Participatory audiences in the European public service media: Content production and copyright

Audiencias participativas en el servicio audiovisual público europeo: Producción de contenidos y derechos de autor

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Abstract

The interactivity and participation of the public in the media is not a novelty, but has increased significantly with the adaptation to the digital convergence process. The possibility for audiences to share content through social platforms or generating its own is raising new ethical and legal issues. In this context, the public service audiovisual media must be pioneer both in the introduction of new participatory experiences and in the debate on the behaviour of the media regarding the interaction with its users. The objective of this article is twofold: on the one hand, to approach the current scenario of participatory mechanisms present in the European public service audiovisual media; on the other hand, to determine how this media is solving the new problems generated by the increase in user interaction. The research on participatory mechanisms offered by public service media shows that social networks, blogs, and comment sections are the main tools for discursive participation, while the field of creative participation requires the exploitation of new innovation strategies. The main challenge arising from this situation is how to control the legality of user-generated content and how to manage the ownership of copyright according to social values represented in public service media.

Resumen

La interactividad y participación del público en los medios de comunicación no supone una novedad, pero se ha incrementado notablemente con la adaptación al proceso de convergencia digital. La posibilidad de las audiencias de compartir a través de plataformas sociales o de generar contenido propio está planteando nuevas problemáticas éticas y jurídicas. En este contexto, los medios audiovisuales de servicio público deben ser pioneros tanto en la introducción de nuevas experiencias participativas como en el debate sobre el comportamiento de los medios en la relación con sus usuarios. El objetivo de este artículo es doble: por un

lado, hacer una aproximación al panorama actual de los mecanismos de participación con los que cuenta el servicio audiovisual público europeo; por otro, conocer cómo estos medios están resolviendo las nuevas problemáticas generadas por el incremento en las relaciones con los usuarios. La exploración de los mecanismos de participación ofrecidos por los medios de comunicación públicos demuestra que las redes sociales, los blogs y las secciones de comentarios son los instrumentos de participación discursiva predominantes, mientras que en la esfera de la participación creativa es necesario explotar nuevas estrategias de innovación. Como principal reto a abordar, se plantea cómo controlar la legalidad del contenido generado por los usuarios y gestionar la titularidad de los derechos de autor conforme a los valores sociales representados en los medios públicos.

Keywords / Palabras clave

Participation, interactivity, audience, digital convergence, intellectual property, copyright, public service audiovisual media, audiovisual policies.

Participación, interactividad, audiencias, convergencia digital, propiedad intelectual, derechos de autor, servicio audiovisual público, políticas audiovisuales.

1. Introduction and research questions

The reshaping of the European public service media has intensified due to digital transformations and changes in consumer habits. Public service media must take advantage of the current media scenario to act as a driving force in pursuing new participatory mechanisms while redefining its social mission (Medina & Ojer, 2011). Some forms of participation connect with the mission of public audio-visual services to the extent that they need to be at the forefront of the new cultural modes (Moe, 2008; Azurmendi, 2018). Vanhaeght and Donders (2015) identify five values or principles for the public service media that could be fostered through audience involvement: universality, creativity, social cohesion, participation, and diversity. This last objective is also highlighted by Aslama-Horowitz and Napoli (2014), considering the opportunities offered by audience participation to foster diversity.

For this reason, the interest of public media on the new forms of consumption and the users' approach should be increasing. European Union broadcasters have spread their presence on digital platforms and social networks (Fernández-Lombao, 2015), although in certain cases they were criticised for their lack of a two-way relationship (Azurmendi, Llorens, López-Vidales, & Bas-Portero, 2015).

Adaptation to online technologies has implied a transformation in the media and the audiences (Rodríguez-Martínez, Codina, & Pedraza-Jiménez, 2012; Díaz-Noci, 2010) and under the 'conditions of the modern media ecology' (Scolari, Winocur, Pereira, & Barreneche, 2018).

Web 2.0 tools, alongside current communication strategies, are based on collaborative project proposals arising from social media in the so-called prosumer and intercreativity era (Fernández-Castrillo, 2014). The forms of consumption change through new technologies and mobile devices anywhere and anytime (González-Molina, 2012). The media puts new formats and narratives in place, many of them meeting the requirements of consumption through mobile devices and new online technologies (Varona-Aramburu, Sánchez-Martín, & Arrocha, 2017).

The possibilities for interaction are becoming increasingly extensive. Díaz-Noci and Tous-Rovirosa (2012) highlight the multiplatform distribution of current issues, the contributions to the construction of news discourses or, in the fiction field, the story continuation in multiple ways. Besides, the 'participatory turn' (Bonini, 2017) may (and should) lead to structural participation, which refers to the development of strategies placing civil society or the 'implied audience' (Horz, 2016) at the centre of the decision-making process on public media.

Innovation is a key element for public service media, but it constitutes a challenge which raises new conflicts. A major concern for the media is the possibility that its content, protected under copyright (common or continental law), may be shared through social or personal networks, blogs, or other

interactive mechanisms. Web 2.0 has overcome copyright regulation (Cebrián-Herreros, 2008), as well as its control and management (Ribes, 2007). Additionally, there is a need to regulate user-generated content legality and ethics.

2. Material and methods

The purpose of this research was to conduct a descriptive approach of the participatory offers provided by European public media, and to analyse the regulation on copyright, legality, and ownership of such participatory offers. The study comprises all the European Union public media[1] by accessing their websites.

This paper shows the results arising from research on the main participatory mechanisms provided to users by the European public media. Due to the broadness of the concept 'participation'[2] (Carpentier, 2011; Azurmendi & Muñoz-Saldaña, 2016), a decision was made to analyse the concept within the content, by designing a datasheet, based on a dual dimension:

1) Discursive participation, emerging from comments in news, blogs, forums, and other digital tools allowing users to express their opinion. This kind of participation, which could be equated with the 'catch-all' model cited by Masip and Suau (2014), did not imply any engagement by users from a content creation point of view. The analysed elements within this dimension were the following: social networks, blogs, comments, forums, chats, complaint boxes, forms, polls, and debates.

2) Creative participation, especially channelled through activities requiring the audience´s active engagement and leading to user-generated content. In this case, there was a direct link both to the model of collaborative networks from Masip and Suau (2014) and the indicators corresponding to the content productivity parameter arising from the approach of Rodríguez-Martínez, Codina and Pedraza-Jiménez (2012). Creative participation included the analysis of the following elements: text, video, image, and audio production, as well as 'fan fiction' and 'fan art'.

The design of the datasheet corresponding to this first phase of the analysis process (discursive and creative participation) was executed considering a series of studies that focus on the development of methodological proposals which allow for assessment of the different levels of the user's online participation (Rost, 2010; Rodríguez-Martínez, Codina, & Pedraza-Jiménez, 2012; Limia-Fernández, Toural-Bran, & López-García, 2013; Masip & Suau, 2014; López-López, Puentes-Rivera, & Rúas-Araujo, 2017), but adapting them to the scope of this study. The research timing during this first phase was divided into two parts: The first part consisted of the analysis of the corporations' websites in order to gather, through comparative tables, the availability of interactive tools in the two participatory models above mentioned. This allowed us to identify the online platforms created by each public corporation for user's participation, the accessibility to these platforms, and the requirements for using them (registration). Once the participatory tools from each corporation's website were identified, the second part consisted of a second analysis which allowed us to see which tools obtained a higher level of participation (number of followers and comments; image, text, and audio transfers; level of discussion among users, etc.), which content was shared by both public broadcasters and their users by means of these tools, and also an assessment of feedback levels from the corporations towards their audience (answers to questions, comments or complaints from users, doubt clarifications, acknowledgements, content or opinion delivery), and which proposals are included on their websites for the users' creative involvement.

This study concludes with the analysis of the websites' terms and conditions of use, with the aim of identifying the main effects of participatory mechanisms regarding the European public broadcasters' regulation. For that purpose, a review of these texts was conducted[3] (terms and conditions of use, legal notices, etc.), gathering them from the target public media websites, searching a series of keywords: shared content, user-generated content, copyright, content control, ownership, and legality. An assumption was made in terms of the increasing forms of participation as a cause for a

rise in control and standardisation measures, especially in the field of intellectual property rights and legality control.

The novelty of this study lies in providing a double perspective of the current situation and state of play concerning users' participation in public audiovisual media, both from the point of view of the main collaborative tools and the subsequent regulatory effects and changes. There are numerous studies on audience participation in audiovisual media, some examples being Scolari (2008), García-Avilés (2012), Quintas-Froufe and González-Neira (2014). Regarding public television, there are studies carried out by Debrett (2014), Hutchinson (2015), Azurmendi and Muñoz-Saldaña (2016), Rodríguez-Fernández, Sánchez-Amboage and Toural-Bran (2018), or Stollfuß (2018). There is less research on copyright and media, with studies conducted by Díaz-Noci (2003; 2010; 2014) or Díaz-Noci and Tous-Rovirosa (2012) worth noting. However, none of these authors addresses the scope of this research (state of play, difficulties, and copyright) within the European Union public audiovisual scenario.

3. Results. Participation in public service media

3.1. Discursive participation analysis

Public European broadcasters begin to understand the undeniable advantages of actively involving their audience. This is why, even though many of the broadcasters are still more focused on the display than on participation, others seek to provoke the audience's reaction to their content.

Social networks. The analysis of discursive participation in public European broadcasters shows that social networks have become the main interactive tool used by these bodies. Every public broadcaster opts to be present through various accounts on existing social platforms[4]. Facebook and Twitter have a greater presence on broadcasters' websites and generally reach a greater number of followers. In this sense, the British broadcaster BBC and the Spanish RTVE are the ones obtaining higher levels of acceptance thanks to their 'social media' strategy. YouTube is the other large social network that is managed by the majority of European broadcasters. The BBC is the broadcaster with the largest number of users in this platform, with more than five and a half million followers and a high level of activity. On the other side, there are entities such as the Bulgarian public broadcaster BNT, reaching less than 10,000 followers and having no activity for the last four years, or the Cypriot CyBC, having shared only one video and barely holding five hundred supporters. Instagram and LinkedIn are also widely used among many of the European broadcasters.

Blogs. Blogs are also an online platform used by many of the European public broadcasters, although not all of these corporations use them in the same way. The BBC has a corporate blog that explains how that business group works. SVT (Sweden) continues along these lines, using this logbook for different area managers to tackle topics related to the corporation. Other bodies (RTVE in Spain, RAI in Italy, YLE in Finland, MTVA in Hungary and again the British BBC) include in their websites a section allotted to blogs addressing fun facts and various subjects (cooking, politics, music, poetry, etc.). BNT (Bulgaria), RTP (Portugal) and RTÉ (Ireland) have a section for blogs that focus mainly on current and political affairs.

Comments. Most European public broadcasters allow the user to comment their content, even though they offer different spaces for that. In this regard, some corporations enable comments without needing a pre-registration on the web section (ARD, ORF, BBC, RAI, RTVE, DR, TVR or SVT), while in other cases it is mandatory for the user to register (Česka Televize, LRT, RTVSLO, ERR, France Télévisions, Latvijas Televizija, RTL or RTP). Besides, there are some broadcasters that only allow users to comment on their platforms under request (such is the case for the Belgian RTBF and VRT).

Forums. Only five out of all the broadcasters analysed have a section dedicated to forums. ARD, in Germany, includes some forums related to specific shows from its main TV channel, Das Erste. SVT (Sweden) has a number of active forums focused on social issues. By means of the section 'Take part in DR', the Danish corporation provides the audiences with a forum for talking about their

interests in the functioning of the corporation. Finally, RTVSLO (Slovenia) and RTVE (Spain) have open forums to participation on various topics (culture, sports, leisure, etc.).

Chats. The main German TV channel, Das Erste, joins a 'Live-Chat' to its live broadcast on the website. Similarly, the NPO Radio 1 in The Netherlands has an online chat as well. Regarding the Spanish RTVE, it only activates this service when it comes to prime-time shows, for example 'The Operación Triunfo Chat', related to the Spanish reality television talent show 'Operación Triunfo'. The Portuguese RTP is also among the few public broadcasters providing this kind of service, although on this occasion it appears only on the online channel RTP Arena, focused on 'eSports'. The Slovenian RTVSLO offers its registered users the opportunity to participate on chats, making conversations open to everyone.

Complaint box. Many of the analysed broadcasters provide some sort of complaint box, usually related to the concept of the audience ombudsman, which makes the sending of complaints and/or suggestions much easier.

Web forms. They appear in many of the analysed broadcasters. Most of them are simple, since they only request some information about the user. Forms are also used to tackle issues related to the payment of the broadcaster contribution (RTVSLO in Slovenia, or BBC in the United Kingdom) or to develop games or contests (ORF in Austria, or VRT in Belgium).

Polls. Polls are not widely used among the European Union public broadcasters. RTÉ (Ireland) employs polls to select the candidates for the 'RTÉ Radio 1 Folk Awards'. France Télévisions (France) uses them on specific situations as a game. The Dutch NPO is the public media network that most frequently uses polls, featuring a section dedicated to them, #POLL. Other corporations like RTVE (Spain) or DR (Denmark) have a different approach. The online platform from the Spanish broadcaster assesses the interest of users in a given subject by means of polls. For its part, DR in Denmark, through the 'Panel of DR', involves 10,000 users who publish their answers with the aim of improving the services provided by the Danish broadcaster.

Debates. ORF (Austria) has the only debate section identified during the analysis of the sample: 'ORF Debatte', where discussions are held on several current issues.

3.2. Creative participation analysis

The analysis of the creative participation shows a certain degree of openness by the analysed broadcasters to actively involve audience in content production.

Text, video, and image production. From the production perspective, the main contribution of users to European public broadcasters is related to the users' input on the different information sections existing on the broadcasters' websites. It is common for text, image and video requests to be jointly sent from the same section. Examples include BBC (United Kingdom), RTBF (Belgium), RTÉ (Ireland), DR (Denmark), LRT (Lithuania), PBS (Malta), RTVLSO (Slovenia) and RTL (Luxembourg). A different way of involving users is through proposals made by corporations as RTVE (Spain), BBC (United Kingdom), YLE (Finland) and SVT (Sweden). RTVE recently activated the project 'En la brecha' on its digital platform 'Playz'. This interactive documentary on the gender gap in the working environment gives every woman the opportunity to participate and tell her story. 'BBC Travels' also allows for participation by presenting attractive and emotional stories addressed to editors, writers, and photographers. YLE has a section where users can send proposals on potential content for the corporation and SVT calls for proposals for 'SVT Documentary'.

When it comes to textual participation only, we found different cases from the ones already stated above. RTVE, through its public radio service Radio Nacional de España, organised a tale contest called 'Relatos Escritos' for people over sixty. The Bulgarian public corporation BNT is another representative example, since it promoted the campaign 'A window to the country', an essay contest addressed to Bulgarian students.

We also found the opinion section of RTL from Luxembourg, and the web space 'My World' from the Slovenian RTVSLO. In the first case, there is a section devoted to the readers' letters and, as for the second case, a space for sending short texts, as a kind of tweets.

Concerning France Télévisions, we found a form of participation that is halfway between text production and the use of web forms. The programme 'Allô Docteurs' gives the users the option of sending their questions regarding the topics to be discussed during the following programmes.

Besides, we also frequently found photo gallery sections in the case of the digital platforms from the analysed broadcasters, inviting the audience to participate only with images. The most remarkable examples are RTVE (Spain), YLE (Finland), ORF (Austria), DR (Denmark), RTÉ (Ireland), SVT (Sweden) and ERR (Estonia). There are also opportunities for participation in the case of child audiences. The Portuguese RTP, through its channel 'Zigzag', provides a section where drawings made by children are published.

Audio production. The options to send audio files are very limited. Only the British BBC and the Danish DR which allow the audience to send audio files in the news section, while RTVSLO (Slovenia) makes it possible through the space 'My Web'.

'Fan fiction' and 'fan art'. The only identified case belongs to the RTVE series 'El Ministerio del Tiempo', which has led to the reconstruction of the original text and to the production of artwork from users.

4. Results. Regulation of audience participation

4.1. Shared content

In reaction to the emergence of new participatory mechanisms, the European public audiovisual services have faced the need to regulate the ways of sharing their content. Suffering damage to their reputation, infringing copyright or using content for commercial purposes are the main concerns of public corporations, with little difference between the Anglo-Saxon and the continental models (Miró-Llinares, 2007), except for specific issues. We emphasise those conditions identifying this element in a more comprehensive manner.

The British BBC transparently regulates how its content is shared, using a number of recommendations (British Broadcasting Corporation, 2018): 1) It makes it possible for users to share some content through the most popular social networks; 2) It recommends users to always share the latest version, to add a credit to shows that they share from the BBC, and to add a hyperlink to the shareable's original location; 3) It advises users not to exaggerate their relationship with the BBC, and it states that content should not be used for advertising or harmful purposes.

The Portuguese RTP points out that, unless authorised by the broadcaster, hyperlinks may only be posted on the main page of its digital web services; hyperlinks must be complete and they are not authorised if they come from websites hosting illicit content or undermining third-party rights (Rádio e Televisão de Portugal, n.d.).

In Spain, RTVE bans users to copy its web content to unlawful websites. Furthermore, there are a number of minimum determinants that, in case they are not fulfilled, could lead to a financial compensation to the public corporation. These determinants could be summarised as follows: 1) The informative content from the corporation may only be hosted on users' online platforms if the message 'Information provided by rtve.es' is displayed, as well as a link to the RTVE website; 2) Users may not commercially exploit content from rtve.es; 3) The original content may not be modified; 4) Associating content to political ideologies, advertising materials or illegal websites is not permitted (Radiotelevisión Española, n.d.).

4.2. User-generated content. Copyright, ownership, and legality

The trend of some public broadcasters is nowadays to include clauses on the free and unlimited transfer of copyright from user-generated content.

The model carried out by the BBC, apart from including the free and unlimited transfer of copyright, adds clauses related to moral rights. The British broadcaster emphasises that, 'when users upload a creation, they give up their moral rights to it'. This implies that the broadcaster can 'use the creation

without identifying the user as the creator', and thus modifying it without permission (British Broadcasting Corporation, 2018). In the case of RTÉ (Ireland), it reserves the right to 'use, edit, move, moderate, copy, disclose to third parties and make the content or any part of it available' (Raidió Teilifís Éireann, n.d.).

VRT (Belgium) reminds users that, in the event they make a contribution, the corporation is granted the unrestricted right to fully or partly exploit the content, through any means and in any way, without any compensation (Vlaamse Radio, in Televisieomroeporganisatie, n.d.). RTP (Portugal) clearly states that the broadcaster reserves the right to use the ideas, concepts, and techniques created by the user, but it also refers to the 'development, production or commercialisation of products based on such information' (Rádio e Televisão de Portugal, n.d.). The Danish DR indicates that the content provided by users may be used on any media platform from the broadcaster (Danmarks Radio, 2016), while NPO (The Netherlands) points out that the user gives the right to publish and copy the content (Nederlandse Publieke Omroep, n.d.). Besides, some of the analysed public corporations, for example the French or the German ZDF, stress that copyright transfer from users is not exclusive (France Télévisions, n.d.) (Zweites Deutsches Fernsehen, n.d*.).*

When it comes to legality and ownership control of intellectual property, most of the public audiovisual media considers in a comprehensive manner a number of clauses stating that the user is accountable for the content provided to the broadcaster. In addition to this, some of the corporations include a regulation process, either from the broadcaster itself or from the other users:

- The regulation system implemented by the British corporation BBC (British Broadcasting Corporation, 2018) establishes a double check every time a user adds a comment (pre-moderation), and when the comment is reported by someone else or by an automatic moderation filter (reactive-moderation).
- Radio Télévision Belge Francophone (n.d.) in Belgium, Zweites Deutsches Fernsehen (n.d.) in Germany, and France Télévisions (n.d.) in France ask for cooperation from users in reporting content identified as illicit or contrary to copyright. Concerning Radiotelevisione italiana (n.d.), the broadcaster even considers reporting to the competent authorities.
- A third group refers to the responsibility of users when it comes to the content they publish, reserving the right to remove content or close accounts if the content is illegal. RTÉ (Ireland) or NPO (The Netherlands) are examples of such cases.

5. Discussion and conclusions

This study shows an interest of the European public media in participatory mechanisms, even though there is still much progress to be made. The analysis of the discursive participation proves that social networks, blogs, and comments are the main tools chosen by the European public broadcasters. However, depending on the 'social media' strategy, the degree of participation varies considerably from one corporation to another. The users' feedback usually comes in the form of comments or opinions that rarely receive a reply from the corporation. Furthermore, the use of mechanisms such as forums, chats, polls, or debates were tried and tested experience only in some of the analysed media. Even though the main indicator regarding the interactive tools is the amount of followers, it is necessary to generate impact strategies that help increase the users' participation in order to get to know them better and adapt the service supply to the audience demands in accordance with their needs. Similarly, it is crucial for these tools, which essentially allow for the discursive participation, not to only act as channels for content distribution, but to fully exploit their potential so as to receive real feedback from users.

With regard to creative participation, certain openness by some of the analysed broadcasters is observed towards actively involving their audience in content production, but only in terms of text, video, and image production, using noteworthy methods. In most cases, the submitted content is subject to editing before disseminating it through the website. Some of the proposals are created in the form of a contest in order to increase participation rates. The chances of sending audio files are limited and the experiences with 'fan fiction' and 'fan art' almost non-existent. Thus, the analysed

corporations, in their role of public service, should try to accomplish their mission of innovating and, by means of the numerous interactive tools, exploiting the role of user assistant for producing and broadcasting content that helps increase the success of the broadcasting formats.

In the field of regulation, the analysed participatory models led the European public broadcasters to regulate the content provided by users, given the ethical and legal problems these may cause, especially their legality controls and their copyright ownership. In the first scenario, a number of regulatory mechanisms are included either from the broadcaster itself or from the other users. Concerning intellectual property, a certain trend to harmonise the Anglo-Saxon and continental models is observed in the analysed cases. It should be pointed out that, while public media reserves its copyright, user-generated content is usually treated differently. This model is contrary to the one presented by other media, as 'O Globo' in Brazil, where, in the event of profiting from the content generated by users, they could get a part of the profits (Díaz-Noci & Tous-Rovirosa, 2012). Although public audiovisual media policies are legal, a debate has emerged about whether they are ethical according to the social values represented by these media policies. If the objective is to promote participation, innovation, and creation, it may be necessary to foster European policies which are in favour of upholding the moral and economic rights of the users' intellectual property. The European Union is discussing reforms on copyright (López-Tarruella, 2016), and it has already approved the reform of the Audiovisual Media Services Directive (2018/1808) in favour of a greater protection of users against content inciting hate, discrimination, or terrorism and, especially, in favour of minors, including under its regulation the system of video sharing through a web platform. The proposal for a directive on copyright in the Digital Single Market considers the possibility that certain service providers foster agreements with rightholders. The debate on such practices is open to private media, political powers, and, certainly, to public broadcasting services providers, which should take advantage of the options offered by today's technologies to review the concept of public service.

Notes

[1] EU broadcasters from: Germany (ARD and ZDF), Austria (ORF), Belgium (BRF, RTBF, VRT), Bulgaria (BNT), Cyprus (CyBC), Croatia (HRT), Denmark (DR), Slovakia (RTVS), Slovenia (RTVSLO), Spain (RTVE), Estonia (ERR), Finland (YLE), France (France Télévisions), Greece (EPT), Hungary (MTVA), Ireland (RTÉ), Italy (RAI), Latvia (LTV), Lithuania (LRT), Luxembourg (RTL), Malta (PBS), The Netherlands (NPO), Poland (TVP), Portugal (RTP), United Kingdom (BBC), Czech Republic (Česka Televize), Romania (TVR), and Sweden (SVT).

[2] A broad concept of media participation embraces various dimensions. Azurmendi and Muñoz Saldaña (2016) include the classification from Carpentier (2011): in the production of media and in the organisational decision-making; through the media: self-representation or media representation.

[3] Even though only the legal texts appearing directly in this article are indicated, we have consulted all legal documents found on the websites subject to study, based on the analysis methodology.

[4] Only the corporations' official accounts have been considered.

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