piracy’ problem just cost Casey Neistat 20 million views” (Heine, 2015). Facebook has introduced Rights Manager, a system comparable to YouTube’s, but these innovations serve principally to protect legacy media systems—and platforms’ commercial relationships with them. Creators repeatedly experience rampant piracy, automated takedown notices, false flags, with conditions growing worse with the advent of live streaming across these platforms (Masnick, 2016).

The debates over copyright and content moderation have taken a sharp turn that illustrates how platform governance has opened fissures between Western policy regimes. In 2019, the Council of the European Union passed Article 13, a copyright directive that makes platforms responsible for policing and removing infringing copyrighted content, whether or not automated rights management systems are in place. This provision would contravene Safe Harbor. Creators would be directly affected, which is why YouTube’s Chief Business Officer Kyncl, in concert with a great many creator advocacy organizations, called on creators to “speak out” about the proposed law (Hale, 2018b). In this situation, platform self-governance and creator agency are aligned against state-based regulatory efforts, reinforcing the complex, often contradictory, structural conditions around creator governance.

### *The Adpocalypse*

But platforms’ self-regulation can at times be no better, and often much worse than state intervention. Poorly designed automated content moderation, reacting to threatened government intervention or public backlash, while also attempting to thwart advertiser flight, can contribute to cascading and unintended consequences for creators.

YouTube’s “Adpocalypse” serves as a prime example. In 2017, UK investigative journalists revealed that multinational and national brand advertising was appearing programmatically alongside YouTube videos featuring terrorist organizations, anti-semitic clips discussing a “Jewish World Order,” and Swedish neo-Nazi groups. The backlash from

over 250 major advertisers like Walmart who pulled their advertising from the site was met swiftly by a response from Google/YouTube vowing to crackdown immediately on this flagrant failure of programmatic advertising to maintain baseline community standards. In assessing the significance of the Adpocalypse, it is important to note that standard platform practices of demonetization meant that the creator suffered but the platforms continued to collect advertising revenue. With the Adpocalypse, the platforms’ revenue was for the first time significantly threatened. YouTube’s “brand safety” response introduced a set of “filters” to promote more “ad-friendly content.” Creators were charged with indicating whether their content fitted a list of categories which advertisers had the option to delete from their advertising inventory. If left unmarked, these videos would remain demonetized and undergo a human review process by anonymous censors hired by the platform. Even if the video was later cleared for monetization, most creators reported losing up of 90% of the revenue they might have earned under the filterless system.

The Adpocalypse has had a major impact on good actors in the system, such as civic-minded and politically progressive creators. For example, Casey Neistat and #LoveArmy’s filmed fundraiser for the victims of the Las Vegas shooting was removed from YouTube because of the platforms’ improper flagging mechanism, which was created in an attempt to minimize the spread of conspiracy videos about the event. LGBTQ creators continue to claim that YouTube’s filters represent taxonomic tyranny and perpetuate social injustice by classifying their content as sexual and therefore unsafe for brands (Bardo, 2018). Creators like Philip DeFranco whose civic-minded videos address topics like the Parkland teenagers and gun control, Myanmar refugees and the arrests of journalists, see these practices as not only shutting down their channels but also inhibiting their free-speech rights to communicate these political concerns to their communities.

YouTube’s filters are but one method of platform governance affecting civic-minded Neistat, DeFranco and comparable creators. In response to public outcry around political conspiracy videos, YouTube has also repeatedly changed how their filtering systems identify trending content. These changes are made without transparency, which is why “no one knows how YouTube’s trending section works” (Alexander, 2018). DeFranco and others have seen their videos removed from the platform’s trending sites.

### *State and Media Actors*

Platforms are not the only power brokers exercising influence over or ignoring the civic value of creators. *The New York Times* ran an article indicting YouTube’s trending videos for allowing a conspiracy video claiming Parkland teenagers were “crisis actors” (Herrman, 2018). While the video scaled to 300,000 subscribers in less than a day before it was

removed, Herrman neglected to mention multiple videos by online civic leaders such as Neistat and DeFranco. These videos advocated on behalf of Parkland teenagers and gun control, appeared on the same trending videos site, and scaled four times higher than the conspiracy video. When this oversight was brought to his attention, Herrman suggested this was to avoid complication for the readers. Even established liberal media are yet to accord creators the putative status of civic-minded public actors. Legacy media is serving its own interests by attacking platforms as they face potentially catastrophic loss of advertising revenue siphoned off by especially Google and Facebook. Even liberal media can find it convenient to allow creators to become collateral damage in the pursuit of such agendas.

In the United States, creator governance by state agencies includes oversight from the FTC, FCC, US Copyright Office, and the NTIA. Operating from diverse jurisdictional interests, these agencies often exert discriminatory and uncoordinated influence over creators. While FTC regulation demands that online creators be transparent about sponsorship and branded content, influencers describe this practice as “as unfair and discriminatory because television shows, music videos, NBA stars and Kardashians get a pass for publishing the same content” (Glazer, 2018). Industry experts accuse the FTC of double standards, applying weaker regulation in television around product placement than for individual influencers on these platforms (Guthrie, 2018). The Bureau disclosed that these regulations were in response to petitions filed by activist consumer rights organizations, like Public Citizen, pointing to yet another array of stakeholders aligned against creators.

While creators are targeted directly through agency governance, the implementation of policy has proven ambivalent. FTC practices have primarily only targeted legacy media companies, advertising firms, and platforms, but not individual creators. For example, Warner Brothers was fined for failing to disclose payments to creators for promoting their video game IP (FTC, 2016). However, in late 2017, warning letters by the FTC were issued to individual creators perceived to be in violation (Fair, 2017). This suggests that state-based regulatory oversight may be advancing beyond organizations to target individual actors, such as creators.

In this section, we have discussed the ongoing exercise of top down power in creator governance. We have shown that the actions of platforms, state agencies, and legacy media constitute what might appear to be a gross power asymmetry in relation to creators. But this may, to some extent, be mitigated by the now urgent need to implement of models of digital constitutionalism underpinning higher standards and practices of content moderation. Our understanding of power is rendered more nuanced as we appreciate that platforms’ negative impacts on creators are sometimes unintended and that state actors often “govern at a distance,” and very unevenly, rather than through direct censorship (as in China and in other authoritarian polities). The networked calculus

of power is further clarified in the section “‘Bottom Up’ Creator Governance”, on “bottom up” creator governance and self management, in which we discuss gathering efforts and effects of creator activism and advocacy.

## “Bottom Up” Creator Governance

In this section, we consider how creators are organizing and acting collectively around issues of governance and self management. Through industry and the market, creators are exerting influence over platform power. Consistent with the nature of the network economy, creators’ influence can be disproportionate to their raw numbers, given that they manage very substantial communities of interest rather than represent simply themselves in numerical aggregate, or present as an underclass of below-the-line workers, as championed by media production studies (Mayer, Banks, & Caldwell, 2010). But they also do not fit easily into standard above-the-line media talent categories, and this categorical fluidity makes their alignment with unions a work-in-progress. Legacy media industry guilds and unions—often in their own interests—have issued appeals to creators to join their ranks. Media and digital rights organizations advocate for issues around creator governance, such as concerns around Fair Use and public media, although we argue these are in some ways misaligned with core industrial issues for creators.

The ICG is the only organization dedicated solely to creators. SME thought leader Hank Green started the ICG in 2016 to support online creators by organizing collective representation, advocating on their behalf, and developing resources for creators (Green, 2016). Membership is open to all online creators (e.g., podcasters, Instagrammers, bloggers, Twitchers)—any individual “making all or part of their living making stuff on the internet, or are working toward that goal” (Green, 2016), with annual dues of \$US60 per year. The ICG stresses that it is a guild for people, not for corporations, and therefore not an industry association. The ICG’s priorities around which it supports its members include fair contracts, brand deal rates, representation of creators to platform owners, and influencing the press to produce more informed reporting on the creator community. Executive Director of the Guild, Anthony D’Angelo (personal communication, 1 May 2018), puts it this way: “We have three main areas of focus, equally important: Policies, Platform and Press.” The ICG has only 600-700 members as a 2-year-old start-up. So, while it claims to speak for 50,000 separate small businesses—“50,000 voices with different needs, different levels of interest, different stories . . .”—it has little formal industrial muscle. However, it has potential influence through its board membership that includes industry leaders such as Rooster Teeth co-founder and chief creative officer Burnie Burns and Vlogbrothers and VidCon co-founder Hank Green.

An industry thought leader such as Green can have dramatic influence in the network economy. For example, in a

2015 blog post titled “Theft, Lies and Facebook Video,” Green noted that Facebook measures anything longer than 3s as a “view” (regardless of sound), including those videos that have played automatically in someone’s news feed as they scroll past:

This might seem a little like this is a victimless crime, but it fundamentally devalues the #1 metric of online video. The view is the thing that everyone talks about and it’s the thing creators sell to advertisers in order to make a living. (Green, 2015)

Green’s critique was confirmed when the platform revealed that, for 2 years, it had dramatically overestimated platform watch time between 60% and 80%, leading to a backlash from over-charged advertisers and brands (Vranica & Marshall, 2016).

As the SME industry has experienced rapid formalization, industry, creators, and scholars have generated abundant accounts of platform exploitation via programmatic advertising. For a decade, the rate of payment (clicks-per-mille, or CPMs) has been in free-fall for creators but, through network effects and scale, still benefit the platforms. More recent accounts have referenced how programmatic advertising has contributed to ongoing fraud and security threats (Huberman, 2018). As we have seen, programmatic advertising is vital to platforms’ sustainability (both Google and Facebook’s revenue models are overwhelmingly dependent on advertising, albeit from a variety of sources), so vital that it precipitated the Adpocalypse in platforms’ unseemly rush to avert advertiser flight (Schaeffer, 2017).

However, platform power and control over creators has been significantly challenged by the latter’s development of alternative, and more lucrative, revenue sources. The detailed examples that follow provide evidence that creators are not supine before platform power. Influencer marketing serves as one example, a practice whereby advertisers often approach creators directly to use, mention, or promote their products, brands, and services. Estimates of the size of the “influencer economy” (Halzack, 2016) vary wildly, with contradictory claims that this space is “booming” if also “collapsing under the weight of its own contradictions” (Cush, 2016), and “under attack but still working” (Tobin, 2018). Influencer marketing has often been narrowly limited to the realm of lifestyle creators, particularly on Instagram, yet it has spawned a flourishing subgenre of books and films. As we have noted, creator practices of influencer marketing are significant enough to have provoked direct US state agency oversight of disclosure and transparency (and this is even stronger in European jurisdictions). Platforms have tried to catch up, as reflected in YouTube’s acquisition of Famebit, a self-service influencer marketing agency designed to “connect YouTube creators with marketers” (Ha, 2016). This example illustrates creators exercising economic influence on platforms.

*Forbes’* annual list of top influencers has identified “power players who turn social media platforms into

fortunes and empires” (O’Connor, 2017). After we dispense with the hype, what is notable is the complex matrix of quantitative and qualitative methods, including partnerships with diverse third-party data firms, that has generated the list. The political economy of the contemporary creator-influencer is composed across diverse platforms, verticals of content, and business models. “Unlocking the Gates: America’s New Creative Economy” represents a substantial attempt at an accurate account of the creator economy (Shapiro & Aneja, 2018). This report was funded by advocacy organization the Recreate Coalition and identified 15 million Americans generating \$US6 billion in revenue across nine platforms.

Creator power is now exerting significant influence on platform fortunes. Among many reasons why Twitter shuttered Vine was that the platform “burned the trust” of their creators by refusing to engage in shared partnership agreements like YouTube (Constine, 2016). Vine’s top creators protested at Vine offices in efforts to save the platform (Lorenz, 2016), before ultimately decamping to competing platforms. While attempting to benefit from Vine’s mistake, Musical.ly scaled rapidly in part by providing limited forms of remuneration for native creators through virtual goods (Robehmed, 2017). After merging with Shanghai-based Bytedance, the platform was replaced overnight by its other platform, Tik Tok, which openly courts creators to grow the platform (Flynn, 2018).

Platforms respond to creators’ influence through an array of often reactive practices. Once limited to invitation only, YouTube has opened its partnership agreements to all users, only to rescind the offer, introducing new limits on partnership agreements based on subscriptions and view time “in response to advertiser concerns” (Spangler, 2018). Soon after, YouTube introduced a suite of revenue models for creators including channel memberships and merchandise (Perez, 2018). These models were designed to allay criticism of the fading value of programmatic advertising, compete with other platforms like Patreon that offered creator subscriptions memberships, and, like Famebit, entice the creator economy to stay in-house, or rather, on platform.

Creators are now accorded the status of “partners” across nearly every platform. Mimicking YouTube, Facebook has had to introduce new services for creators (Cohen, 2018). Long resistant to empowering their native creators, Snapchat has shifted to a creator-centric strategy (Weiss, 2018). Commercializing Twitch creators are afforded multiple revenue streams, along with their own camp and conference (Segarra, 2018).

### *Advocacy and Union Alignment*

Advocacy can also rebalance power asymmetry. The field of media and digital rights advocacy is expansive, as evidenced by the nearly 100 activists, organizations, and media firms that submitted comments on international internet policy to

the recent NTIA (2018) inquiry. The focus of these organizations intersects with creator governance issues, although sometimes in misaligned ways. Agencies such as the Electronic Frontier Foundation continue to place emphasis upon copyright and fair use based on Lawrence Lessig's (2008) Creative Commons model championing the cultural politics of remix culture, leaving less attended the now more central concerns around regulation and free speech to which we have previously pointed. As the Director of the CDT's Free Expression Project Emma Llanso (personal communication, 19 June 2018) claims,

Copyright fights have been a huge driver in Internet policy for the last 15 and 20 years, but that has skewed regulatory discussions both in terms of what regulatory frameworks we have, and also it presents a limited sense of what users are fighting for. Free-speech online is a huge issue and it covers everything people do online—from posting on social media to being a full-time creator with limited labor rights.

Focusing on copyright ties questions of creator governance to narrow rights battles with legacy media. SME has largely moved on from that—its relationships with mainstream media are now based on a growing mutual recognition of interdependency. While, as director of the Recreate Coalition, Joshua Lamel (personal communication, 18 June 2018) claims, Content ID is a “flawed system, but still the best technological solution to deal with infringement issues to date,” the peril is empowering platforms to approach all governance matters through technological solutionism (Morozov, 2013). The influence of ContentID and other rights management systems as classic Silicon Valley technology fixes is problematic going forward, according to the CDT's Llanso (personal communication, 19 June 2018), because it “is an example of how industry self-regulation has affected what regulators are thinking is possible to do not only in the broader sphere of copyright regulation, but also in other areas deemed problematic.”

Creators' industrial relationships are not solely with platforms; rather, as the creative heart of a rapidly formalizing sector, they deal with established film, television, music, publishing, and advertising and marketing organizations. According to Kevin Erickson, Director of the Future of Music Coalition (personal communication, 6 July 2018), these dynamics have arguably worked in favor of musicians. On the one hand, he sees his and comparable creator organizations as holding both platforms and legacy businesses accountable for how they operate. “There's an asymmetry of power that plays out in terms of the rates, contracts, policies, and practices . . . which are not being chosen to advance the interests of creators as a class but to advance commercial interests.” Nonetheless, “labels and contracts are improving because artists actually have more leverage than before historically because of common ground around policy and the shifts in power.”

These pressures exerted upon legacy media industries by platforms and creators have seen Hollywood union interest in creators finally beginning to emerge. Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) amalgamated in 2012 into an organization representing content creators including film and television actors, journalists, radio personalities, recording artists, singers, and voiceover actors. They have now made a play for online creators, signing a deal with Zeus, a SVOD platform aspiring to be Hulu. SAG-AFTRA articulate an agenda for creators similar to ICG: developing standards for relationships between creators and the entities that partner with and profit from them. SAG-AFTRA's David White argues deal terms are “all over the map” (“One general rule of thumb out there is that for content creators, their first five deals are terrible for them” [White, quoted in Hale, 2018a]).

This alignment of interests between creators and traditional media talent is as welcome as it is problematic. SAG-AFTRA's efforts are not focused on platforms, whether YouTube, Facebook, Twitter, or Instagram, nor would SAG-AFTRA secure much leverage with advertisers. Alternatively, as writers and directors, creators might look to the National Writers Union or the Directors Guild of America only to experience similar misalignment around status and relationships to power. Creators might fit better within the Producers Guild of America (PGA), except the PGA is not a labor union but is aligned with the interests of media conglomerates, networks, and studios and not writers, directors, or actors. Curiously, the PGA has a division called the PGA New Media Council. The NMC targets executives more than creators, while focusing on platforms and technology that emulates main media systems, like SVOD platforms or video game publishers.

Perhaps the oddest alignment would be creators with the Teamsters, until consideration that the Teamsters already represent an eclectic array of media professionals and craftspeople, like editors and story analysts, not to mention Silicon Valley drivers (Dale, 2017). Google's and other tech employees are organizing in response to the precariousness of labor conditions with the emerging gig economy (an economy that many of these firms helped initiate), and in recognition of the fact that professional unions are the fastest growing segment of the AFL-CIO (Coren, 2017). Creators may experience better alignment with hackers and coders and other digital workers and social entrepreneurs than Hollywood writers or directors who continue to operate largely on a fee-for-service basis.

Summing up, this section has mapped bottom up creator governance through creators' influence derived from network economy effects, market forces and industrial formation, to alignment (and misalignment) with media and digital rights organizations, to potential union alliances and their own ICG. Our discussion provides ongoing evidence for the relational and unstable nature of power in the

network economy, with power asymmetry based on the platform paradigm, but multi-stakeholder, multi-industry relations often playing out outside the remit of platforms or evidencing the relative dependency of platforms on creator buy-in.

## Conclusion

As scholars who have spent the past few years researching SME, we have every dog in this fight. Our scholarship is rooted in identifying how power operates in this industry, as it has throughout Hollywood and other creative industries, and throughout culture. But what arguably distinguishes our scholarship is its creator-centricity. We recognize that creators represent yet another form of precarious media labor, that some SME practices can epitomize commodity hyper-capitalism, and even that outliers can operate maleficiently. In contrast to legacy media industries, we also recognize that these creators represent the potential for more commercially empowered, diversified, and multicultural production than has been in evidence in the mainstream. This knowledge comes with both privilege and obligation, including recognition of and advocacy for the proper governance of creators. We argue that the regulatory options being considered for better “top down” platform governance have not taken account of the specificity of creator interests. We align our scholarship normatively with uneven but concerted “bottom up” advocacy for creator rights. The motivation for such advocacy can often be found in “manifesto” language such as that of Jack Conte, Co-Founder and CEO of Patreon, the subscription site which has become increasingly supportive of creators, providing an alternative to creators’ dependency on platform programmatic.

In a post on Twitter in late 2017, he asked “What will it be like to be a creator in 2028?” Creators, he said, would be “even more” culturally, politically, and economically powerful than they are today. They will “amplifying their leverage” through better systems and organizations. Most importantly, they will be “fully integrated into the fabric of society as a workforce (health insurance, lending, financial systems, pensions, and other benefits traditionally tied to employment)” (Conte, 2017). For this to happen, an ongoing rebalancing of the power relations between platform and creator, which may be in train, would have occurred.

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