

# Transcript Episode 64 Claudia Rebaza of OTW

## Emily

Welcome to the Hybrid Pub Scout podcast with me Emily Einolander. We're mapping the frontier between traditional and indie publishing. Today, we're joined by Claudia Rebaza, a communication staffer for the organization for transformative works. The Organization for Transformative Works, or OTW is a nonprofit organization established by fans in 2007. To serve the interests of fans by providing access to and preserving the history of fan works and fan culture and its myriad forms. They believe that fan works are transformative, and that transformative works are legitimate. They're proactive and innovative in protecting and defending their work from commercial exploitation and legal challenges. They preserve their fannish economy values and creative expression by protecting and nurturing fellow fans, their work, their commentary, their history, and their identity while providing the broadest possible access to fan activity for all fans. The Archive of Our Own offers a non-commercial and nonprofit central hosting place for fanworks using open source archiving software. Their other major projects include Fanlore, a fandom wiki devoted to preserving the history of transformative fanworks and the fandoms from which they have arisen, Legal Advocacy committed to protecting and defending fanworks from commercial exploitation and legal challenge, Open Doors, which offers shelter to at risk fannish projects, Transformative Works and Cultures, a peer reviewed academic journal that seeks to promote scholarship on fanworks and practices. Welcome, Claudia. Thank you. Can you tell us a little bit about what you do?

## Claudia

Sure, um, I am a communication staffer with the organization for transformative works. I have now been working for them for 11 years. So it's been quite a while. The communications committee itself basically works to mediate between the organization and the public. So for example, we tend to answer you know, the contact form questions or we redirect them if it's, you know, something that really another committee should be handling. We generate news posts, newsletters and annual report. And we hold events to where fans can interact, and also get to know people who volunteer in different ways. We do that through different methods. International Fanworks Day is coming up in February, and we always host a big event for that. And we also run a series called Five Things an OTW volunteer said, and that is basically a q&a with volunteers from different parts of the organization so that people can learn both what you know, people do in particular committees and areas of the organization as well as, you know, getting to associate particular people with different types of work.

## Emily

Wow, that's a lot of things.

## Claudia

We do tend to do a lot of variety of things. Yeah.

## Emily

Cool. So I wanted to kind of do an icebreaker question. I assume as someone working where you work that you have an affinity for fandom as well.

**Claudia**

Oh, absolutely.

**Emily**

I wanted to ask what your favorite ship was?

**Claudia**

Well, there's actually a couple of different ones. Um, because my latest fandom is Star Wars, which is kind of funny, because you know, I was I always really enjoyed Star Wars for a long time, but I only kind of really got fannish about it in the last couple of years. And I don't actually have a favorite pairing for them. But um, I've also been involved in like the Merlin fandom, and so that was you know, Merlin and Arthur.

I really liked Killing Eve. So definitely, I like the main pairing and that one as well. And I liked Loki and Tony Stark in the MCU, so that's why that's a fandom was so so many ships of all kinds because it's you know, it's just so huge with so many characters, but that was that was the first one that I really started reading in extensively and I think it's still a favorite there although I also really like Loki and Jane Foster so I'm kind of excited to see where the next Thor movie is going to take us because Jane is finally coming back with a sizable role.

**Emily**

Cool. I love that. And clearly you're very very into this. I love that someone who is working here is a true believer.

**Claudia**

Oh absolutely everybody. Believe me everybody.

05:01

**Emily**

Well, in that case, I'm going to ask you another icebreaker question. What's one of your favorite ao3 tags?

**Claudia**

You know, the funny thing is, I don't actually tend to use tags when I'm searching. Um, and it's because I don't actually do a lot of searching on the archive, I read from recommendations a lot. I read from recommendations, I read from summaries, because you can sign up to tag feeds from the archive. And so, you know, in my blog site, I use Dreamwidth, and one of the great things about that site, I think, is that you can create RSS feeds for all sorts of things. And so I have stuff coming in from different ao3 feeds for the either of the ship pairing, or the whole fandom, for example, like I have the ao3 feed for all of Merlin's content, because it's not. I mean, it's still very active. I mean, there are dozens of stories that are published every day. But you know, it's not like 100 the day, so it's, it's more manageable. But, um, so I just, you know, scan through those as I go by, and if I see something that's like, a longer because I

prefer longer works. So if I see something that's like, over 5000 words, and I like the summary, it's like, go over a quick download, you know, and, and then I may get to it in three months. But, but yeah, so I don't tend to use the tags a lot. To be honest, I just mostly scan the feeds, or else, you know, I see somebody whose recommendation and I go over download it and, and so yeah, I'm actually not a big tag user.

**Emily**

Yeah, I'm not really either, I just kind of stay in the fandom and just see what comes up. But it's really small. So you don't get a lot every day. I saw in Discord the other day, people kind of getting into a whole thing about whether they read entire work or read by chapter by chapter. And it all had to do with what kind of work they did and how their internet access was and how much their data plan was. So they're like, yeah, they're like, if I'm going to be away from something, I'm going to download the entire thing, or I'm going to open the page to the entire thing. So I don't lose connectivity or whatever.

**Claudia**

Yeah, occasionally, I'll, I like I said, mostly I read longer works. And so I download it, because you know, I'm not going to sit there. Read it, you know, at that time, when I come across the story, but um, sometimes I'll have, there'll be some shorter works or something sometimes, because it's somebody I know, has written them, you know, and I want to be able to read that and, but then what I'll do is I'll put a mark for later, I'll use the mark for later button instead, you know, of downloading it, because you know, if it's like 1000 words or something, it's just not really worth downloading. But, but yeah, because I read offline. I mean, I'm in front of the computer, most of the days it is I don't want to be in front of it anymore. So I have an e reader. And then I download, you know, stuff to put on the e reader and read it that way.

**Emily**

Because you can download an E pub and

**Claudia**

Yeah, exactly. It's wonderful the options we have.

**Emily**

Yeah, it's fantastic. So I'm going to just jump into these questions about the work you do and the work your organization does. So what makes ao3 in particular unique from other fanfiction websites?

**Claudia**

Well, as we've just been discussing, and I think if you ask the users, you're going to get a variety of answers. But for myself, I see the EO three as serving three main purposes, to empower fans to keep control of their works, to offer a non-commercial site for long term preservation of fanworks. And to be broadly inclusive in terms of accessibility, language and content. I think there are other fan archives out there, which also do one or even all of these things, but I think most are neither multi fandom, nor are they designed for large scale use. However, probably the biggest factor that sets the ao3 apart is that it's part of the OTW. So it's part of an ecosystem, if you will, of projects designed primarily for preservation and informational purposes and to serve the needs of fans.

**Emily**

Right. And so that's, that's lots and lots of information all in one place. And as a hub off of a particular organization. Just you know, I don't know how many works are coming up every day and how many users there are. I mean, I know that when I wanted to join and set up an account, I had to get an invitation because there was a long queue of people joining. So how do your staff and volunteers stay organized with everything that needs to be done to maintain this enormous scale of users and works?

10:00

**Claudia**

Um, there's no one answer to that. because it varies a lot on a committee by committee basis. So this leads me into a little bit of too long didn't read about the OTW's structure Well, most of our volunteers have only one role in one committee. Some of them have volunteered either simultaneously or sequentially in multiple committees, each of which you might consider the corporate equivalent of a department, which focuses on a particular area. So if we consider the OTW board a committee, then we have 19 of them. And these can be broken down into two types, committees that focus exclusively on one of our projects, and committees that serve the organization as a whole. So we have Fanlore, Transformative Works and Cultures and Open Doors committees. The archive has five different committees that work for it, support, policy and abuse, tag wrangling, ao3 documentation and the sort of guiding committee accessibility design and technology. And then we have the odd duck, which is legal, because it is both the Legal Advocacy project, but it also consults with all the other parts of the OTW, where legal issues might be involved. So it serves as you know, the advisory committee as well. Then on the organizational support side, we have volunteers and recruiting, which serves as our HR group translation, which is needed by various other committees. Communications, which I'm a part of, strategic planning, elections, which runs our board elections, finance, development, and membership, which coordinates our fundraising, webs, which runs our website, and systems, which is our IT group. So these committees might also have subgroups. Our translation committee is a particularly good example of that. Each language has its own team of volunteers and its own head of that team. And then there's a team of supervisory staff for the whole committee that coordinates work. So they do recruitment and training, they see the documentation is completed, they do other administrative tasks, such as liaison with other committees, they communicate with the board and so on. Other committees might have a flatter organization. While they all have a chair, and ideally, co chairs, they may have all the staff performing essentially the same functions. So the chairs might be additionally responsible for administrative work, reporting to the board, etc. But otherwise, you're doing the same work as the rest of the committee. And then on my own committee, we do a mix of things. We have two subgroups, one of which runs our fan hackers project. And we also have several people who serve as moderators for our social media outlets. And then we have somebody responsible for internal and external newsletters. In the annual report. We have someone responsible for events planning, someone who coordinates most of our news content, and so on. So while some people may feel more than one role within the committee, there are a bunch of distinct job titles, which reflect all the different tasks that we carry out. Our board itself also doesn't work like an outside board at most organizations. Instead, they essentially serve as executives for the OTW. So they're the ones in power to do things such as authorized release of funds, confirm appointment of committee chairs, sign legal documents, and they also have approved

committee level projects and proposals for new activities. And you know, they help coordinate among different committees.

As of this month, we have over 1000 volunteers who work across all the time zones. These volunteers might spend a few hours a week on their tasks, which they can do on their own schedules. Or they might be doing 20 hours or so being on call for their committee. Or they might have variable but extensive schedules during different work at different hours because of the demands of certain tasks. There are at least three committees I can think of that have worked it's very labor intensive during certain months, and then very quiet throughout the rest of the year. So on the individual level, the experiences can be very different for each volunteer.

And on the committee level, the workload and organizational structure can be different.

The one thing I think we all have in common is that we've been an entirely virtual organization since we were first founded in 2007. So everyone works online with their own equipment.

And this can definitely have its challenges. But certainly over these last two years, it's been quite an asset to have an entirely remote workforce.

15:00

**Emily**

You're looking at people who are complaining about Zoom like "amateurs!"

**Claudia**

Well, the interesting thing is we don't actually use audio or video, for anything we do, it's entirely text based. And, you know, you were talking earlier about issues, you know, you were talking about the conversation on Discord about how people, you know, may have bandwidth limitations or, you know, limitations on your data and so forth. And that's one of the reasons why, because remember, we were first organized back in 2007, that we do it that way that, you know, everything is very text based. And it's because we have had, you know, volunteers throughout the world really, um, who may or may not actually have access to great internet, you know, they may only be able to do it, you know, well at school, or they might be able to do it, you know, from their workplace or, they might have limited hours limited access, limited time online. And so, you know, being able to make things, low cost in terms of bandwidth and data is really important, that everybody has an equal chance to, to participate.

**Emily**

Wow, that is a massive scale.

**Claudia**

Yeah, it's a, it's a pretty big organization. I mean, you know, it's, I mean, it's changed a lot over the years in terms of how many people are involved. But I mean, even from the beginning, the number of things that are being done, is a lot. It really is a lot. I mean, we have volunteers who have, you know, kind of worked in their own pocket of the organization for, you know, maybe a couple of years even, and they don't know all the different things that go on in your organization. I mean, they could if they wanted to look into it, but you know, they might not really just run into it.

**Emily**

I mean, it sounds impossible to like, know, everything. I can barely get through the tag I'm following. You gotta set your priorities. So why do people need an invitation to join?

**Claudia**

Well, you know, I've always personally thought that the term invite is misleading. Because all it is, it's just a metered signup queue. But then if you say, sign up, you know, that makes might make people assume that they'll do it all in one step, when in fact, they have to wait for an email, and then use a link in the email to start the signup process, you know, and then they have to confirm and all of that. So usually, this email arrives in about 48 hours, but at different points in our history, it has taken a long time. And on some occasions, it's been shut off temporarily. And that's actually the reason it continues to be used. It's a way of protecting the site, both from spammers and from a mass influx of users that could put too much strain on it. I'm not sure what the current limit is, it's been changed a number of times. It might be 2500 invites per day. I know that a lot of the invites don't end up getting used right away. Sometimes, you know, they end up in people's spam folders, and they never find them. Sometimes they hang on to the email, but then they use it much later, because maybe they're participating in an event. And that's why they need an account. You know, maybe they change their minds, I don't know. But the most noticeable notable incident, but notable and noticeable incident was in 2012. At that time, the fanfiction.net site began another content purge. And we've been around for two and a half years by then. But we were still quite a small site by comparison. But being another multi fandom site, a lot of the fans check us out for the first time, and many began trying to sign up to transfer their works over and ao3 nearly went down. And it ran slowly for some time, while the site management team investigated what they could do. Search filtering was disabled for months, and the invite queue was temporarily halted because signed-in users put more demands on the site than the visitors do. And it took about six months before we were able to offer accounts to the backlog of signup requests, and then another month to reopen the queue with a higher daily limit. But that incident proved the value of having that daily limit and keeping us running. We've gone through enormous growth over the years and especially these last two years. And you know, it's possible that last March might have been another, well I say last March was now 2020. Right. But that March, you know, might have been another avalanche, you know, had that queue not been in place for you know, restricting people from suddenly piling in because, you know, we got a huge bump. I mean, we've published a news post with a graph about how much of a surge we got, you know, between February and April of 2020.

**Emily**

I mean, that's when I joined.

20:01

**Claudia**

Yeah, exactly. A lot of people did, you know, a lot of people who had been using the site for a long time, but I never signed up for an account started doing it. And and like I said, that's the reason for the meter, you know, is that, you know, we keep the pace steady, and we don't have, you know, like this just overwhelming number of people suddenly trying to sign up and bring the site down.

**Emily**

That makes a ton of sense. You must have had a lot of cranky people when it was a six month delay.

**Claudia**

Oh, it was, I mean, it was a huge thing. Because, you know, it wasn't just the signup thing. But what was people complain about even more was the search function, I mean, you can only search by tags, because you cannot, you know, filter your results, a search result anyway. So you basically had to navigate the site by tags. And, of course, especially for the people who are coming from fanfiction.net, you know, the many 1000s, who came over, you know, weren't used to searching that way, because they don't use text there. So it was both, you know, frustrating for people who had already used the site knew that they did have a search function, and as the people who were coming over and it was like, Well, how do you find anything here? You know? So yeah, it was it was not a great time. I, you know, we cannot thank enough all three at that time for their efforts and getting things, you know, back up and running.

**Emily**

Yes. survived to read another day.

**Claudia**

Yes. And grow. I mean, the thing is, you know, I mean, we we've been growing all along. I mean, every year there was growth, but I mean, the the steady upward trend began in 2013. After that incident, you know, it just, it just started going straight up after that, and it's never stop.

**Emily**

So possibly for one of the reasons you've brought up before, there's a lot of freedom for people to post whatever type of I mean, could I go so far as to say whatever type of content they want? There's stuff on there that would not be allowed in the Amazon Terms of Service, for instance?

**Claudia**

No, it's true. I mean, definitely, part of the attraction on the site is exactly the fact that we do have such an Open Content policy. And I mean, it was. I mentioned earlier, you know, that there are certainly other archives to do some of the things that we do, not as many of them are multi fandom. Most of the big archives, and there were some very large archives, you know, way bigger than we were at the time that we launched, you know, because we opened with, you know, a few thousand works. And, you know, at that time, there had already been, I mean, the X Files gossamer project, I mean, I think they had 50,000 words, and that was like, back in the 90s. You know, fanfiction.net had 6 million at that point. And the, I'm trying to remember which Harry Potter archive, it was, you know, had like, 12,000 works. And I mean, you know, or I think was 20,000 works, actually. But, so, yeah, I mean, there were single fandom archives with an awful lot of works, but especially if you were a fanwork creator that, you know, created for a bunch of different fandoms, it could be very frustrating, because, you know, you'd have to post your work in all sorts of different places in order to get it seen. And being able to have, you know, one account where pretty much anything you wrote, regardless of what fandom it was, regardless of what ship it was, regardless of whether it was explicit or not explicit, etc, that you could all put it all in one place. I mean, that was, that was a change. That was only a change.

**Emily**

And you can use different names within your single account to post things.

**Claudia**

Yes. Yes, exactly. You could, if you were known by different names of different fandoms, you could, you know, essentially use all of your your usual names in your same account.

**Emily**

So what level of content moderation or review is from staff and volunteers, and how much is just left up to the users to guide content with one another?

**Claudia**

Well, so I asked our legal committee chair, Betsy Rosenblatt to respond to this because legal was responsible for creating and consulting on the content policy we have at ao3. So these words are her words I'm going to read next. She said the OTW and ao three are explicitly built on a policy of maximum inclusivity. And the ao3 is simply a platform for users to post their fabrics. That means that the OTW does not control, screen or monitor what people post. The ao3 does have terms of service that specify what sorts of content is not allowed. For example, people are not allowed to post illegal material, harassing material, non fanworks, or reproductions of entire copyrighted works. Like nearly all internet platforms, the ao3 relies on a report-based system. AO3 takes violations of his Terms of Service very seriously. And incredibly, incredibly hardworking team, volunteer policy and abuse personnel review complaints and enforce the terms of service and response to reports.

25:17

**Emily**

How have those rules adapted over time? I know that Legal has, has reviewed things at different points in time. And as it happens, because I work in communications, I know that the policy and abuse team is right now preparing some posts that they are going to make later, probably in a couple of months, because they want to get it translated. And that takes time. And right now, translation is very busy with some other things that they're working on. But they are planning to actually make some posts about common violations that they see at the archive. And I'm assuming they're going to explain some things about you know, how you can not be in violation of those things, and avoid those problems. But I can't say anything more about it, because I think that the posts have literally not been written yet. But I just happen to know about it, because we had a talk about scheduling and so forth last week. And so I know that that's coming. But in terms of how the policy has adapted, you know, there's there's the policy for the users. And then there's also the policy of how the committee itself does its work. And I'm going to assume that at least some things that probably changed there a little bit because of the scale, I mean, just the number of people, they now have to have work in committee. But I know that the volunteers have also talked publicly about the work in terms of you know, how they, you know, review things and things are always reviewed by at least two people. And then it always has been. And so it probably goes through a variety of different vetting systems before people's complaints are answered, or they contact people about things. So but more than that, I really can't say because I'm actually part of that committee.

**Emily**

How do you think that ot W's work and fan fiction, in general has changed the way fans form and exist in communities?

## **Claudia**

Well, this is a very interesting question. And I'm going to have perhaps an unexpected answer, which is that I don't think it actually has. I think it would be very difficult to prove direct connection between the OTW's work and the evolution of fan work practices. Although the growth of our projects and the greater awareness among fans of the OTW has been rewarding to see, we have to also consider how much else has changed in the past 10 years. I mean, well, I shouldn't even say 10 years, it's been like, you know, over 14 years now. And one factor I think of is internationalization. Fan practices have always been International. And they, you know, fans have reached out to one another in different countries and sometimes across language barriers. For example, I think of the practice of fandubs, where fans form communities to translate anime works. But as the internet has penetrated across economic lines within and among countries, it's facilitated a greater level of exchange and connection. And we can see how certain internet platforms are a big part of this. I personally believe that Tumblr took off for fans both because it was designed to be primarily visual, and also designed to limit discussion. So if you had difficulty saying something you aren't really expected to there. It was a huge boon for fan artists and the popularization of gif sets. But you know, people could participate without much language use. And that made it easier for second language users or younger users or casual users to interact, as well as for fandom topics to merge with wider conversations that were going on in other user groups, you know, and wider cultural interests. So while the OTW has tried to be conscious of its widespread audience, I don't think we can attribute anything we've done to the crossing of those barriers. Instead, I think it's the existing cross cultural engagement of fans that was happening in 2007, which was built into the expectations for the OTW and ao3. Similarly, the popularization of fanworks has come from both accidental discovery on commonly used platforms, such as Facebook and its predecessors. And the way the fans are connecting with the news media and Canon content creators to places like Twitter. Yeah, Twitter launched only the year before the OTW did

30:00

Facebook only became open to the general public in 2006, and Tumblr and 2007. And they all grew at a much faster pace than we did. Even now there are many parts of even the creative side of fandom they've never heard of the archive of our own.

And the free use of and eventually, the massive audience for YouTube did far more to change things for fanworks. Not only were quite a few fan vids eventually shared on the site. But it popularized all kinds of mashups, and audience centered commentary on TV, movies, games, so that you no longer have to be involved in fandom, or to be a serious fan of anything to access those kinds of analyses or works or bits of the Canon content itself that previously was, you know, not very easily found online.

And if there's one argument you could make as to how the HW has not been particularly effective in influencing fandom, it's in what I see as the rise of paid fanworks. This is also not new. For example, artists have worked on commissions and fandoms early days. And they're also often people who attempted to get payment for their works in one way or another. And there's also been a historic pipeline of fans who have turned pro. However, I think it's more common now for fans to ask for payment for their work, or for people to provide financial support. Whereas once this was severely frowned upon, and many fan communities, the OTW is advertising free and non commercial in all its projects, and it doesn't permit people to solicit payments on the archive. But it's a continuing problem that keeps being reported. So even, even as commercialization, though, is something I see as part of a more general move culturally, rather than something that's happening just in fandom, you know, I mean, this is the era of gig work and the side hustle. If you look at podcast creators, or even journalists, they're

using a mix of things, from subscription models to tip jars and sponsorships and crowdfunding, etc. I think the only thing that's held commercialism of user generated content back for so long, is because the limitations in micro payment options, and currency conversion problems. I think if it was only a cultural practice standing in the way, we'd have seen a lot more fanwork go commercial much sooner.

**Emily**

It almost sounds like you're saying it's made an extra space and an extra tool for people to do things that they were doing already.

**Claudia**

Pretty much. Yeah, I mean, you know, the, the changes that I think have been happening in fandom have been a result of outside forces, not inside forces, you know, and, and I see the OTW and its project is inside forces, it's stuff that's coming from within fandom from fans, it's created by fans, it's run by fans, you know, fans continue to develop it, you know, so I think a lot of those other things are just, you know, living in the internet age, honestly.

**Emily**

So that's more OTW's more of a ground floor sort of thing that other platforms and ways of distributing sort of build upon.

**Claudia**

Yeah, I think, you know, it's, in some ways you can think of it as a bit of a throwback, really.

**Emily**

I mean, I can see that. Back when things were free. Back in the old internet.

**Claudia**

I'm free on one audience.

**Emily**

Yeah, yeah. When you could get famous on YouTube without a major production team. So what's the long term vision for OTW's projects? And what are the fandom conditions that it seeks to either create or preserve and or expand?

**Claudia**

You know, especially as a longtime volunteer, I think that the main concern for those in the organization is just its continued existence. We're doing fine financially right now. But I think that there are a number of challenges that are primarily organizational, we're going to need some paid staff. And to do that we're going to have to raise far more money than it's currently been donated. Our budget has averaged around \$300,000 US in the past few years. And that mostly goes to things like tools and technical infrastructure. So to add salaries is going to be a huge change. Yeah, and by the way, I should add that nothing I'm saying about this as reflecting on OTW policy or any particular decision, just as a conversation, it's occurred at different times. Because we are all volunteers we also have a lot of turnover more than the average workplace. And anytime you have high turnover

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It puts a lot of demands on leadership, which has to keep recruiting and training. Plus, there may be institutional knowledge lost if key people or longtime volunteers depart with potentially no one to replace them. During our history, there have been projects and committees that have folded when there was no one to champion them or to continue working on them. Next year, our academic journal is going to be going through a major transition, because the two editors who created it and have run it for 14 years will be stepping down, and I believe they might be leaving the OTW. The new editors are in place, and they're training to take over. And luckily there are a lot of people with specific experience working with academic journals and publications who are in fandom. And it's also the sort of volunteer work that has a day job application. So you know, you might think of lawyers who do pro bono work as an example. So there's more incentive to do that kind of volunteering. But we struggle a lot more to get people with IT experience and systems, or coding or roles like accounting, or other specialized skills. The ao3 launched with a lot of plans of what it wanted to offer on the site, such as multimedia hosting, and different language interfaces. And after 10 years, a number of those features are still waiting, because the rapid growth of the site has meant that we have both a greater need for volunteers, as well as a prioritization of keeping the site stable and delivering properly on all its current features. So you know, plans for new options, take a backseat, right? I know that everyone wants to get there. But there is no timetable for when a number of things might happen. And when we do implement new features, we're also going to have to consider how those things affect staffing, which has had to ramp up a lot. Back when I came in during 2011 I think we had fewer than 400 volunteers. And now a single committee might have that many. So especially with us living in an era of internet time and rapid technological transition, just continuing to exist and offer a satisfying user experience with the projects is I think the central goal.

### **Emily**

And a worthy goal it is. So say we all. So part of OTW's work includes the Open Doors project whose mission is to preserve fanworks for the future, including finished projects that might otherwise be lost due to lack of time, interest or resources on the part of the current maintainer. How are you alerted to other fanfiction archives that need saving for Open Doors and what kind of fannish works are included under this umbrella?

### **Claudia**

So the majority of what Open Doors has worked with since 2009, has been digital text works. Although we also helped preserve physical fanworks, in partnership with the University of Iowa Special Collections. There has also been fan art and some multimedia included in some of the archives. And those are hosted as well. In fact, the most recent archive announced just I think was a couple of days ago, isn't easing archive, which is going to include a number of images. But in terms of how we're alerted, it's it's sometimes maintainer of those archives who comes to us to ask for help. But it may also be a user who says I haven't been able to access so and so's site for the last two years. And can you help save it? In those cases, we need to get some contact information for the site owner. And we'll then take it from there and see if they're willing to work with us and preserving the content and then making it available in its own collection on a three. And this work often goes very slowly. Over the past three years, the average has been about 2500 works transferred each year. But in 2017, it was 42,000 works.

It all depends on whether the process must be manual, or it can be done through an import tool. And few people are familiar with the scope of how huge open doors projects are like one archive import can take several years to complete. And there are over 100 steps, all of which are very detail oriented in the process. And each volunteer juggles multiple archiving parts simultaneously. So it can be really unpredictable when you're waiting on other people. And there's not much to do versus when tasks for all of your imports come in at once. And training also takes a long time because there are so many steps we need to train people on. So we're talking about four months of one on one walkthroughs a week with a mentor before people graduate from training. So it can take some time between when an archive is announced as being imported to when it's actually completed.

40:00

**Emily**

I mean, depending on how much cooperation you get how it needs to be done. I mean, I've tried to get in contact, I did some project management for websites and people don't often even know who they're who, who, where their server is or how to contact the person who's in charge of it. Like I can only imagine, like trying, especially one that's been abandoned for a while. I have a few questions about legal stuff that I know you have gotten answers from the legal department for us. Thank you. So what's the most common type of legal defense that needs to be provided? And what do people come to you for help with the most often?

**Claudia**

So just repeating the chair of our legal committee, Betsy Rosenblatt sent me some replies to questions about the legal advocacy project. So I'm reading her responses here. Alright. And so this is from her, she says, there's a few separate questions here. First, we should say that the OTW is not a law firm. That is we don't represent individual clients and we don't provide legal advice. We do give a lot of people information about law and frameworks, and we help them find lawyers to represent them when they do need advice. There are a few reasons people come to us for help. The most common are questions from fans who have had their fanworks challenged or taken down based on allegations of infringement and questions from fans who have had their fanworks taken and sold for profit by third parties. We also get people asking us about how to avoid legal challenges for commercial fanworks projects. But those are outside of what we do. We're focused on non commercial fanworks. Our mission is specifically to protect fanworks from legal challenge and commercial exploitation. As for how to define the line between Fair Use fanfiction and copyright infringement, the law of fair use is very fact specific. The law provides a list of factors for courts to use to determine whether a particular use of a copyrighted work is fair. That means that while the law provides a set of factors to consider, it doesn't draw a bright line rule. The first factor asks whether the use is transformative and whether the use is commercial. uses the transformed the meaning message or purpose of the underlying copyrighted work are more likely to be fair uses. That means the law favors commentary, criticisms, parodies and uses with a different artistic message from the underlying work. It also means the law favors non commercial uses over commercial ones. Neither of these answers the fair question entirely a transformative use can potentially be infringing, and a commercial use can be non-infringing. In fact, all of the major cases finding fair use are about commercial uses. But courts treat the transformative use factors particularly powerful; the more work transforms its source material, the more likely it is to be a fair use. Another factor asks how much of the underlying work uses a use the copies large portion of the underlying work

or copies, the heart of the work is less likely to be fair, use two copies only a small portion of the underlying work is more likely to be fair. And another factor asked whether the use completes in the market with the underlying work or with something the copyright holder would be likely to do or authorize. If it's a market substitute for something the copyright holder will be likely to do then it's more likely to infringe. Something that competes with the copyright holders market is harming the copyright holder financially. On the other hand, something that doesn't compete with the copyright holders market is just expanding the expression in the world. This means that if it's something the copyright holder wouldn't do, or allow, then it's more likely to be fair. This may seem counterintuitive, because it means that the word copyright holders are likely to object to a use, the more likely that use is to be fair. But this factor exists for the same reason that the law favors commentary, criticism and parody. Those things aren't market substitutes for copyrighted works. But a copyright holder might try to use copyright to censor things like negative reviews or unflattering parodies. And that would be bad for free expression. So these factors boil down to the OTW's position, that transformative, noncommercial fanworks are fair use. Other sorts of fanworks may be fair use, but they require more case-by case analysis.

44:25

**Emily**

Right. So how can fans protect themselves and fanworks in general from legal or policy actions that threaten the ability to create them?

**Claudia**

Again from Betsy. One of the reasons that OTW exists is because it can be hard for individual fans to take action that will make a difference. Fans whose works are unfairly taken down consent what is called a counter notice to have their works put back up. Fans whose works are taken and sold without permission can issue their own takedown notices. Fans can continue to traditional practice of putting disclaimers on their work giving credit to their sources, which may not make a legal difference, but shows good faith and may protect from some sorts of trademark challenges. But on a larger scale, there are two things fans can do. One is to keep making and sharing transformative works. One of the biggest changes of many years the OTW has existed is the fandom has changed from something that many saw as secretive and sketchy to something that is widespread, appreciated, and celebrated. That's huge. It used to be that a congress person may never have known they knew someone fannish, now most members of Congress probably know people who make and share fanworks, maybe their friends, maybe their kids, maybe themselves. The more lawmakers understand and appreciate fans, the less they can deny the personal, personal and social value of fanworks. Fans can protect themselves by using platforms that respect them. One of the key reasons the OTW was created was to have an outlet for fans where the fans own the servers. That is, there are no corporate interests looking to exploit fans and fan works for money, and no advertisers trying to control what fans can and can't do. We've seen over the years going back to fanfiction.net and through Tumblr, Amazon and other sites that most for-profit corporations aren't particularly interested in making or maintaining spaces for fanworks if those spaces are going to be challenging, controversial or unprofitable to maintain, sites have incentives to take down works when they get a takedown notice even if those works are fair use. That doesn't mean fans shouldn't use whatever platforms they want. But they should know the corporations aren't necessarily their friends.

There are also more focused things people can do. All over the world lawmakers keep thinking about changing the law in ways that may make things easier or harder for fans and for the platforms like ao3 that allow fans to connect and share. These actions aren't just about copyright law. They're also about trademark law, rights of publicity, telecom, law, internet, free speech, and even antitrust and competition law. A lot of lawmakers have heavy incentives to make things harder for fans because they get a lot of their lobbying information and campaign donations from entertainment companies whose priorities are very different from fans. Entertainment companies want to stop piracy, and fans don't want piracy either. Fans are good customers for entertainment companies. But entertainment companies are in it for the money and often see fans and fandom as acceptable collateral damage and their lobbying attempts to maximize profits, eliminate piracy and maintain control over how people perceive their products. The OTW and its allies, nonprofits that focus on internet law, intellectual property and free expression are on the lookout for attempts to make the world less fan friendly. Sometimes we encourage people to get involved by, for example, sending us their experiences, so we can use them in advocacy filings or contacting their lawmakers. Fans can take part in those efforts and can be on the lookout for fan and friendly laws on their own, too. We have a great legal team.

**Emily**

Yeah. And it sounds like you're not terribly affected by the whims of credit card companies. Like some platforms, I may be aware of.

**Claudia**

Some platforms we are all unfortunately too aware of exactly.

**Emily**

I feel like I'm starting to understand what your organization does at least on that top of the iceberg

**Claudia**

The part above the water.

**Emily**

Yeah, exactly. Clinging to the ice with all of my might. Thank you for what you do. I'm having a great time and I know a lot of other people who are having a very good time with fanfiction, and being able to form communities and share our work there.

**Claudia**

Well, we are, as I said, All volunteers and all fans, so we're also our own customers.

**Emily**

Wonderful. Getting the high off the supply as they say. Great. Well, do you have anything else that you would like to share or anything you would like to direct listeners to?

**Claudia**

Um, yes, I would actually, uh, you know, we've talked about, you know, the legal advocacy project, we've talked about open doors, we talked about the archive. You know, I've mentioned in passing our

academic journal transformative works and cultures. And one of the things I don't think we have mentioned is Fanlore, which is our wiki project. And I would heartily encourage people to at the very least go check it out. You know, and read some of the things that are there. I personally think the family is a lot of fun to browse. Because I guarantee you will not leave it without learning something, even if you've been in a fandom a long time I guarantee it.

So you know, there's the thing is the Fanwars is like the archive, I mean, it grows because people contribute to it and there are, you know, a lot of people over the years who have definitely tried to at least, you know, get entries started on different things. But they could use a lot of people contributing their own experiences and things they know about and fandom to that site.

50:12

And also, like I said, you know, it is a lot of fun to browse, and one of the things you can do to start out at fan, Lori's actually create a page for yourself. You know, if you're a fan, and you're in fandom, I mean, you're a part of the history. I mean, the thing about Fanlore is that most, most fandom wikis, they focus on canon, you know, they, you know, people are probably familiar with places like Wikipedia, there's lots of you know, I know the Merlin wiki and so forth. And in fact, they may even refer to those pretty often because, you know, they may be looking up facts or different things from canon that they want to use in their works. But Fanlore is not about the canon, Fanlore is about the fans. Fanlor is about fandom panels about fandom works, you know, things like gloss, it has a great glossary, you know, of all the terms the fans use, which are sometimes different across different fandoms for the same thing. And it's the history of what fans have done. And that is, as far as I know, not collected anywhere else. And it can be, you know, really significant, for example, you know, we were talking about changes and certain platforms. And as we know, a lot of people have been migrating from one platform to the other and looking for new homes, for places that will serve them better. And a lot of times, you know, fans can lose touch with each other. They don't know where somebody they, you know, used to be in touch with or whose work they used to see has gone. And Fanlore can be very useful in that purpose. Because if you have your own page on fail, or you can put links to wherever you currently are there. And so people who go looking for you can find you when you've disappeared from a particular site. So you know, it does the history of different fan activities. For example, if you're getting into a new fandom, and you want to know, for example, what are the communities for this fandom? What are the activities for, you know, does it have a fest, does it have a challenge? What are some of the major works, you know, for this fandom, or for a particular ship or something like that you can go to family and look it up, because that's the sort of thing it records. So it's you know, and it's also great for outside people, for academics and for news media, people who want to find out about a particular topic. In fact, I got a request just earlier today about something which unfortunately, I do not know very much about the history of it. And the fact there is a Fanlore entry for it, it could be more comprehensive. And this another reason that I wish that more people would contribute to us, I know there are people out there who know all about this thing. And if they would go to family or and add their knowledge to it, you know, we'd have more comprehensive entries. So, yes, I would absolutely encourage everybody to go take a look Fanlore.org and, you know, poke around it and see if there's something that might interest you and add to it.

### **Emily**

So are there is, is it kind of like Wikipedia, in that if there's some kind of controversy, people will like put entries for that as well.

**Claudia**

Yes, I mean, there are definitely histories of controversies. You know, in it, for example, there's a pretty comprehensive entry for Race Fail, which occurred back in, gosh, I'm going to say maybe it was 2009. I'm trying to remember what year it actually was. But there there are, yes, definitely entries for different controversies. The thing that's also important about found or which is different from other wikis, for example, I mean, we all know about Wikipedia. And the thing that's special about Fanlore is it operates from what it calls a plural point of view policy, which is that there is no one experience or one point of view on a particular event or on a particular thing. So, you know, if and you can see it actually, too, if you look through the entries are often, you know, different variations of takes that people had on particular things, and those are all included, because that's what happened. I mean, people have different opinions on things, people, you know, in having a discussion are going to bring up different points. So it's so it's a plural point of view, not only in terms of, you know, documenting different aspects of debate or controversy, but also in terms of, you know, people can go in and add their own information about that.

**Emily**

Wow. Well, I will definitely link that on the website in the notes. And that must be especially valuable if you're coming into a very old fandom. I wouldn't think.

**Emily**

oh, yeah, yeah, definitely.

**Emily**

Yeah. I'll probably play around with that a little bit later. Well, great. Thank you for sharing that. Thank you so much for joining us today. Oh, thanks for asking. You can find hybrid pub Scout online hybrid pub scout.com on Facebook at hybrid pub scout on Instagram at hybrid pub scout pod on Twitter at hybrid pub scout. Thanks for listening and thanks for giving a rip about books.