

How to Suppress Women's Remix

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She didn't really make it. She made it but she shouldn't have. She made it but look what she made it about. She made it but she isn't really an artist, and it isn't really art. She made it but it's derivative. She made it but it's infringing. She made it but it violates the DMCA. She made it BUT . . .

YouTube was founded in the spring of 2005. That summer, vidders—the overwhelmingly female community of video editors who create fan music video out of television and film footage—gathered in Chicago to celebrate the thirtieth anniversary of vidding with a dance party and two cakes: one shaped like a VHS cassette and one like a DVD.

It now seems incredible that vidders managed to create and share video for almost thirty years without streaming technology; in fact, in 2005, some vidders were still distributing their work on VHS. However, most vidders had by then switched to digital editing, and some were even cautiously offering their work for download on password-protected sites.

Vidders exercised caution because they thought they could be sued if they did not. Tashery Shannon, the founder of *Rainbow*

Noise, a letterzine for vidders, wrote an essay in 1993 explaining her understanding of vidding's legality:

Perhaps the greatest barrier to their spread among fans is that song videos cannot legally be sold. The music and footage, no matter how it has been edited, is [sic] still someone else's creative property. It does not belong to the song vid maker. Anyone considering selling song tapes should be aware that there is a danger of prosecution under the same laws governing pirating of music or movie tapes. Giving away your song tapes or trading them, however, is perfectly legal.²

Shannon's essay is, from a legal perspective, unduly certain both about the dangers of commercialization and the safety of the non-commercial; neither is absolute in copyright law. But it ends on a defensive note more about cultural value than about law: "Again, yes, song vids are a derivative art form. But since vids are mainly a fan-to-fan form of communication, who cares? Song vids represent a special, private communication between fans and friends." This was changed, for better and worse, by the Internet, which blurred the distinction between communication and publication.

Still, vidders tried to keep control of their work, mostly to make sure that it reached its intended audience and remained invisible to the wrong audience. Killa, a vidder, put up a simple Web page in 2003 inviting potential vidwatchers to request a password and insisting that her vids not be copied, archived, or distributed. Similarly, Morgan Dawn's 2003 page instructed potential spectators to e-mail her a promise "not to link to, archive, sample, or redistribute" her vids, noting, "Your vigilance in keeping fan creations under the radar of The Powers That Be helps keep fandom alive. Thank you."³

So rather than create centralized archives, as fans had for fan fiction, vidders discreetly offered their vids on individual password-protected sites.⁴ They adopted pseudonyms, gathered on mailing lists rather than in public forums, and named their annual convention VividCon, camouflaging even the word *vid* from the casual observer.

However, in the first years of the twenty-first century, other (male-dominated) remix communities began using the Internet

to draw attention to their work. AnimeMusicVideos.org, a community for "the creation, discussion, and general enjoyment" of anime music videos (AMVs), was launched in 2000, and the Academy of Machinima Arts and Sciences was founded in 2002 to "make the current creative industries aware of Machinima" (movies created using video games) "as well as bring support & credibility to independent Machinima productions as a whole."⁵ Conferences like MIT's "Media in Transition" and the Berkman Center's "Signal/Noise 2k5" began to study remix culture. Streaming sites proliferated: Vimeo (2004), Veoh (2005), Ning (2005), Imeen (2006), and Viddler (2006). By December 2006, "You"—presumably the user of YouTube and other DIY video sites—had been named *Time's* person of the year.⁶

The rapid rise of online video caused a stir in the established vidding community, which was ambivalent about the new distribution methods and the concomitant visibility. Still, it was hard not to notice that other communities were putting their work out there and being celebrated for it. As the vidder Laura Shapiro pointed out after attending an organizational meeting for the "24/7 DIY Video" conference at the University of Southern California: "Everyone thinks we're crazy to be so afraid. They think the world is changing. They think we have little to fear. Okay, they may concede a bit of reality-based fear of the RIAA [Recording Industry Association of America], but in general, they are all out and proud, and they think what we are doing is cool, and they think we should be out and proud, too."⁷ But many vidders feared taking the legal and cultural risks. As tzikeh noted in a comment to Henry Jenkins's 2006 post, "How to Watch a Fan-Vid":

There is a sense among the long-standing community of vidders that this may be a watershed moment when, rather than receiving accolades for and understanding of the development of a nearly 30-year-old art form, vids will be so *misunderstood* due to the non-fans' complete unfamiliarity with the visual and aural vocabulary of vidding, the lack of context and history and metatext, that vids and vidders will fall into the "whatever" abyss: "Anyone can put video clips to music; what's so special?"⁸

In the end, vidders received both the accolades and the misunderstanding. Vids have been written about as a cultural phenomenon, and some individual vidders have been recognized by art-world gatekeepers. For instance, Lim's vids have been screened at the California Museum of Photography and the Library of Congress, and Luminosity was profiled by *New York Magazine* after her vid "Vogue" was chosen as one of the twenty funniest videos of 2007.⁹ But even categorizing "Vogue" as "funny" indicates misunderstanding. While "Vogue" is certainly witty, to classify it as humor is to appreciate it on a relatively superficial level. As its subtitle, "Bite Me, Frank Miller," indicates, "Vogue" is also a vehicle for feminist anger. As Cathy Cupitt notes, Luminosity made "Vogue" because she was "not happy with the misogyny and sexualized violence" of Frank Miller's 300 and so wanted to "turn the 'male gaze' back onto itself."¹⁰ *New York Magazine's* editors thought that this "female gaze"—which objectified 300's half-naked male warriors—would be experienced as comedy by the mainstream viewer; presumably one not entirely comfortable with sexualizing oiled-up male bodies.

This is not an atypical response. "Closer," a *Star Trek* vid by T. Jonesy and Killia, is often taken as a joke by viewers who do not understand its grounding in serious representations of male-male desire.¹¹ Several of T. Jonesy's and Killia's vids went viral in 2006 after someone posted them to YouTube; they were subsequently linked from popular sites BoingBoing and Metafilter, earning tens of millions of views. Even today, multiple copies of these vids can be found on streaming sites, none put there by the vidders themselves. Not incidentally, other people often get the credit.

T. Jonesy's and Killia's response to the loss of control over their work—which they believed put them at legal risk—was to take down all copies over which they did have control. In 2007, Killia replaced her vid download page with a notice that vids were "no longer hosted at this location," explaining: "I've removed them for the sake of my own sanity; after several incidents in 2006 made me question whether continuing to host vids online was worth the anxiety levels it was causing me. I concluded it wasn't."¹² As a result, fans lost access to these works. Killia and T. Jonesy are known for

their exquisite timing, as well as for their use of color and internal motion. Of course, that talent was what made their vids spreadable in the first place. But while some remix artists gained success through visibility,¹³ these vidders experienced visibility negatively: as exposure. Others overcame their fears and began to stream their work online. While some used YouTube, many preferred Imeem, mainly because Imeem initially had better video quality and audio-video synchronicity, but also because it was smaller and less well known. Imeem allowed vidders to form a network; it also kept track of the number of views and offered comment and discussion space. It is also worth noting that in 2007, when fans began to use streaming sites, there were no ads on the videos themselves: aesthetically minded vidders would never have stood for them.

The vidding community used Imeem for more than two years: just long enough for vidders to get complacent. The downfall of Imeem was slow, and due primarily to economic causes: first the company put banner ads over the vids, then it eliminated services like embedding; then it got rid of all videos, without even allowing users the option of preserving their own work.¹⁴ Similar problems occurred with other commercial services, including Bam! Video Vault, which eliminated free service when Ning, the underlying service provider, decided it was economically unsustainable. In each case, whole communities have been disrupted (not to mention the citations/physical traces that academics—including the authors—were using to document these communities and their productions). The economic interests of video services diverge so sharply from those of noncommercial vidders that even out-of-the-way ones like Imeem are structurally inhospitable.

YouTube remains, but YouTube is increasingly structured so that no one will ever see remix that is not commercialized by the "content owner." Under the Digital Millennium Copyright Act (DMCA), YouTube users can receive takedown notices from copyright owners, and to preserve its freedom from copyright liability, YouTube must automatically remove videos when it receives notice. YouTube has been hit with hundreds of thousands of such notices, covering everything from the wholesale reproduction of movies to remix video caught in the net. Counternotification is possible but

rarely given because the creator faces a small but hard-to-ignore risk of escalation to a lawsuit. YouTube's Content ID system goes beyond the DMCA, screening video before it is posted based on submissions by major studios and labels. If a match is found on even a small portion of an existing work, the content owner can block the video (or, alternately, can choose to run ads next to it; revenue goes to the content owner, not to the uploader).¹⁴ Though an uploader can contest the results, Content ID is a purely private system. Unlike the DMCA counternotification process, which requires YouTube to restore the work unless the copyright owner takes the extreme step of suing, there is not even the chance of getting a true fair use determination.

This evolution has made YouTube even less hospitable to vidders. "Vogue" was taken down in 2008, destroying its record of viewership, at which point Luminosity invited others to take the vid viral, surrendering control to get her message out. In 2010, "Vogue" disappeared again, along with "Subterranean Homesick Blues," an X-Files vid made with zrikeh that explores the character of Agent Fox Mulder through Bob Dylan's paranoid lyrics. As YouTube becomes more congruent with the economic interests of large media companies and starts to define its success by a decline in the percentage of "user-generated content," the need for a truly noncommercial alternative becomes more apparent.¹⁵

As part of the nonprofit Organization for Transformative Works, the authors are working to preserve space for fair-use video. We are exploring possibilities such as a dark archive for vids that would support scholarly inquiry and preservation as well as a noncommercial remix-only torrent client.¹⁶ We need to keep in mind that remix is threatened by both visibility and invisibility. Copyright policy makers are too likely to presume that there is no real need for remix and that copying means the same thing as pirating. In testimony before the Copyright Office, we sought, and recently received, an exemption from the DMCA's prohibition on the circumvention of technological controls—designed to prevent large-scale movie piracy, but threatening to prohibit even the smallest uses of video clips—for noncommercial remix creators such as vidders.

It is easy to suppress women's remix. It is being done right now. All the excuses and canards that Joanna Russ enumerated in "How to Suppress Women's Writing" apply to vidding, which is at risk of becoming yet another hidden female history. Even today, a woman creating appears to be on her own—each vid carefully screened so that it does not reach a broader audience because it is not what artists are supposed to make. In valuing vids, we value their creators and the systems that connect them.

Notes

1. With apologies to Joanna Russ for adapting her work to vids, *How to Suppress Women's Writing* (Austin: University of Texas Press, 1983), 76.
2. Tashery Shannon, "Move Over, MTV: Here Come the Song Vids! Fan Music Videos," *Strange New Worlds* June–July 1993, strangenewworlds.com/issues/feature-ogf.html.
3. "Morgan Dawn Fan Fiction and Music Videos," 24 December 2003, web.archive.org/web/20031224130007/http://www.morgandawn.com/VidEntry.html.
4. There are some interesting exceptions; some Xena and Buffy vidders founded centralized public vid listings.
5. "Who We Are," *Machinima Arts and Sciences*, "Academy Info," machinima.org/who-we-are.html (accessed 13 February 2011).
6. Lev Grossman, "Time's Person of the Year: You," *Time Magazine*, 13 December 2006, time.com/time/magazine/article/0,9171,1569514,00.html.
7. Laura Shapiro, comment to ascolat's LiveJournal entry, "Vidding and Imeem.com," 2 December 2006.
8. Zrikeh, comment to Henry Jenkins, "How to Watch a Fan-Vid," 18 September 2006, henryjenkins.org/2006/09/how_to_watch_a_fanvid.html#comment-4767.
9. "The Twenty (Intentionally) Funniest Videos of 2007," *New York Magazine*, 19 November 2007, 62–63; Logan Hill, "The Vidder: Luminosity Upgrades Fan Video," *New York Magazine*, 12 November 2007, nymag.com/movies/features/videos/40622.

10. Cathy Cupitt, "Nothing but Net: When Cultures Collide," *Transformative Works and Cultures*, no. 1 (2008), journal.transformativeworks.org/index.php/twc/article/view/55.
11. Henry Jenkins, "How to Watch a Fan-Vid," henryjenkins.org/2006/09/how_to_watch_a_fanvid.html, 18 September 2006.
12. Killa, personal Web page, seacouver.slashcity.net/vidland/vids.html.
13. The creators of Halo offered machinima artists Rooster Teeth a license-free use of their material and allowed them to sell it. "Red vs. Blue" may generate as much as \$200,000 a year. See the Wikipedia entry "Red vs. Blue," en.wikipedia.org/wiki/Red_vs._Blue#Development_history (accessed 22 April 2011).
14. Elisa Kreisinger, "Imeem Removes Fan Vids along with All UGV," 6 July 2009, politicalremixvideo.com/2009/07/06/imeem-removes-all-fan-vids-along-with-all-other-ugv.
15. "YouTube's Top 100 by Type," TubeMogul.com, 31 January 2010, tubemogul.com/research/report/31.
16. See the Organization for Transformative Works's [vidding roadmap](http://transformativeworks.org/projects/vidding-roadmap), transformativeworks.org/projects/vidding-roadmap (accessed 13 Feb 2010).

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