00:01 [IP Casts music, a soft harmonic resonance, builds to a crescendo]

00:06 Les: You're listening to IP Casts.

00:13 [IP Casts music fades out]

00:14 Jessica: Twitter poses some unique considerations for students' intellectual property, I think. It allows us to recognize a wide range of different types of inputs involved when a student composes within a social media platform. So, you know, students might be composing content, which would take the form of a status update, but there are other types of compositions that come into play when a student is participating using Twitter—things that they generate like data and metadata. So I'm just wondering what kinds of other contributions of intellectual property are made on Twitter and what about that data trail that accompanies Twitter activity? Is that intellectual property and what are some of the implications for thinking of it as intellectual property?

01:02 Les: I like this because it really extrapolates what all Twitter does and where authorship is happening. And so I think, you know we talked about how just the form of content making (tweets, replies, posting images and videos) are all of that sort of authored content—even private messages. But I think, and this is based off of both of yours' chapter, is that even likes and book-marking tweets are acts of authorship because they denote meaning onto that other content. They make it, they alter that primary content to have it more visible in other people's timelines and feeds, and changes…you know all of those tweets have that sort of data analytics attached to it. And every time a user does those things, it authors that data and metadata that is attributed to their account that has their account, which it has their IP address, you know, their location, and all of those things become this Twitter identity that they are. So, they're authoring their identities and those follow them—follow users wherever you go. That is all content that is getting stored in the cloud, but then also in these data centers and being aggregated to all connect to that IP address.

02:28 Tim: That makes me think about Dànielle Nicole DeVoss's newest chapter in the recent collection that Jonathan Alexander and Jacqueline Rhodes edited called the *Routledge Handbook of Digital Writing and Rhetoric*. In that chapter, Danielle says, "Hey, there's kind of three contexts through which we need to really be thinking about why digital writing matters and how it matters." So that gets at that networked, collaborative aspect of writing. And so the way we're producing now, in terms of using the heuristic, the inputs that we're making are happening at finer scales. So, we're working at the networked, collaborative level, but we're still working in systems that primarily understand contributions as something that is made at the individual level. Right? And so I think a lot about that too. Does our IP law account for collaborative authoring— or at least the kind of collaborative authoring that happens in networked, collaborative space? And I think when we get there, a lot of the law tends to break down and/or lean towards a

protectionist stance that protects the kind of solitary authoring of yesterday. Right? And so that, you know, folds into kind of Lessig's arguments about read-write and read-only culture. So it's like, we're not really…we understand that those things have value—both social and economic value—like Facebook is incredibly…people like Mark Zuckerberg and Jack Dorsey, they're, these are wealthy people. You know, and we're making them wealthy through the participation that we do. So they're offering us a service, for sure; they're granting us access to that platform. But that seems like the inputs in what we might do with them and who benefits from how those inputs are made is…that folds back to the asymmetry of platforms as well.

04:24 Les: Asymmetry also plays in at the data level in that, between the moment that there's content authored and then that content becomes data, that shift is where the obscuring and the asymmetry happens. That's where Twitter takes over ownership over user contributions. And so I think all those sort of content-making things are not necessarily content creation by the platform.

04:53 Tim: hmmm

04:54 Les: So they're not considered property that the user can own or control. That is what is impacting agency because the user no longer can see it—it's obscured; it's hidden. And so they don't even know necessarily that every single one of those behaviors that they're engaging in—even just logging in is creating data: timestamp, location stamp, authorial stamp. So I think when we talk about authorship, we do need to talk about the collaborative aspect and we can also talk about the individual authorship aspect of "this is my identity doing these things in this space."

05:29 Tim: hmmm

05:30 Jessica: Tim, you mentioned IP law not accounting for collaborative authorship, but I'm also thinking of Terms of Use that each of these service providers develops to kind of govern the data that's collected there. And in those Terms of Use, as we talk about in different parts of the webtext, make distinctions between content as being copyrightable, but data as being information that is simply a byproduct of use that the platform itself can collect—can do whatever they want with, essentially—without permission from the user. And so there is this distinction being made, and it's a legal distinction or made through Terms of Use between authored content and data. That might in those distinctions might not be, well they're certainly not useful for users themselves and they're not easy to make because those activities of authoring necessarily include both content and data anytime you're participating in those systems, so…

06:39 Tim: Mmhmm. The invisibility, you know, that Les points to here is such an important aspect of it too. You know, that it's just on the backside of these contributions. There's the surface level contributions that people are making when participating, but, you know all the things they're authoring on the backend that they're just not really aware of, which kind of reminds me of Estee's [Beck] work, you know, on digital invisible identity and…You know, I think that poses significant implications; people don't really know that they're doing this—that they're authoring and composing these data trails. That impacts what their awareness and their critical awareness of what it means to participate in those systems.

07:21 Jessica: If students are asked to use Twitter as part of a class assignment, it's difficult to anticipate what's going to happen to their compositions once it's contributed to the platform. So, I realize that's part of the assignment and the value of social media is to ask students to participate in a space where there is such a wide reach and a potential for sharing and collaboration in derivative works, but it also poses some challenges to students when their contributions are used in unexpected ways or even potentially harmful, to their own detriment. So I'm thinking of that case study or that scenario that we present.

08:00 Les: This brings us back to early considerations and questions about copyright and authorship that go back to the 19th century, you know. Do authors have a right to control the distribution of their works. And Twitter really challenges that question in new ways because once you have authored something, it's public. It just sort of goes away from you. Once a user does that, it's out there. And if something like that gets picked up, especially if you're using a hashtag, which is widespread, the more well-known a hashtag, you know, the more the likelihood of that happening. That work is no longer, you know, that student's anymore. I think about how we have Twitter has that function of quote-tweeting, and so that tweet then becomes a completely different tweet and gets changed into the tone and the purpose of whoever is quote-tweeting that tweet.

09:00 Tim: Mmhmm.

09:01 Les: And, if you have hundreds, if not thousands, hundreds of thousands of people changing that tweet for their own means, what does that tweet then become? Is it…it's still authored content in the original, but is that a citation? Are they using source material? How can we think of what that tweet is then?

09:18 Tim: Hmmm. I don't know if we have a lot of firm answers yet, right? I think there's maybe a variety of ways of interpreting what tweets mean and what retweets mean and how they speak in different, new ways, and add or reframe and recontextualize the meaning of the work or the original message. So, you know, pointing to that rhetorical velocity thing that Dánielle and Jim Ridolfo had spoken a lot about previously. I think also, you know, in terms of the context of, say, a class hashtag, which I see often used and we write a little about that in this section. We got permission from Renee to use one of her tweets where she uses a class hashtag. You know, one of the things that I even thought about previously is how, in the future, that can be used to reidentify a group of people that have a network. You know, it's not just an online, digital network, but there's some physical connection between people here. And so that can be, I think, used in ways that are harmful potentially and predatory potentially, too. And so that's one of the things I've thought a lot about, and so I haven't been using class hashtags for quite a long time now.

10:35-10:49 [IP Casts music, a soft harmonic resonance, builds to a crescendo, then begins to fade out]