Best Practices for Online Media Aggregation

I. What's the Point?

- Media aggregators ("MA") want content to draw an audience.
- Content owners ("CO") want to grow their audiences.
- Audiences want online media for free.
- If MA and CO work together, everyone can benefit.

RSS technology, which is the basis for audio and video podcasting, allows others to easily subscribe to a website's content. Mechanically, this can be done by individuals as well as by large scale "aggregators."

Since the technology of RSS of does not discriminate against the end recipient, it raises the question of what rights does the end user have to the syndicated content? Most CO's attach a license to their content. These licenses ranges from the traditional copyright, whereby the CO allows others to consume the content but may not otherwise re-use it in any fashion without express permission.

At the other end of the rights spectrum, are the Creative Commons licenses. These vary considerably and address re-use of the content, with clear distinctions between commercial use and non-commercial use. In particular, the "share-alike" license encourages re-use of the original content for the creation of new creative works and for managing one's consumption of the original work.

This document examines the best practices of media aggregation and addresses both audio and video media.

II. Our Goals

1. To cooperate with aggregators and remixers in a fair, professional, and responsible way.

2. To educate the public about reputable and disreputable practices, so we can use the marketplace to support those who respect and value independent media producers.

3. To encourage business models that acknowledge and compensate the contributions of both the hosting platforms and the content owners.

4. To support independent media producers, aka original content owners in earning compensation for their original works of art.

III. Caveats: Please Read This First!

- We have organized the best practices into two categories:
    - "First Priority" items are considered by the majority of CO's to be essential, as they relate directly to how the CO can measure and benefit from the consumption of CO's original content.
    - "Second Priority" items are more relevant to specific business structures as well as to the relationship between the MA and the CO.
- These practices apply to the "bulk" use of RSS feeds when there is no prior business relationship between MA and CO. You will notice there is a clear distinction made between sites that simply re-distribute original content vs. those that re-host and/or transcode the original content before re-distributing it.
- All items here can be modified when there is direct agreement negotiated between MA and CO, whether one to one or in the form of a blanket user agreement.
- For the CO to benefit from the consumption of her/his original content, there must be a system to measure that consumption that is accessible and fully transparent to the CO.
- CO's agree to use standards-compliant RSS feeds that include the applicable copyright license, show graphics, contact information, permalinks, etc. to enable responsible MA practices.

IV. First Priority Best Practices

1. **CO retains full ownership of her/his content and is responsible for the originality of her/his content.**

   - This is regardless of where it is distributed.

   - MA's Terms of Service (TOS) does not claim ownership of content in exchange for services provided.

   - CO understands and honors the copy-protection licenses of any content it includes in its network or website.

   - CO does not build user tools that encourage violation of CO"s copy protection license.

2. **MA delivers the CO's original feed.**

   - MA does not grab content and re-host on its servers without permission.

   - MA does not transcode or repost content in its own media player without permission.

   - MA does not generate its own RSS feed using **re-hosted** content nor does it enable its site visitors to do that. If MA is feeding from the CO's original source, then these practices are not only allowed but in many cases are encouraged, providing the copy license is clearly displayed and in effect.

   - MA does not cache media on its servers. These practices give playback metrics to the MA, not the CO.

3. **MA provides easy and direct access to CO's website.**

   - There is a prominent link back to CO's website.

   - There is a prominent link to the CO's original RSS feed, enabling visitors to subscribe.

   - MA uses CO's show graphic, provided they are correctly included in CO's RSS feed.

   - MA provides the CO's links, show name, and info on every page where CO's media is displayed.

   - MA makes it clear to visitors that CO's content is being aggregated from the original source.

   - If the MA is offering its users the ability to remix various CO feeds, then those links are clearly distinguished from CO's original feed links and pull directly from the CO's original feed.

4. **MA does not alter CO's content.**

- MA does not abridge or remix CO original content without express permission.
- MA can use excerpts of CO's content to promote the show on the network.
- MA does not insert its own or remove or disable CO's advertisements in the original media.
- MA does not watermark or otherwise insert its own brand into the playback experience.
- MA does not insert pre-roll, mid-roll, or post-roll advertising of any kind without direct approval from the CO.

5. **MA honors all licenses attached to CO's original content.**
   - MA displays the copyright license applied to each piece of media when it is included in the RSS feed.
   - MA does not promote or encourage its visitors to violate copyright. This includes full copyright as well as the various Creative Commons licenses.
   - Ideally, the MA provides links and information to users regarding the various forms of copy protection available.

6. **MA shares site revenue with CO.**
   - In many cases, both the MA and the CO want to make the CO's content available to the site visitor for free.
   - This *does not imply* that CO is making the content available for free to the MA.
   - When revenue is generated (typically from advertising and sponsorship deals)) then that advertising revenue should be distributed to both MA (for building the platform) and to the CO (for providing the content that draws visitors.)
   - Targeted content delivered by the trusted CO to its loyal audience, can generate a much higher rate than traditional advertising based only on broad demographic data instead of niche-based content.
   - Since the CO has such a close relationship with her/his audience and subject matter, s/he can often suggest ideal products and services.
   - The degree to which non-targeted ads (such as AdWords placed on the surrounding pages) generate revenue should be balanced against the unique services MA does or does not provide the CO when calculating revenue share.

V. Second Priority Best Practices

1. MA enables CO to create an account on the MA site and "claim her/his feed." This assures accuracy in the information presented on behalf of the CO and builds a collaborative relationship.

2. MA enables CO to opt-out of being listed on MA's site by providing contact information in a prominent location.

3. MA provides playback statistics to CO.

4. MA does not use frames or other programming to embed CO's web site pages directly within MA's site.

5. MA notifies CO when her/his feed has been re-distributed on MA's site.

6. If MA provides reviews or ratings of CO's content, those reviews are clearly explained and attributed.

7. MA uses good judgment and does not co-mingle adult-oriented ads with CO's G-rated content.

8. MA understands and distinguishes between those who occasionally cross post other people's media versus independent media creators who are serous about their craft and in many cases are building businesses of their own.

9. Revlogging: Please contact the CO whose media you are using and invite the into the discussion. Please remember that in most cases with Creative Commons, the copyright license travels with the sampled media.

VI. Take the Next Steps!

- o Let us know how we can improve and clarify these practices.
- o Sign on as a supporter of these Best Practices for Online Media Aggregation. Go to: _____
- o Spread the word so others know about it: blog it, podcast it, email it.
- o Start conversations with the aggregators you know personally so we can grow together.
- o Tell us about your business so we can add you to our master list and promote you throughout our networks.

Visit www.itvguild.com to learn more and act now.

VII.   Contributors:

The very insightful and passionate discussion on the Videoblogging List at Yahoo. *videoblogging.yahoo.com*

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About Copy Protection

© This represents full copyright and the media may not be redistributed or reused without express permission of the owner. If it is made available by RSS, it is for consumption of the end user only, not to be used or remixed on others' networks or web sites.

Creative Commons – these licenses allow for others to re-use original content. However there are various restrictions that address how it can be shared, what license must pass through to the remixed content, and whether or not it can be used for commercial use.

RSS feed supports the delivery of the copy license, making it easy for the MA to manage aggregated content appropriately.