

Before 7:00 pm on Wednesday, start a new thread in the **Week 12 forum** on Blackboard in response to the following scenario and prompt:

Scenario: One intersection of copyright, fair use, and web writing is in the work that fan communities do online. These communities publish extensively about the fictional works and fandoms that they love, everything from fansites and fanfics to podcasts and video series. These publications present interesting (and sometimes wildly illegal) case studies that can help us talk about and understand copyright, transformative works, and fair use.

The following links describe a copyright controversy in the fan community dedicated to George R. R. Martin's saga, *A Song of Ice and Fire* (ASOIAF). First, read the two threads:

1. SeptonBarth comment thread. [Reddit AMA with Preston Jacobs.] https://www.reddit.com/r/asoiaf/comments/2uw0z4/spoilers_all_well_met_i_am_preston_jacobs_ask_me/coc6oqh/
2. "Youtube controversy." [Thread on History of Westeros podcast forums] <http://www.historyofwesteros.com/forums/viewtopic.php?f=3&t=460>

Without getting too hung up on any random Game of Thrones references that you may not understand, review the two threads above. As you read, you'll find that there are individuals who feel that the copyright violations involved are excusable or inexcusable based on one or more of the following lines of argument:

- Inexcusable because it's theft, plain and simple
- Inexcusable because he's making money off the videos
- Violation, but excusable or unimportant because the material is so niche in nature
- Violation, but excusable because it'd be too much work to cite or get permission from so many random original artists (i.e. expediency)
- Violation, but overlookable because he's not making that much money off of YouTube ads (like only 3 or 4 bucks!)
- Violation, but okay because it helps obscure art get seen by a larger audience
- Fair use because it adds value to ASOIAF as a property
- Fair use because the art is just background imagery and not the point of the videos (i.e. it's transformative use)
- No big deal because the art's all publically available on <http://www.deviantart.com/>
- No big deal because the author gives credit when asked to
- Potentially fair use if the author would just cite the artists
- Potentially fair use if the author would get permission *and* cite the artists
- (There are some other issues in here related to ad hominem attacks, doxxing, and cyberbullying as well; these are reprehensible, but I'd like to keep the conversation to copyright for now.)

As potential creators and publishers yourselves, comment on a few of the arguments in favor of and against Preston Jacob's particular type of copyright violation. Is this a clear case of copyright violation? Does he fall within fair use guidelines? Is it really just no big deal because the videos are so niche? Comment specifically on how this issue and example are relevant to you as you're making your own websites in this class.

Personally, despite the fact that I believe that this is a very clear copyright violation, I think there is a really easy fix. If Preston Jacob would just add a link to the description under his videos that links to all the artwork that he used, I believe that would clear up the majority of the grievances people have against him. The artists would be getting their credit and that's essentially all that really matters to them. I do believe that it is unfair for someone to be using someone else's work without crediting them at all. What if someone saw the work and wanted to know more about it, but had no way of finding out who made it or anything like that? That's the whole point of citing things, and even if it might be a little more work, that's something you have to consider if you're

going to be producing content that includes referencing other people's work. I think once someone starts making money (no matter how little), they should ALWAYS be crediting other people's work, and they still should be even if they're making no profit. That's just the right thing to do.

I can somewhat agree with some of the arguments made, but not all of them. The main points I fully agree with are the ones saying it's "potentially fair use if the author would just cite the artists" and "potentially fair use if the author would get permission *and* cite the artists". I think the severity of the situation is decreased because yes, the material is so niche in nature, and were these videos be more popular, this would definitely be a more drastic issue. But, YouTubers generally want their following to grow, so at what point is his content no longer considered "niche" and at what point does it become a bigger deal? The best and safest option is to always give credit where credit is due so as to not get yourself in trouble like Preston Jacob has done here.

as possible because that's only fair, really.