Introduction
My colleague, Bronwyn Dowdall, and I will argue that direct comparisons between cultural institutions and commercial online repositories of content, like YouTube, create an uneven playing field that sets unrealistic measures of success in the attention economy.

I will introduce the attention economy, and argue that while cultural institutions and online repositories both compete for attention on the web, they are vastly different entities with different obligations and aims. We are using the term, cultural institution, rather than archive because this emphasises the obligation we have to serve the public and because the term archive has been appropriated by commercial and other content repositories.

Bronwyn will outline how the NFSA engages audiences on web platforms, the challenges we face when doing so and how we can shape a new, more level playing field based on valuing the unique role of cultural institutions in the attention economy.

Attention Economy
So what is the attention economy and why does everyone want a piece of it.

The attention economy describes today’s media landscape, where people’s attention is a scarce resource and content has shifted from scarcity to abundance. It is estimated that 300 hours of video are uploaded to YouTube every minute. The big commercial players, Google, Facebook, and others, compete for attention to sell advertising and data to third parties.

As Australia’s national audiovisual archive NFSA’s reason for being is to develop and preserve a significant collection of Australian film, recorded sound and broadcast material, and importantly, to share, interpret and celebrate this collection with audiences across Australia and the world.

Increasingly people are engaging with media online. Statistics from Australia’s screen funding agency Screen Australia indicate 50% of Australians with internet access viewed professionally produced video online in 2014. While there are a variety of audiovisual repositories online YouTube is by far the most popular, with 69% of online video viewers using the service.

Interpretations of archives
It may be obvious to us that cultural institutions, like the NFSA and many of the organisations represented in this room, are very different from online platforms like YouTube. However this distinction may not be as clear outside the sector.

Terminology usually associated with cultural institutions has been repurposed and applied to online repositories, arguably as a way of legitimising them as authoritative sources. Sites like Wikipedia

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2 www.youtube.com/yt/press/statistics.html
5 Ibid
and YouTube are called “democratic digital archives”\(^6\) while contributors and collators are called “curators”\(^7\). This use, or misuse, of terminology disadvantages traditional archives.

In 2010, Australian academic Alan McKee directly compared NFSA and YouTube\(^8\), arguing that YouTube is a superior source for studying Australian TV history than the NFSA because more content is available immediately. But, McKee fails to address some important issues...

Significantly, the YouTube videos he references as ‘Great Moments in Australian Television’ were uploaded without permission from copyright holders. Of the six ‘Great Moments in Australian Television’ McKee identifies, only one is still available to view at the YouTube link he provides. Three links result in messages saying the video is not available due to copyright claims.\(^9\)

Any information on YouTube relies on unpaid volunteer labour. There is no obligation for data or even the content itself to be accurate. The users uploading their unauthorised ‘Great Moments in Australian Television’ may not have listed correct broadcast information or may have reedited the video before uploading. This may not always be obvious to viewers.

**The Playing Field**
There has been a lot of commentary about the potential of online platforms, many led by Google - YouTube as the ultimate video archive, Google Books as the ultimate library, Google Cultural Institute as the ultimate museum without borders. Despite being exciting projects, there is a danger in seeing them as superior to or as a replacement for archives, libraries or museums. These projects are controlled by a commercial enterprise, which does not share the objectives and obligations of cultural institutions.

NFSA’s legislative function is to “develop, preserve, maintain, promote and provide access to a national collection of programs...” In doing so the NFSA Act asks us to apply the “highest curatorial standards.” We take a professional curatorial approach from acquisition and preservation to sharing and interpretation, maintaining the collection for generations to come. In contrast, content online is vulnerable and temporal. Not only do YouTube videos become unavailable, whole online platforms can disappear, like Geocites and Friendster.\(^10\)

NFSA develops and shares the collection through collaboration with stakeholders. Currently, there is no legal deposit requirement for audiovisual material in Australia which means we rely on the goodwill of donors and depositors to build our collection. We then rely on rights holders’ goodwill in order to share it. Maintaining relationships with stakeholders and respecting their wishes is key. Our

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\(^8\) McKee, Alan (2010).

\(^9\) Links checked in January 2015.

approach contrasts with the ‘post first, ask questions later’ approach of online repositories who can use their market dominance to shape industry practice despite the wishes of rights holders.\(^{11}\)

The NFSA Act asks us to emphasise the “historical and cultural significance” of our collection. Online content is at risk of being presented in a vacuum, depriving audiences the opportunity to understand its place in history. The major added value we provide when making our collection available online is sharing knowledge of Australia’s audiovisual heritage. Some of you may have seen excerpts of the Corrick Collection - approximately 130 silent films, toured around Australia by the Corrick family in the early 20th century. In partnership with the family a significant amount of contextual material has been developed, such as articles, educational notes and curated clips, some available online.

The NFSA Act also asks us to make the “most advantageous use of the national collection in the national interest”. Long-term accessibility of Australia’s audiovisual cultural heritage is critical for scholarship and for new creative production.\(^{12}\) By comparison, YouTube’s trademarked slogan ‘Broadcast Yourself’ demonstrates its intended objective to be a platform for creators to easily share their work. Any function it now has as an audiovisual archive is due to the unauthorised uploading of content.

I’ll hand over to Bronwyn now who’ll outline some of the challenges we face but also how the NFSA currently engages the public online.

**Our challenges**

Thanks, Shevaun.

The ever changing technological landscape and the expectations of stakeholders, coupled with complex copyright law present us with some interesting challenges.

In the words of Senator the Hon George Brandis, the Australian Attorney General, “The Copyright Act is overly long, unnecessarily complex, often comically outdated and all too often, in its administration, pointlessly bureaucratic”. \(^{13}\) While there are calls for copyright reform by a range of stakeholders, including key cultural institutions, legislative change is a long time coming.

Cultural institutions are often accused of “locking culture up” and of being risk averse. One such accusation came from a copyright lawyer attending the Finding Common Ground conference, in 2009.\(^{14}\) But, copyright law is complex and before we can share collection material we have to be certain that licences are obtained, copyright has expired or the requirements of copyright exceptions are met.

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\(^{11}\) Australian Copyright Council (2015) ‘Comments on scheme to address online copyright infringement’ [http://www.copyright.org.au/admin/cms-acc1/_images/1168953192550a5bff9c741.pdf](http://www.copyright.org.au/admin/cms-acc1/_images/1168953192550a5bff9c741.pdf)


\(^{13}\) Opening Address, Senator the Hon George Brandis QC, Attorney-General and Minister for the Arts, Australian Digital Alliance Forum 2014 The full speech can be found here: [http://www.arl.c.gov.au/sites/default/files/pdfs/140214._._ag_speach._._ada_copyrigh_forum_2.pdf](http://www.arl.c.gov.au/sites/default/files/pdfs/140214._._ag_speach._._ada_copyrigh_forum_2.pdf)

Copyright exceptions that were developed in an analogue world do not always translate easily to the digital one. In its submission to the 2013 Australian Law Reform Commission’s inquiry into Copyright and the Digital Economy, the NFSA highlighted some particular inconsistencies including, preservation exceptions not accommodating the need for multiple digital backups, different exceptions for literary or dramatic works, for example film scripts vs subject matter other than works, like film/sound recordings, and the fact that there is no specific copyright protection for films before 1969. And, there are others.

These issues are more problematic since the 2005 Australia US Free Trade Agreement which extended most copyright durations by 20 years, thereby limiting new material entering the public domain. Although Australia now has longer copyright durations, we don’t have additional exceptions or an open fair use exception like the US does. To the contrary, Australian copyright law provides a Fair Dealing exception but this is a closed exception and must be for one of 5 specific purposes (displayed =on the screen).

Orphan works are a particular challenge that I know we all share. In Australia we have a Flexible Dealing exception that may enable libraries, educational bodies and cultural institutions to use orphan works. But, this exception is very vague and despite attempts from cultural advocates to provide clarity through established industry standards it remains vague and therefore contentious. In my view, Flexible Dealing is not used as much as it should be.

NFSA is one of a few institutions that have relied on the flexible dealing exception to publish orphan works. And, we plan to publish more of these works. As part of this process, we are currently considering a takedown notice to coincide with publication of orphan works but without clear legislative exceptions, how much “protection” does a takedown notice provide? Few Australian cultural institutions use take down notices and it would be good to hear an international perspective - your views and your use of take down notices.

NFSA audience engagement
In the NFSA’s current Strategic Plan,

“[a]ccess to the collection is characterised by user expectations of being part of a two-way exchange. Audiences embrace the notion of collective ownership of their national estate. Instead of ‘granting access’ we wish to share the collection and engage users in its development.”

Online engagement with our audience is a major consideration for the NFSA. Our website includes our online catalogue, our education site, australianscreen online, curated online exhibitions and blogs. NFSA collaborates with other cultural institutions and content providers to present uniquely Australian content and perspectives. Some of you may have attended the launch of Anzac Sight Sound last night - NFSA’s online partnership with the New Zealand’s Film Archive [Ngā Taonga].

NFSA is also custodian of a significant Indigenous collection and takes its obligations to this material very seriously. While Indigenous material is shared in accordance with the Indigenous Cultural and

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Intellectual Property protocols and guidelines, we also work with Indigenous communities to ensure access is appropriate.

Using our own platforms of course gives us greater control over how material is presented and this is particularly useful when we share Indigenous collection material. But, we do use third party platforms like YouTube, SoundCloud, and Facebook to share collection material. If you can’t beat them, use them, right? Over 4 million people have watched over 700 videos on our YouTube sites. We are engaging with people on the platforms they use.

The Guardian Online’s, top ten channels on YouTube for January 2015 include Taylor Swift, a collection nursery rhymes called Little Baby Bum, Russian cartoon channels, games channels and toy unboxing channels. Each received hundreds of millions of views. Is this what cultural institutions should be competing against? I would suggest it is not. Simple analytics that count “views” and “likes” as a measure of success put us out of the game unfairly and prematurely.

We want to know what visitors do on our website, on our social media pages, how they engage with our content and how this defines their relationship with us. We’ve done a lot of work here but we need to do more. NFSA is looking at more progressive ways of measuring visitor engagement that includes how visitors get to our sites, identifying the amount of time visitors stay on a page and what they do when they visit. We continue to find innovative ways to engage our audience, including the use of commercial platforms where that’s appropriate. And in doing this we balance the right to access public collections with the right of owners to control the use of their material.

Conclusion: Towards a more level playing field

In conclusion, the playing field is not level. Direct comparisons between cultural institutions and commercial platforms are the wrong way to assess the effectiveness of cultural institution’s online engagement with their audience. We should and do participate in the attention economy but not at the expense of our core responsibilities.

Assessment models that recognise qualitative values rather than quantitative ones and that acknowledge the unique position of cultural institutions can help level the playing field. We can’t compete with commercial players on their terms and as I hope we’ve shown we shouldn’t have to.

And, more broadly, global democratisation of traditional archives is hindered by national copyright legislation and other terrestrial laws. As a collective, should we call for international copyright reform? Does the world wide web need a world wide solution? Should FIAF lead a campaign for copyright reform removing copyright discussions from the limitations of national political debate, placing them firmly in the international sphere?

I hope the issues Shevaun and I have raised in this paper can be discussed in the following open session. We also welcome less formal discussions with you over the course of the Congress.

Thank you. And, play on!

17 YouTube's top 100 channels have more than doubled their views in a year, by Stuart Dredge, accessed 4th March 2015. http://www.theguardian.com/technology/2015/mar/02/youtube-top-100-channels-funtoys-pewdiepie-taylor-swift-doubled-views