

From Crowd-Sourcing to Crowd-Enforcing: An Empirical analysis of Threadless's Community IP Norms

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Julia Bauer, Nikolaus Franke & Philipp Tuertscher, [The Seven IP Commandments of a Crowdsourcing Community: How Self-Organized Norms-Based IP Systems Overcome Imitation Problems](#) (forthcoming 2014).

Empirical studies of creative communities continue to provide scholars and policymakers with useful evidence for assessing intellectual property regimes. In *Seven Commandments*, we find yet another excellent example of the type of evidence we need to know and, perhaps even more importantly, robust methods for gathering it.

The article reports on a study of Threadless, an online community that crowd-sources t-shirt designs. As with many such communities, it uses a combination of collaborative and competitive elements, allowing users to work together on certain projects while also competing with each other for approval, funding, and ultimately production and distribution of the designed apparel. The authors of the paper seek to study the IP norms of the Threadless community in order to understand what makes it succeed in terms of incentives to create. In particular, they note that because formal enforcement of copyright law is generally difficult if not impossible on such sites, normative systems are presumed to play the major role in protecting the investment of creators.

In order to discover these norms, the authors gather data in three ways: netnography (observation on online communications and interactions), a survey, and a field experiment where the authors intentionally violated various designer's IP by copying and posting some or all of their designs as new submissions on the Threadless site.

What they discover are seven "commandments" that appear to dominate the Threadless culture when it comes to IP norms. These include: (1) You must not make an unauthorized copy of a design; (2) If you copy, you have to ask the original designer for permission; (3) If you copy, you must provide attribution; (4) If you are suspicious of a design, you must investigate before accusing it of being a copy; (5) If you find that a design was copied, you have to make the copy case public; (6) the public trial must be fair; and (7) If someone is caught copying a design, you have to join in a collective sanctioning of the copier.

These results are somewhat surprising given the general skepticism that most researchers have had for crowdsourcing as a means of generating and enforcing norms, especially IP norms. Yet *Seven Commandments* shows that a large percentage of the active Threadless community has come to at least a rough consensus against unauthorized copying and for attribution. More interesting still, they have chosen to adopt some of the core elements of procedural due process from the court system as part of their approach to enforcement. For example, the notion that accusations of copying should be made public and that there should be some version of a public trial with evidence and the opportunity for the accused to contest and challenge the case against them goes back as far as the Magna Carta in Anglo-American law. Ironically, such elements are nearly absent from formal online IP enforcement/resolution regimes, such as the Digital Millennium Copyright Act's "notice-and-takedown" scheme or the recent private agreement among United States Internet Service Providers to adopt a "six strikes" system of copyright complaints.

So what makes Threadless so special? How are they able to succeed in this regard? The authors are understandably cautious to pinpoint any one factor, but their findings suggest that there is a strong moral core to the approach of the community on these issues, and that the community's commitment to this core allows them to have a more robust, participatory, and honest dialog about how IP should be handled. Moreover, there is a strong emphasis on the transparency of the community's behavior. The accusations, evidence, trial, and sanctions are public and thus

accountable themselves to any accusations of bias or abuse. This reinforces not only fairness but also rationality in outcomes.

Of course, Threadless is but one community, so one hopes that the authors of *Seven Commandments* expand their project to provide comparative results and analysis, especially across different modes and means of creativity, but by itself it serves as a beacon to help guide sites that want to avoid both unauthorized appropriation and excessive or draconian legal battles between community members

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