Prologue

In this book I analyse how the content-generative behaviours of social media users are regulated from a copyright perspective. My focus is on comparing copyright laws with other regulatory factors on social media. These factors, being the terms of service and the technological features of social media platforms, can alter the effectiveness of the regulation of content-generative behaviours by copyright laws. In making this assessment, I examine the regulation of such behaviours across five social media platforms, namely Facebook, Pinterest, YouTube, Twitter and Wikipedia. Together these popular platforms on which users generate content serve as a good sample for my purpose.

In particular, I consider the application of copyright laws to various uses on social media and the ways in which this application is aligned with the terms of service and the technological features of social media platforms. I have chosen to examine the terms of service and the technological features as they constitute the points of contact between users and social media platforms which can be readily surveyed.

I have two reasons for taking this approach. The primary reason relates to the dearth of in-depth discussions of how specific social media platforms affect the role that laws, including copyright laws, play in securing compliance from their users. The examination of the application of the terms of service and the influence of the technological features on users’ content-generative behaviours is an attempt to address this. The second reason is to stimulate more critical reflections on how laws should develop to take into account the influence of social media platforms on user behaviours, through reform that gives users more leeway for the activities in which they engage. This is crucial as the platforms are becoming increasingly ubiquitous. With this book I will demonstrate how the regulation of users’ content-generative behaviours by copyright laws, the terms of service and the technological features can be analysed in a structured way, even in a space as random as social media.
In this respect I will refer to the copyright laws of three jurisdictions – the United States, the United Kingdom and Australia – as well as to the terms of service and the technological features of the five social media platforms. I will also use a case study detailing the content-generative activities undertaken by a hypothetical user named Jane Doe and other users on the relevant social media platforms. This provides an anchor around which to conduct specific discussions on how copyright laws and the other two factors can regulate users’ content-generative behaviours. Finally, I draw further from earlier empirical studies to support the arguments I will make in this book.