

# *Flash Rights: Protecting the Flash Community*

**By John Cooney | June, 2007**

For the past six years of my life, I have been honing my skills towards being a Flash developer. Through animation or interactive game design, I have been working in the medium of Flash for quite a while, as part of my education in interactive design. Throughout this time, I have come to learn that the Flash community is one of the most creative and intelligent group of artists I have ever met. The dedication to quality and community is contributed to it's strong comradery. However, the shifting dynamics of the internet have proven to be a dramatic change for the community. It seems that the Flash community has not evolved as the internet has, to fit the new way web business interfaces with web content. As the world realizes Flash is easy to steal and market, Flash artists need to learn as well that their work needs to be protected and accounted for.

## **Ad Trafficking**

Banner ad traffic has significantly risen since the early 2000's. In the 2006 fiscal year, 16.9 billion dollars were generated from internet banner ad traffic alone<sup>1</sup>. This increase has been a result of increased internet traffic and ad distribution across the web. The different generations of people using the internet is also significantly rising, contributing to a higher banner ad per user ratio.<sup>2</sup> The web has become a primary medium for general advertising revenue, and will continue to rise as public internet use continues to grow.

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<sup>1</sup> "Online Advertising Still Rising", The News Journal Delaware, Knowledge @Warton, 6/11/2007, [<http://www.delawareonline.com/apps/pbcs.dll/article?AID=/20070611/BUSINESS/706110344/1003>].

<sup>2</sup> Mary Madden, "PIP Generations Memo", Pew Internet and American Life Project, 2005. [[http://www.pewinternet.org/pdfs/PIP\\_Generations\\_Memo.pdf](http://www.pewinternet.org/pdfs/PIP_Generations_Memo.pdf)].

The ease of getting internet banner ads has also grown tremendously. Ad companies now use online ad distribution systems, which only require a quick sign-up and ad code pasting into an html file to get an entire ad system running<sup>3</sup>. This quick implementation of ads means that an entire website can have thousands of ads added to it in less than 48 hours. Ad providers will receive a cut of the profit made from the ads, meaning that both ad provider and ad publisher will benefit from the increase of ads. When implementation of ads is so quickly, it seems that just about anyone can use ads to make money.

### **Website Economics**

According to a recent Pew research project, statistics show that 81% of teenagers and 36% of all adults use a significant amount of their time on the web playing games<sup>4</sup>. With this large slice of internet revenue being available, it would only make sense that hundreds of people would try to create gaming websites to provide interactive content to users.

Flash gaming has taken off since the web generation started to use it as one of the primary platforms for gaming. Flash is a plug-in for web browsers that has been adopted by nearly 98% of the world's internet users<sup>5</sup>. This is 10% higher than the second most adopted plug-in, Java. This adoption rate means that the platform would require the least amount work on the client side; it would require the client not to purchase any additional software to play games. The technology is also powerful enough to play casual games without the need of expensive hardware or sophisticated knowledge of computers.

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<sup>3</sup> "Google AdSense", Google Inc., 2007, [<https://www.google.com/adsense/login/>].

<sup>4</sup> Mary Madden, PIP Generations Memo, 2005, Pew Internet and American Life Project, 2005. [[http://www.pewinternet.org/pdfs/PIP\\_Generations\\_Memo.pdf](http://www.pewinternet.org/pdfs/PIP_Generations_Memo.pdf)].

<sup>5</sup> "Flash Player Penetration", Adobe Systems Inc., 2007, [[http://www.adobe.com/products/player\\_census/flashplayer/](http://www.adobe.com/products/player_census/flashplayer/)].

Flash games are also a popular format for online games because they are usually free. The websites which have Flash games on them make all their profit on banner ads, which means there are no game discs or cartridges to buy, or a need to collect member dues from users. There is also a lot of competition in the Flash game industry, meaning that companies will be jockeying for your traffic by offering incentives beyond gaming to stay on the site (for example, a points system for rank or some sort of interactivity such as high score boards). When these features can be accessed from work, school, and home, Flash games are an incredibly easy way to play games cheaply and quickly.

Flash gaming websites form by building a website and buying or creating content. This work comes from Flash developing companies such as independent groups (such as myself), or by Flash production companies which will cater to these larger companies. The cost per Flash game can differ. From personal experience, a single Flash production can cost in the \$5,000 range for a massive project, and a small project could be as low as \$100-200. Depending on the quality of the game, this range will change.

Due to the expensive cost of games, Flash gaming and content websites have learned that Flash media is more affordable to steal. Since Flash resides in a single file, it is quite simple to rip a Flash file off of one website and upload it to another. This theft of content is relatively common in the Flash community. Stealing is an easy way to earn a buck, and several gaming websites engage in this behavior to drive further traffic (and ad revenue) to their website.

One example of this is from my personal experience with the owner of [gamesforwork.com](http://gamesforwork.com). The owner of the site came online to tell me that I should not submit my work to Kongregate (another Flash website), because of his competition with that

website. In questioning his authority to tell me this, I visited his website to see that my work was stolen. When I asked him about why he stole my own work, he told me it was my fault that I did not more securely handle my Flash work. In other words, it was my fault my work was stolen. An analogy to this situation is a man robbing a liquor store, and then the blame being placed on the liquor store for not being able to stop the robber. Some Flash sites have embedded the idea of stealing so far into their work, that they now feel that Flash artists are responsible for stopping them from stealing.

Many Flash gaming sites steal work, but that is not to say that there are still some great game sites out there. Several game sites ask before borrowing work, and develop relationships with game developers. I have been in contact with “Nick” from [Gamegarage.co.uk](http://Gamegarage.co.uk), a popular and polished gaming website. For the past few years, he has talked to me several times concerning my own work, and checking in on my progress and future work. I have shared several of my works with him. In return, he has been extremely courteous and humane about borrowing work, acknowledging that I am a hard working student who does Flash games for a living. Throughout the time we have known each other, I have been asked every time to borrow content I have created. These sort of relationships need to be built more often, because it is incredibly beneficial for Flash artists to feel comfortable with websites.

Very few Flash websites are made to create a community or benefit the artists more than the site owners. Sites like [Newgrounds.com](http://Newgrounds.com) are dying breeds, because they cater first to the needs of the artists, and second to the needs of the ad distributors. [Newgrounds.com](http://Newgrounds.com) is one of the largest and fastest growing Flash websites in the world. Instead of increasing ads like other sites do to increase revenue, [Newgrounds](http://Newgrounds.com) has only

been reducing the ad load over the course of the past few years to cater to artists and the audience<sup>6</sup>. Its dedication to its community has even extended to even buying graphic tablets for its users, to aid with animation development. It's mutually beneficial; artists can produce better work, and Newgrounds.com can benefit from showcasing their work.

The cause of work being so easily stolen is the loss of identity on the web, and the lack of enforcement to stop it. Since the internet is so disembodied in nature, the same mentality somehow transfers to the idea that the Flash project itself is somehow not a legitimate piece of property. There is nothing physically being stolen when digital data is taken. Because there is never a human face attached to a project, game site owners will find it easy to take a project and forget that someone made it. There is less guilt when there is less human interaction with the creator, who's name usually is represented in a few letters or symbols (such as "NegativeOne", or my own name, "jmtb02").

### **In Defense**

When artists request files to be taken off of stealing websites, it usually does not do much for the entire Flash community. When a website steals work, it usually steals hundreds of files. When a single Flash file is asked to be removed, it means there are still thousands of other Flash files to be accounted for, each stolen from different websites. The artist may or may not get their few files taken off, but it does not get any of the other content of the site.

There have been few rebellions against websites who steal content. The first is against eBaum's World Inc., a website which was accused by several members of the Flash community for stealing images and Flash projects. Two collaborators (animator altffour and musician Lemon Demon) created an animation, entitled "ebaums world dot

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<sup>6</sup> Tom Fulp, "Newgrounds History", 2006, [<http://www.newgrounds.com/lit/history.html>].

com”, in which they lewdly portrayed Eric Bauman (owner of the company) stealing and watermarking other people’s work<sup>7</sup>. The result was over a million views of the animation, and a general movement against Ebaums World as a company. While the company only suffered angry users on their message boards and through email, the fight did send shockwaves through the community to better protect work. But it wasn’t enough, as many people never went through the process of getting their work protected even though they were outraged that their work was stolen.

Flash artists know they are getting taken advantage of, and it is very depressing to see it happen. In order for Flash artists to better understand their rights and obligations to their own work, something needs to be done.

### **Emergence of FlashRights.com**

Flash Rights is a project I have been working on for quite a while, as a beneficial way for Flash artists to understand their rights and to protect their work. The site functions as an all-in-one guide to protecting Flash files, with easy step-by-step tutorials on how to secure copyrights and licensing into work. It also provides frequently asked questions to issues such as music use and use of other’s work in Flash productions, which are usually ignored.

The project has been inspired by several themes that have been visited by my time at UC Davis in the Technocultural Studies program. The first theme is the idea of copyright infringement and territorialism of work. Books such as Freedom of Expression by Kembrew McLeod express the overuse of copyright and the strategies used to adopt copyrights that do not belong to individuals<sup>8</sup>. This book had a lot of relevance to my

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<sup>7</sup> altffour, Neil Cicierega, eBaums world dot com, [http://www.newgrounds.com/portal/view/276616].

<sup>8</sup> Kembrew McLeod, Freedom of Expression, 2005.

current situation, as I have been in several copyright battles since my Freshman year of college over Flash projects. Other interesting themes with copyright and data transfer, such as seen with satellite feed interception and manipulation of copyright material with Negativland, also attracted me to the idea of helping others in achieving protection and benefits for being a Flash developer.

After conducting a survey with Flash developers, I found out several interesting things that confirmed my presumptions of how Flash artists protect their work. The first is the results of how many Flash artists will take additional steps to protect their work. Only 41% claim they take any additional step to protect their work, while 25% were willing to admit they protect their work<sup>9</sup>. Only 26% knew how to copyright or license their work, and even fewer went as far as to do so. The overwhelming number of Flash producers who do nothing to protect their work is astounding.

Flash artists also have trouble understanding what is okay to use from the internet in their own projects. According to the same survey I conducted, nearly 90% of Flash developers use free sound effects from the web. Several have admitted to downloading illegal sound packs from movie companies or from downloadable sources, which is dangerous to the developer. Music is also consistently used without permission. Only 12% have ever participated in making their own music for their own production<sup>10</sup>. The Flash Rights website will also be a resource for Flash developers, to better educate them on not violating other's copyrights and licensing.

The goal of this project is to protect fellow artists, as well as educate myself even further on the methods and procedures of licensing and copyright. No one is really

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<sup>9</sup> John Cooney, 2007 Flash Developer Survey, 2007, [<http://www.jmtb02.com/survey>].

<sup>10</sup> Ibid.

leading the fight against Flash poaching, and I am ready to take on this challenge. This project has inspired me to help those in need of help, and to protect their rights as human beings and artists. The internet should not facilitate stealing in this matter, and because no one will police this activity, the artists need to do it with the proper education and knowledge of licensing and copyright. Once and for all, the internet needs to recognize Flash artists as hard working individuals.