POLICY FUTURES FOR THE DIGITAL CREATIVE ECONOMY

PROCEEDINGS OF THE UNIVERSITY OF GLASGOW/ UNIVERSITY OF SYDNEY SYMPOSIUM, MARCH 2023

CREATe Working Paper 2023/2

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Abstract

This working paper reports on the 'Policy Futures for the Digital Creative Economy' international symposium held between 29-30 March 2023, a first step in the Partnership Collaboration being built between the University of Glasgow and the University of Sydney in our field. Hosted in the University's Advanced Research Centre (The ARC) under the auspices of the 'Creative Economy and Cultural Transformations' theme, the symposium showcased cutting-edge research and in-depth regulatory dialogue.

The first day was initiated by Professor Terry Flew's (University of Sydney) keynote on the evolution of Australian cultural policy, while the second day revolved around the regulatory policy forum chaired by Professor Philip Schlesinger (University of Glasgow), bringing together a UK legislator, regulators from Ofcom and the Competition and Markets Authority, and an EU academic perspective from Université Paris-Dauphine. Over the two days, the contributions and discussions ranged across algorithms, creativity and AI, creative labour, copyright, climate change, news, sports, and public service media, as well as new regulatory challenges and emerging responses.

The symposium showed both how similar regulatory approaches between the UK and Australia enabled cooperation, and that research interests productively converged across disciplinary boundaries, offering a significant basis for further development of the partnership between Glasgow and Sydney.

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29 March 2023

Keynote Lecture by Professor Terry Flew (USyd); Professors Kate Oakley (UofG) and Michael Russell (UofG) responded

'A return to nation-building through culture? The quest for an Australian national cultural policy, 2001-2022'

The discussion of Scotland came under the Chatham House Rule
The lecture addressed the vicissitudes of Australian cultural policy development over the past two decades. Engagement with 'creative industries' as a mobilising discourse across different federal and state governments was examined, noting conservative governments' preference for an alternative 'excellence in the arts' approach. Flew emphasised the role of ministerial personalities, geography, socio-economic demographics, as well as diverse understandings of 'culture' in informing Australian policy decisions. The five pillars of the most recent national cultural policy – 'Revive' – were surveyed: first nations first, a place for every story, centrality of the artist, strong cultural infrastructure & engaging the audience. The policy has moved beyond an economic framing, only referring to creative industries as needing democratisation, and to creative work to centre concerns around employment conditions and harassment. These concerns would be addressed through new codes of conduct, a recurring theme throughout the symposium.

The respondents commended the Australian pillar approach, structuring public consultations and anchoring subsequent decisions. They outlined parallels and differences with the UK in general, and Scotland specifically. Post-Brexit contradictions included on emphasis on the UK's soft power, while some of its key sites – the BBC and British universities – are attacked by government in UK's culture wars. 'Levelling up' had little impact on cultural policy and a hostility to 'creative industries discourse after New Labour had put pressure on budgets. Similar to Australia, arts and creative industries are decoupling in UK policy. There is an uneasy relationship with 'digital', considered too important for a culture ministry, and moved to the new Department for Science, Innovation and Technology. In Scotland, the history of policy under devolution was traced with the notable establishment of Creative Scotland as a key agency. In many respects, cultural policy was not contentious given the absence of cultural nationalism. There were some parallels between the place of first nations in Australian cultural policy and the protecting linguistic heritage of Scots and Gaelic.

In the round table discussion, Martin Kretschmer interrogated a standalone cultural policy in light of its extensive intersections with other ministerial portfolios. Terry Flew replied by placing policy in the context of Australia's ungenerous funding for the arts and culture, highlighting the way particular states set priorities, such as games in Victoria, and cited the usefulness of focusing on Australian stories when demanding investment through streaming platforms' localisation. Kate Oakley emphasised that factors impacting on creative industries are often outside of 'culture': education and immigration, for example. Therefore, 'narrating' culture is important, rather than claiming ownership over it. This foreshadowed discussions on the second day on the need for dialogue between different sectoral policy makers.

A second strand focused on the electoral salience of cultural policy: while no constituent ever asked about it at an MP's surgery, there has always been public support for spending on culture. While good working conditions were desirable for all workers, in an Australian context, focusing on creative workers appealed to affluent ABC-watching, theatre-going voters. There was an additional gender dynamic: addressing #metoo concerns in the creative sector contrasted favourably with the male-inclined priorities of conservative politics.

Panel 1, chaired by Dr Melanie Selfe (UofG)

Dr Jonathon Hutchinson (USyd), 'What value of cultural analytics? Discerning value in digital environments'

Previewing his upcoming book,[1] Jonathon Hutchinson explored the relationship between metrics and discerning value in digital environments. Taking the example of Revive, Australia's new cultural policy, he highlighted that different goals require different metrics, whether prioritising first nations' stories or engaging the audience. Researchers needed to go beyond the 'vanity metrics'[2] provided by digital platforms. Recalling Schwartz's theory of basic human values and Bourdieu's social mediation of taste, he emphasised that digital intermediation meant a growing influence of non-human processes over content creation (what Ted Striphas has called algorithmic culture).[3] He concluded by outlining a research and policy agenda that sought cultural analytics alternatives to those defined by platforms.

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[1] Johnathon Hutchison, *Digital Intermediation Unseen Infrastructure for Cultural Production* (Routledge 2023) <https://www.routledge.com/Digital-Intermediation-Unseen-Infrastructure-for-Cultural-Production/Hutchinson/p/book/9781032011486> accessed 7 June 2023.

[2] Richard Rogers, 'Otherwise Engaged: Social Media from Vanity Metrics to Critical Analytics' (2018) 12 International Journal of Communication 450. <https://pure.uva.nl/ws/files/22792936/Rogers_IJOC_6407_30088_3_PB.pdf> accessed 7 June 2023.

[3] Ted Striphas, 'Algorithmic culture' (2015) 18(4-5) European Journal of Cultural Studies 395 <https://journals.sagepub.com/doi/pdf/10.1177/1367549415577392> accessed 7 June 2023.

Dr Kris Erickson (University of Leeds)[4], 'Creative industries policy and artificial intelligence'

To interrogate myths of AI adoption in the creative industries, Kris Erickson presented interim results from multiple case-studies of firms spanning architecture, music and video games. The emerging-use cases focused on rapid ideation and augmenting creativity, dispelling concerns over the substitution of humans by AI. In fact, there was an increased investment of human resources, by adding computer scientists and programmers. A second myth concerned AI's potential to deceive audiences, who on the contrary showed a sophisticated understanding of AI-assisted artefacts and their dialogue with prior works. AI played a marketing role and the resulting works were similar to fan-fiction. On the intellectual property front, licensing uncertainty over upstream training data and the need for third-party software may disproportionately hinder smaller producers, while favouring incumbent media owners who can experiment in-house.

Round-table discussion

On analysing cultural value, John Hartley maintained that social science, focusing on universal characteristics, was the wrong frame. Additionally, value operated at different scales, from the individual to the species. Martin Kretschmer emphasised that cultural analytics occupied a contested policy space, including proposals for content visibility obligations.

On the creative uses of AI, the discussion explored the interaction between AI and fandoms.[5] Kris Erickson outlined his upcoming research on critics' reviews of AI-assisted artefacts. Martin Kretschmer highlighted different approaches to data-mining in the EU, UK and US. On AI's impact on costs, the role of collaborative or volunteer work was addressed, and Gillian Doyle underlined the paradox of technology increasing production costs.

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[4] On 1 May 2023, Kris Erickson (re)joined the University of Glasgow, and CREATe, as Professor of Social Data Science.

[5] Nicolle Lamerichs, 'Transmedia Trends 2022: Creator Economy, Generative AI and Fan Engagement' (*Nicolle Lamerichs*, 30 December 2022) <https://nicollelamerichs.com/2022/12/30/transmedia-trends-2022-creator-economy-generative-ai-and-fan-engagement/> accessed 7 June 2023.

Panel 2, chaired by Dr Lynn Whitaker (UofG)

Dr Joanne Gray (USyd), 'Risk and abuse: exploring everyday copyright enforcement on YouTube'

Joanne Gray presented research exploring private copyright enforcement on YouTube, through a qualitative analysis of 144 videos addressing creators' opinions, theories, and strategies.[6] She focused on private enforcement as an ever-present threat to YouTubers' livelihoods, even when they had never infringed copyright. The main problems with YouTube's manual mechanisms included false claims, coming from unidentified sources, and appeals structured in favour of the copyright claimant. Moreover, YouTube had concluded agreements with certain copyright owners that led to automated enforcement and waived appeals and counter-notices. The research informed her recommendations to the Australian government's review of industry-led copyright enforcement: 1. Requiring claimants' contact details; 2. Ensuring due process; 3. Penalties for abusive claims.

Dr Amy Thomas (UofG), 'Who gets to be an author? A qualitative analysis of authors' earnings and professional working lives'

Amy Thomas presented the follow up to her quantitative survey of UK authors' earnings.[7] Overall, being an author had to be subsidised by a second job or someone else's job. This echoed David Throsby's work in Australia.[8] Amy Thomas's qualitative investigation looked at under-represented categories, such as Black authors and under-25s, as well as the effects of the pandemic. The latter had very uneven effects on women authors, depending on gendered expectations around childcare and home-schooling. A qualitative approach surfaced other demographic variables: disabilities, mobility issues, and anxiety, correlated with a beneficial effect from lockdown. The qualitative approach was providing answers for the disparities previously identified in the quantitative research.

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[6] D Bondy Valdovinos Kaye, Joanne E Gray, 'Copyright Gossip: Exploring Copyright Opinions, Theories, and Strategies on YouTube' (2021) 7(3) Social Media + Society <https://journals.sagepub.com/doi/10.1177/20563051211036940> accessed 7 June 2023.

[7] Amy Thomas, Michele Battisti and Martin Kretschmer, 'UK Authors' Earnings and Contracts: A Survey of 60.000 writers' (2022) CREATe Working Paper 2022/13 <https://doi.org/10.5281/zenodo.7373314> accessed 7 June 2023.

[8] David Throsby, Katya Petetskaya and Sunny Y. Shin, *The Gender Pay Gap Among Australian Artists: Some preliminary findings* (Australia Council for the Arts 2020) <https://australiacouncil.gov.au/advocacy-and-research/the-gender-pay-gap-among-australian-artists/> accessed 7 June 2023.

Round-table discussion

On authors' earnings, the discussion kicked off with the role of class, that came up in the qualitative research, and that could be included in future surveys through a question on 'class of origin'. While the ALCS survey had been very broad, there was some concern that the under-representation of under-25s stemmed from alternative online avenues, such as YouTube. Turning to ways of improving incentives for writers, participants cited prizes for specific categories, changes to contractual practices such as advances or limits on Netflix-style buyouts, as well as legal tweaks such as reversion of copyright.[9]

On YouTube enforcement, the discussion highlighted that creators were well versed in copyright practices and their basis in US law, for instance copyright enforcement used as a proxy for libel. The EU's Digital Services Act (DSA) would change YouTube's mechanisms and reliance on US law. Manual enforcement by management companies, which was most prone to abuse, was another form of industrial content moderation. The potential for rightsholders' practices to liberalise was highlighted, as in the case of sports over the last years.

Panel 3, chaired by Professor Gillian Doyle (UofG)

Dr Ula Furgał (UofG), 'The emperor has no clothes: how the press publishers' right implementation exposes its shortcomings'

Ula' Furgał's paper addressed the press publishers' right, described as the EU's response to the clash between news media and digital platforms.[10] She placed the right in the context of public interventions aimed at digital platforms, noting a widening of regulatory concerns beyond intellectual property since the adoption of the Copyright in the Digital Single Market (CDSM) Directive and the use of competition frames without specific recourse to competition law.

Now at the national implementation stage, the press publishers' right is being transmogrified. As opposed to Australia, EU law does not provide a framework for getting the platforms to the negotiating table or having them act in good faith. Addressing these bargaining challenges goes against the contractual freedom of both platforms and news publishers. Further confusion reigns over the applicability of this right to social media platforms. The paper provides a

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[9] Martin Kretschmer, Rebecca Giblin, Ula Furgał and Elena Cooper, 'Reversion of Copyright in Europe. A European Intellectual Property Review triple bill' (2021) CREATe Working Paper 2021/5 <https://zenodo.org/record/4727099#.ZEWXfi_MJ_v> accessed 7 June 2023.
[10] Ula Furgał, 'The Emperor Has No Clothes: How the Press Publishers' Right Implementation Exposes Its Shortcomings' (2023) ikad025 GRUR International <https://doi.org/10.1093/grurint/ikad025> accessed 7 June 2023.

resoundingly negative answer, as news on social media is communicated by users rather than platforms, and user rights were specifically carved out by the CDSM directive.

Milica Stilinovic (USyd), 'Is academia dead? Or is it dying? Lessons from the newsroom for Open Access publishing'

Milica Stilinovic suggested that changes to academic publishing towards 'the access principle' were inevitable. Adopting a 'smash and grab' epistemological approach, she offered three lessons from the digital transformation of news media: a focus on diversity and including the experiences of the Global South (e.g., Al Jazeera), following where the story leads, and serving the audience's needs. In a world of information abundance, journalism further offered examples of successful adaptations towards contextualising and explaining, rather than just breaking news (e.g., the Washington Post). Milica Stilinovic suggested that it is incumbent on academia to open its citadels of knowledge to the general public and to communicate these ideas more straightforwardly.

Round-table discussion

Questions to Ula Furgał focused on the role of platforms in news distribution. While the law often addresses platforms generically, news titles have a specific focus in mind, and that is Facebook. This is where the distribution of, and renumeration from, content is really focused. Not all platforms play similar roles for publishers. Indeed, Google and its news product, which instigated the publishers' right, barely registers in debates. Policy debates shift according to the publishers' monetary focus. Attention has now moved to Canada in the aftermath of Australia's policy enactments around platform regulation.

Responses to Milica Stilinovic's paper varied. Melanie Selfe emphasised the diversity of academic cultures, e.g., computer science's embrace of beta versions and transparency around *rejecta,* which Milica Stilinovic embraced as an example of the change she was advocating. Others described 'open access' as Orwellian, entrenching academic inequalities, or lamented that universities have taken economics too much to heart. A third line of comments engaged with the relationship between publicity and knowledge. For some, internet search was a public good, whereas others underlined that academic publishing is about the codification of knowledge (presumably for a specialist audience).

Panel 4, chaired by Professor John Hartley (USyd)

Dr Inge Sørensen (UofG), 'Green screens: Screen Scotland, sustainability and the climate crisis'

Inge Sørensen's paper addressed the push for sustainability by screen agencies in small Northern European countries. It reviewed the efforts of various film production stakeholders to generate greener working practices, noting a proliferation of sustainability standards, with different scopes and substantive requirements, that screen productions can resort to for certification. Instead of structural and systemic changes to address climate impacts, a common response was to resort to sustainability managers, tasked with advocacy and coordination between sectors. Overall, screen agencies lacked a specific climate mandate, or indeed capacity and expertise. More fundamentally, a net-zero agenda was hard to reconcile with these bodies' remit to expand production opportunities in their respective jurisdictions.

Ayşe Gizem Yaşar (UofG), 'Behind the curtains of green innovation: a critical analysis of the innovation imperative'

The presentation traced the intellectual history of innovation, from its initial connotation of negative social change to its economic re-interpretation by Schumpeter. The latter nevertheless emphasised individual contributions and was sceptical of antitrust interventions, making his enlistment my contemporary competition policy somewhat paradoxical. Ayşe criticised the association between innovation and growth which underpins much of EU thinking, including in green transition policies. As an alternative, she highlighted Mariana Mazzucato's calls for 'missionary' innovation policies.

Round-table discussion

The discussion explored the parallels between the two papers, in particular how a focus on growth appeared as an inherent obstacle to meaningful sustainability policies. The example of the Netherlands was cited to address the uneasy relationship between competition policy and the cooperation required by standard setting, including those for sustainability. More generally, competition policy's fixation on 'consumer welfare' side-tracked other societal goals. This echoed John Hartley's inaugural lecture's concerns about global goals needing global movements and was picked up the following day in a discussion of the regulatory arrangements needed to accommodate such goals. Philip Schlesinger noted that cultural analysis could expose the politics and power dynamics underlying these contradictions between policy and action.

Panel 5, chaired by Dr Joanne Gray (USyd)

Professor Raymond Boyle (UofG), 'Stream the rivalry: sport in the platform age and the case of F1

For his upcoming book with Richard Haynes, Raymond Boyle used F1 as a sustained case study to research how sports and media have evolved in the digital economy. F1 had a series of particularities: a global sport with a historic deficit in North America, a business model that was late to switch from sponsors to pay-TV, and entirely controlled by one media company. These features translated into a series of partnerships that build and extend F1's brand: first with Netflix, for storytelling through *Drive to survive*, second with Sky TV, to provide a low-cost product that local broadcasters can customise, and finally in a willingness to forgo social media monetisation. Developing F1's own streaming platform has helped geographical growth and keeping partners in check.

PhD Researcher Matteo Frigeri (UofG), 'CREATe's e-lending research project'[11]

Matteo Frigeri presented reflections on e-lending and the role of libraries in the wider context of regulating digital access to knowledge. Initial findings from surveying public libraries and interviewing librarians pointed to licensing arrangements lacking transparency and being marred by excessive prices. The market approach to e-lending, favoured by the EU since 1982, had failed to deliver the expected results, in part because of publishers' concerns that the mass lending of works would cannibalise sales. The copyright notion of lending was useless in the digital domain as libraries did not have a right to access digital books in the first place.

Round-table discussion

The discussion of e-lending centred on the need to empirically test existing narratives and to think about creative solutions, whether digital exhaustion or a library deposit requirement for e-books. Recalling the CJEU's judgement in C-263/18 Tom Kabinet,[12] whereby e-lending is covered by an exclusive right, Martin Kretschmer emphasised the power of such rights to shape an entire sector.

Raymond Boyle highlighted the complementarity between live sports, which Netflix avoids as too expensive, and strong narrative documentaries, such as *Drive to survive* which reached people

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[11] 'The Law and Economics of e-Lending in Europe' (*CREATe*) <https://www.create.ac.uk/project/competition-markets/2022/10/14/the-law-and-economics-of-e-lending-in-europe/> accessed 7 June 2023.
[12] Case C-263/18 *Nederlands Uitgeversverbond v Tom Kabinet* ECLI:EU:C:2019:1111 <https://curia.europa.eu/juris/document/document.jsf?docid=221807&doclang=EN> accessed 7 June 2023.

not interested in F1. In turn, the film-makers' vision was made possible by centralised control over the sport. F1's partnership with Sky TV based in a large UK media environment, rather than following the global itinerary of races, provided a way for reducing the climate impact of screen entertainment.

30 March 2023

The Regulation Policy Forum

This session was subject to the Chatham House Rule

The members of the forum were Professor Éric Brousseau (Université Paris-Dauphine), Ms Kate Davies (Ofcom), Mr Robin Van Mulders (Competition and Markets Authority - Digital Markets Unit) and Lord Stevenson of Balmacara (House of Lords). The forum was chaired by Professor Philip Schlesinger

A discussion of the UK Online Safety Bill (OSB) started with its lengthy gestation and the solid processes that had kept it on track. A similar continuity of tech policy was noted in Australia. Nevertheless, concerns were raised in the discussion over the OSB's provisions regarding the relationship between the Secretary of State and Ofcom, as well as the perceived weak parliamentary procedures envisaged by the Bill. On the substantive side, concerns were also noted about individual takedown appeals, mis- and dis-information, and whether the Bill does enough to ensure the protection of children. That said, there was also acknowledgement that the Bill could bring benefits.

A series of contributions addressed regulatory cooperation at the domestic and international level, as well as making comparisons to the EU experience. Domestically in the UK, the discussion focused on the Digital Regulation Co-operation Forum [DRCF] bringing together Ofcom, the Competition and Markets Authority [CMA], the Information Commissioner's Office [ICO], and the Financial Conduct Authority (FCA). This had been a voluntary initiative prompted by the recognition of a need for greater regulatory collaboration.

Joint statements were singled out in debate as a tool for regulators to signal their emerging views on policy interactions to industry, civil society and politicians, e.g., on online safety and competition.[13] The forum, it was held, also provided a way to reconcile regulators' overlapping or

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[13] CMA and Ofcom, 'Online safety and competition in digital markets: a joint statement between the CMA and Ofcom' (14 July 2022) <https://www.gov.uk/government/publications/cma-ofcom-joint-statement-on-online-safety-and-competition> accessed 7 June 2023.

conflicting mandates. For instance, both Ofcom and the CMA have responsibilities in respect of some mergers, while the CMA and the ICO have identified different but overlapping concerns over Google's proposal to eliminate third-party cookies from its Chrome browser. The forum allows such issues to be considered and addressed jointly. Finally, the forum has offered an opportunity for horizon-scanning and collaborative capabilities development, e.g., on matters such as the metaverse or regarding how best to monitor and address concerns associated with algorithmic processing.

On the issue of international co-operation,[14] the aim was coherence, but there was a willingness for the UK to act faster than other jurisdictions, if possible. Examples of complementarity were cited such as the CMA's and ICO's role in supervising the development and implementation of Google's privacy sandbox proposals, while at the same time equivalent authorities in the Netherlands had made strong progress in areas like understanding cloud services. Pertinently, it was noted that Ofcom had issued an interim report on its market study of the cloud.[15] Developing national regulatory knowledge and capability which could subsequently be shared was seen as key to fruitful international cooperation.

In this respect, it was anticipated that the present plethora of EU legislation would follow the GDPR's path of under-enforcement, even though alternative arrangements could remove the Irish regulatory bottleneck. Networking between EU regulators was characterised as informal and lacking strategic direction with member states often pursuing their own paths. National political priorities also influenced regulators' mandates, complicating co-operation within the EU.

Overall, EU, UK and Australian substantive approaches were seen as similar enough to enable cooperation, focusing principally on regulating systems rather than content and requiring risk management by digital platforms. Whether truly global cooperation was required or just a matter to be worked out between like-minded authorities, e.g., between OECD countries, was further discussed. Nevertheless, concerns were raised that new technologies, whether these be AI or the metaverse, were increasingly challenging common understandings of the object of regulation. Furthermore, regulatory regimes might take a narrow view of online safety, neglecting societal or indeed planetary harms.

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[14] 'Regulators collaborate through new global network to counter online harm' (*Ofcom*, 14 November 2022) <https://www.ofcom.org.uk/news-centre/2022/regulators-collaborate-through-new-global-network-to-counter-online-harm> accessed 7 June 2023.
[15] Ofcom, Cloud services market study. Interim report (Ofcom 2023) <https://www.ofcom.org.uk/consultations-and-statements/category-2/cloud-services-market-study> accessed 7 June 2023.

Panel 6, chaired by PhD researcher Aline Iramina (UofG)

Professor Martin Kretschmer (UofG), 'Platform regulation, codes of practice and the Ministry of Truth'
Martin Kretschmer's presentation addressed codes of practice as an emerging tool of platform regulation in both the UK and the EU, ostensibly a flexible mechanism to address platform innovation. He systematically reviewed existing UK codes to uncover significant variability: named codes of practice or conduct might be drafted by industry or a regulator, might be with or without a statutory status. Further questions concerned the monitoring, enforcement, and transparency arrangements. In the EU, the Digital Services Act (DSA) calls for codes of conduct as means for platforms to comply with their obligations. Recently, the pre-existing self-regulatory Code of Practice against Disinformation had been recognised under the DSA. Martin Kretschmer avers that these phenomena are not well understood in our legal system and that codes are more than a 'framework for a structured dialogue'!

Dr Chunmeizi Su (USyd), 'Borderline practices on Douyin/TikTok: Content Transfer, Fake Accounts and Algorithmic Platformisation'
Chunmeizi Su's paper tackled forms of 'borderline', i.e., unexpected or unauthorised, activity on TikTok and Douyin, its Chinese-market version. The first issue concerned content pools, the platforms' selection of content from one market to make it available in different geographies. The second concerned contractors employed by multi-channel networks (MCNs) to follow scripts that copied the online performances of famous influencers. China affords little IP protection for user-generated content. The platforms attempt to contain such copying, despite their complicated relationship to MCNs. In March 2022, the Cyberspace Administration of China required social media platforms to introduce an off button for algorithmic recommendations, hence reducing the impetus to create facsimile videos. However, the legislation had little impact as this 'button' was made difficult to locate. Making algorithms opt-in is currently considered as an alternative.

Round-table discussion
The discussion clarified that OSB codes of practice would have a statutory basis but be non-binding; their level of parliamentary scrutiny was still being debated. It was observed that codes of practice would be issued by the regulator but with a process of consultation to ensure input from both big tech and the long tail of thousands of smaller services.

Further discussion highlighted both the move towards statutory regulation and the increasing barriers to entry for participation in the platform regulation conversation. The importance of media literacy and parental involvement were underlined. The key role of research in online safety regulation was underlined.

The discussion of borderline practices focused on the harms that might derive from the uses of content pools and addressed the merits of opt-in versus opt-out approaches to algorithmic recommendations.

Panel 7, chaired by Dr Jonathon Hutchinson (USyd)

Dr Surjasama Lahiri (Université Paris-Dauphine), 'Comparative digital regulation in the context of G20 countries'
Surjasama Lahiri presented his research on digital regulation, with a focus on data protection. His aim is to construct a two-dimensional database covering first, substantive regulatory concepts and requirements, and second, institutional arrangements including the independence and powers of regulators. This can be used to test various hypotheses on the relationship between substantive rules and institutional arrangements, as well as serve as independent variables for economic or innovative outcomes.

The discussion compared the proposed database to existing taxonomies, such as the OECD's or CIVICA's digital trade integration indicators.[16] Suggestions for additional indicators included available remedies and the rule of law, the goals entrusted to regulators and whether these concerned individual or collective harms, and whether regulators had cross-sectoral responsibilities.

Panel 8, chaired by Professor Terry Flew (USyd)

Professor Gillian Doyle (UofG), 'Digital transformation public service media: the case of Ireland'
Gillian Doyle talked about her experience on the Commission on the Future of Media in Ireland.[17] The Irish dual model of public service media financing was under strain as both advertising and compulsory license fee revenues were decreasing. While funding through general taxation would

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[16] Martin Ferracane (ed.), 'The Digital Trade Integration project' (*European University Institute*) <https://dti.eui.eu/> accessed 7 June 2023.
[17] 'The Future of Media Commission' (*gov.ie*) <https://www.gov.ie/en/campaigns/54a35-the-future-of-media-commission/?referrer=http://www.gov.ie/futureofmediacommission/> accessed 7 June 2023.

be the best solution, the government shied away because of the perceived threat to PSM on implementation grounds. In the end there are no solutions, just trade-offs. PSM filled gaps in national coverage left by digital streamers and supported creative economies, pushing market boundaries to the benefit of citizens (Mazzucato). The Irish experience reminds us that politics is unescapable when you talk about media.

Stefan Luca (UofG), 'Breaking out in tiers: exempting news publishers from content regulation'

Stefan Luca placed on a spectrum voluntary tiered governance arrangements[18] relating to journalism, from platforms' news initiatives to journalism credibility implementations, and calls for mandatory news tiers, from the failed attempts at a media exemption in the Digital Services Act, to the draft European Media Freedom Act and the protections for journalistic and news publisher content in the UK Online Safety Bill. He reviewed the clash between content moderation and journalistic interest, the challenges of content-based newsworthiness exceptions at scale and the comparative advantages of actor-based special procedures. Tiering practices raised common concerns, either endangering press independence or jeopardizing legitimate moderation goals such as containing misinformation. The proposed solution was to anchor a tiered regime in effective press self-regulation.

Round-table discussion

In the discussion of public service media, Philip Schlesinger noted a defensive turn focusing on securing places and spaces in this new and inauspicious world. In the field of communications this translated into import restrictions for certain technologies, while public service media could be seen as essential infrastructure. The latter argument could apply to the software infrastructure controlled by private platforms. The Irish experience was informative for the upcoming Media Bill in the UK. Nevertheless, John Hartley noted the slippage between public service and public interest media, while Terry Flew contested the notion that public service broadcasting could create a 'public sphere'.

The discussion of news exemptions addressed the inherent lack of transparency in the debate about tiering practices, the long shadow of the partially-completed Leveson Inquiry in the UK, and potential conflicts with amendments to the Official Secrets Act (1923), allowing, for instance, hacked materials to remain online for a long time.

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[18] Robyn Caplan and Tarleton Gillespie, 'Tiered Governance and Demonetization: The Shifting Terms of Labor and Compensation in the Platform Economy' (2020) 6(2) Social Media + Society 1 <https://doi.org/10.1177/2056305120936636> accessed 7 June 2023.

Closing remarks

Terry Flew provided an overview of the substantive issues raised in the symposium. He was pleased that so much ground had been covered. He looked forward to further development of the partnership and a reciprocal visit.

Philip Schlesinger said that the symposium achieved its purposes of creating a space for dialogue and exchange, the discovery of new work, and crossing disciplinary boundaries. The participants were congratulated for their commitment to clarity of presentation and sensitive chairing of sessions. He thanked the Symposium Committee and those reporting and otherwise supporting the event in the myriad of ways essential to a successful outcome. Now, it was a matter of further exploring the connections made and building on these.
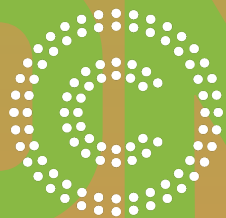
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