



**USAID**  
FROM THE AMERICAN PEOPLE



# ALLIANCE FOR ETRADE DEVELOPMENT

## RISE OF MSME CREATORS AND INFLUENCERS: OPPORTUNITIES AND CHALLENGES FOR DEVELOPMENT

September 30, 2023

This document was made possible by the generous support of the American People through the United States Agency for International Development (USAID). The contents are the responsibility of Palladium and do not necessarily reflect the views of USAID or the United States Government.

# ALLIANCE FOR ETRADE DEVELOPMENT

## RISE OF MSME CREATORS AND INFLUENCERS: OPPORTUNITIES AND CHALLENGES FOR DEVELOPMENT

**Agreement no.:**  
7200AAI9CA0002I

**Submitted to:**  
USAID Center for Economics and Market Development

**Prepared by:**  
Kati Suominen, Founder and CEO, Nextrade Group, Technical Director of the Alliance for eTrade Development and Erica Vambell, Senior Associate, Nextrade Group

**DISCLAIMER:**

The authors' views expressed in this document do not necessarily reflect the views of the United States Agency for International Development or the United States Government or the views of the Alliance for eTrade Development members.

# TABLE OF CONTENTS

- I. INTRODUCTION .....5
- II. CREATOR TYPES AND CHANNELS .....7
- III. WHAT TYPES OF MSMES BECOME CREATORS – AND HOW DO CREATORS PERFORM? ..... 18
- IV. REGULATORY CHALLENGES TO THE CREATOR ECONOMY ..... 34
- V. CONCLUSION ..... 43

## ACKNOWLEDGMENTS

The authors would like to thank Visa for data and partnership.

# I. INTRODUCTION

Services are increasingly deliverable via digital means, opening new opportunities for developing country firms to engage in trade. One rapidly growing part of digitally deliverable services trade is the creator economy, where both individuals and micro, small and medium enterprises (MSMEs) around the world share and sell valuable content with their fans and business customers through digital platforms, and provide marketing services to local and global brands, sometimes selling products alongside these services.

The creator economy mushroomed when the covid-19 pandemic caused a global shutdown of brick-and-mortar businesses and mass unemployment, prompting business owners and laid off employees to increasingly turn to digital platforms to supplement their incomes. Consumers found solace from their stay-at-home orders through the endless entertainment and online shopping options. This contributed to increased user growth on established digital platforms like Facebook, Twitter, and Instagram, and the emergence of new platforms, with TikTok as the frontrunner: visits to TikTok's website grew almost 600 percent on average each month in 2020 compared to 2019, while visits to Instagram were up 43 percent, Twitter 36 percent, and Facebook 3 percent.<sup>1</sup> YouTube reported paying more money to creators and partners in Q2 2021 than any other quarter up to that point.<sup>2</sup> Newer platforms saw exponential growth in 2021 as well, with a record 11 companies in the creator economy achieving unicorn status, including audio-based social app Clubhouse, education platform Masterclass, content creation app Lightricks, and NFT marketplace Opensea.<sup>3</sup>

Mainstay platforms have evolved quickly to keep up; for example, Meta, Instagram, and YouTube have been adding short form videos into their capabilities. YouTube's short form video product was released in September 2020 and attained 1.5 billion monthly active users contributing to 30 billion daily views by mid-2022.<sup>4</sup> For influencer marketing campaigns, brands favor TikTok the most in 2023, followed by Instagram, Facebook, and YouTube which, while still very relevant, have decreased in popularity in competition with TikTok.<sup>5</sup>

By now as many as 200 million individuals consider themselves creators and the creator economy is estimated at \$250 billion – and poised to rise to \$480 billion in 2027, with the potential to empower millions of developing country firms.<sup>6</sup> Yet rather little is known to date about what types of businesses become creators, how creators engage in trade, or how they perform. Also little is known about the business and policy challenges facing creators, such as how they monetize their works and how copyright, taxation, and data privacy and transfer regulations may shape their fortunes. There are also question marks about the impacts of technologies such as artificial intelligence on creators' business prospects.

This study seeks to bridge this knowledge gap in four ways:

- Creating a typology of creators and assessing the platforms they leverage to sell their work;
- Leveraging Visa-sponsored survey data on creators in 17 economies around the world, to understand creators' characteristics, performance, and challenges;
- Discussing emerging policy developments around the world that affect creators; and
- Developing an agenda for the global development community to support developing country creators.

The following section assesses the different types of creators that have emerged in the creator economy and the platforms and channels they use to sell their work. Section three turns to Visa's data on creators to better understand their characteristics, performance, and challenges. Section four reviews the policy issues affecting creators and the growth of the creator economy. The final section concludes with a policy and development agenda to support and enable creators.

## II. CREATOR TYPES AND CHANNELS

### A. CREATOR TYPES

There are many types of creators, both individuals and businesses. They can be classified as follows (table 1):

- **Creators that sell their content and creations, such as educational classes, podcasts, films, music, and so on** via platforms like Twitch, TikTok, and YouTube. Creators have many ways to monetize their content, such as selling merchandise and digital content, and gaining revenue from advertisements. Some creators also sell products alongside services (case 1). Some creators are hobbyists who make some hundreds of dollars a month, while others are full-time creators. The engagement and revenues vary widely across creators: in a survey of over 2,000 creators, fewer than 1 percent were superstar creators making more than \$1 million a year, but as many as 43 percent in the influencer vertical reported earnings of more than \$50,000 per year.<sup>7</sup> This is quite aligned with a study of 50 popular creator platforms, which found that in 2021, 668,000 creators had onboarded these platforms with earnings totaling \$10 billion or about \$15,000 on average, and by 2022, 1 million creators had onboarded these same platforms with \$25 billion in earnings, or on average \$25,000 per creator.<sup>8</sup>
- **Influencers that are hired by domestic and foreign businesses to shape the purchasing decisions of their fans and audiences** because of their status, authority, knowledge, and position with their audience.<sup>9</sup> There are mega-influencers that may also be celebrities such as musicians, movie stars, and athletes with millions of followers on platforms like Twitter and Instagram; macro-influencers with a following of 100,000 to 1 million; and micro-influencers with up to 100,000 followers. Popular YouTube content creators and podcasters are also being hired by brands to promote products and services.<sup>10</sup> Influencer marketing is expected to rise to \$21 billion in 2023.<sup>11</sup>
- **Nano-influencers, or those with less than 10,000 followers, have increased in popularity in recent years** as consumers seek authenticity when learning about and purchasing products online. Nano-influencers have a high rate of social media engagement, where people frequently interact with their content. Instagram's engagement rates are around 0.95 percent for accounts with over 100,000 followers compared to 4 percent for nano-influencer accounts with less than 5,000 followers; TikTok's largest accounts with over 1 million followers average 11 percent engagement, and nano-influencer accounts with less than 5,000 followers attain an impressive 15 percent engagement.<sup>12</sup> In an influencer marketing benchmark report, overall influencer engagement declined in 2022, yet grew for nano and micro influencers.<sup>13</sup> These influencers also had better conversion rates. While smaller influencers have smaller audiences, they are often able to engage more authentically and effectively with their followers than larger influencers or celebrities, something younger generations especially value. Brands are increasingly seeing the impact this can have and turning to nano-influencers more often when looking to create deeper connections with their target audience.
- **NFT creators that sell non-fungible tokens (NFTs) to fans**, which are essentially any digital asset, such as artwork, music, or videos which can then be tokenized into NFTs and sold on the blockchain.<sup>14</sup> NFTs provide creators new pathways to make revenue and to meaningfully connect with fans: creators have historically earned income mainly through ad revenue and

brand partnerships, but with the emergence of NFTs, creators are able to directly sell their work to customers without using intermediary platforms who can take control of their content rights or a percentage of the earnings, and can later earn revenue through royalties if the NFT is sold on the secondary market. Though NFTs are still fairly new and will depend on factors such as the progress of blockchain technology and especially the market demand for digital assets, the impact already is evident- NFT collectors and traders spent \$22 billion on NFTs in 2021, and the Ethereum NFT market saw a 70-fold increase in sales between February 2020 to February 2021.<sup>15</sup>

Creators have many ways to monetize their content, such as selling merchandise and digital content, and gaining revenue from advertisements, brand partnerships, and sponsored social media posts. Another popular monetization strategy is simply through supporter donations. All of these methods enable creators to gauge their audiences' preferences and improve their content and services.<sup>16</sup>



**Table I – Types of digital service providers, platforms used, and monetization models**

Type of creator	Examples of functions	Sells on and to	Monetization	Platform monetizes through
<b>Creator</b>	<ul style="list-style-type: none"> <li>• Musicians, visual artists, filmmakers, gamers, writers, instructors</li> </ul>	<ul style="list-style-type: none"> <li>• To individuals and fans on platforms such as Twitch, TikTok, YouTube, Patreon</li> </ul>	<ul style="list-style-type: none"> <li>• Subscriptions</li> <li>• Sell merchandise</li> <li>• Sell digital content</li> <li>• Ad revenue</li> <li>• Affiliate links, tip jars, and donations</li> </ul>	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• Advertising</li> <li>• In-app purchases (IAP)</li> </ul>
<b>Influencer</b>	<ul style="list-style-type: none"> <li>• Creators that promote marketing videos and campaigns</li> <li>• Blogger</li> <li>• TikToker</li> <li>• Podcaster</li> </ul>	<ul style="list-style-type: none"> <li>• To followers on platforms like TikTok and Instagram on behalf of global and local brands</li> </ul>	<ul style="list-style-type: none"> <li>• Fees for campaigns</li> <li>• Affiliate links</li> <li>• Sponsored posts</li> </ul>	<ul style="list-style-type: none"> <li>• Commissions</li> </ul>
<b>Nano-influencer</b>	<ul style="list-style-type: none"> <li>• Creators that promote marketing videos and campaigns, more often in niche industries</li> <li>• Blogger</li> <li>• TikToker</li> </ul>	<ul style="list-style-type: none"> <li>• To followers on platforms like TikTok and Instagram on behalf of smaller and niche brands</li> </ul>	<ul style="list-style-type: none"> <li>• Fees for campaigns</li> <li>• Affiliate links</li> <li>• Sponsored posts</li> </ul>	<ul style="list-style-type: none"> <li>• Commissions</li> </ul>
<b>NFT creators</b>	<ul style="list-style-type: none"> <li>• Sell nonfungible tokens of digital content such as artwork and music</li> </ul>	<ul style="list-style-type: none"> <li>• To individual fans on platforms such as OpenSea, Rarible, and Nifty Ga</li> <li>• teway</li> </ul>	<ul style="list-style-type: none"> <li>• Purchases of NFTs</li> </ul>	<ul style="list-style-type: none"> <li>• Commissions</li> <li>• Admin fees – initialization, contract approval</li> <li>• Transaction/commission fees</li> </ul>

### **Case I- Estefanía Mora Creator for organizing spaces through services and products**

Estefanía Mora, the founder of Organize Your Space, a prominent firm specializing in space organization services and education, established her own organization services and teaching business in Ecuador. Drawing upon her passion for organization, Estefanía forged a professional path and established her very own company. In 2019, she started her business venture independently, and presently, she leads a team of her own. Her business extends its reach through a training institute, delivering workshops and certification programs for aspiring organizers. Her diverse student body hails from nations including Ecuador, Puerto Rico, the United States, Colombia, Panama, El Salvador, Bolivia, and England.

The online certification program empowers individuals, mainly women, to become Professional Space Organizers and establish their own global businesses. Estefanía's company aids women in becoming entrepreneurs, enabling them to assist their own clientele. The certification is built upon three core pillars: mastering the skills of a proficient space organizer, developing a viable business model, and nurturing the potential for expansion. This program is designed for those seeking a career change without substantial upfront costs, aiming to establish their own enterprise in a dynamically growing international market, generate supplementary income, and individuals passionate about home care, seeking to enhance their expertise and inspire others worldwide.

With over 80 students already certified through Estefanía's company, participants can offer an array of services to their clientele including complete home organization, virtual consultations, training for household staff, office arrangement, time management coaching, warehouse optimization, personal shopping, and more. The certification comprises of 12 pre-recorded modules of online instruction, an e-book, a personalized hour of mentoring from Estefanía, a workbook, tailored feedback, and a final project.

In addition to the certification program, Estefanía's business includes a variety of products and services. Customers are able to use her platform to purchase organizational items like baskets, jars, drawer organizers, and more. Users also have the option to pay for organizational services from Estefanía and her team. They can hire Estefanía to organize various rooms in their houses like nurseries, laundry rooms, bathrooms, closets, kitchens, and more. Estefanía also offers pre- and post-move services to help clients pack, unpack, and reorganize their belongings in their new homes.

Estefanía's online presence is highly visible through a few popular social media accounts. On her Instagram account, @organizatuespacioec, she has garnered a substantial following of more than 750K individuals. Her TikTok account, under the same handle, has amassed over 310K followers. Through both platforms, she shares valuable tips and tricks for cleaning and organizing various household items in short-form videos. As a small, woman-owned business, Estefanía utilizes the power of social media to expand her reach to a wider audience and possible customer base.

Through her blog, Estefanía offers tips and techniques to organize your closet and motivation to become a certified space organizer. Those who visit her site can acquire insights into optimizing and streamlining their personal spaces. Whether one seeks to acquire the skills as a hobby, embark on a professional journey as a space organizer, or hire Estefanía's team for space arrangement services, her company offers all of those solutions for its customers.

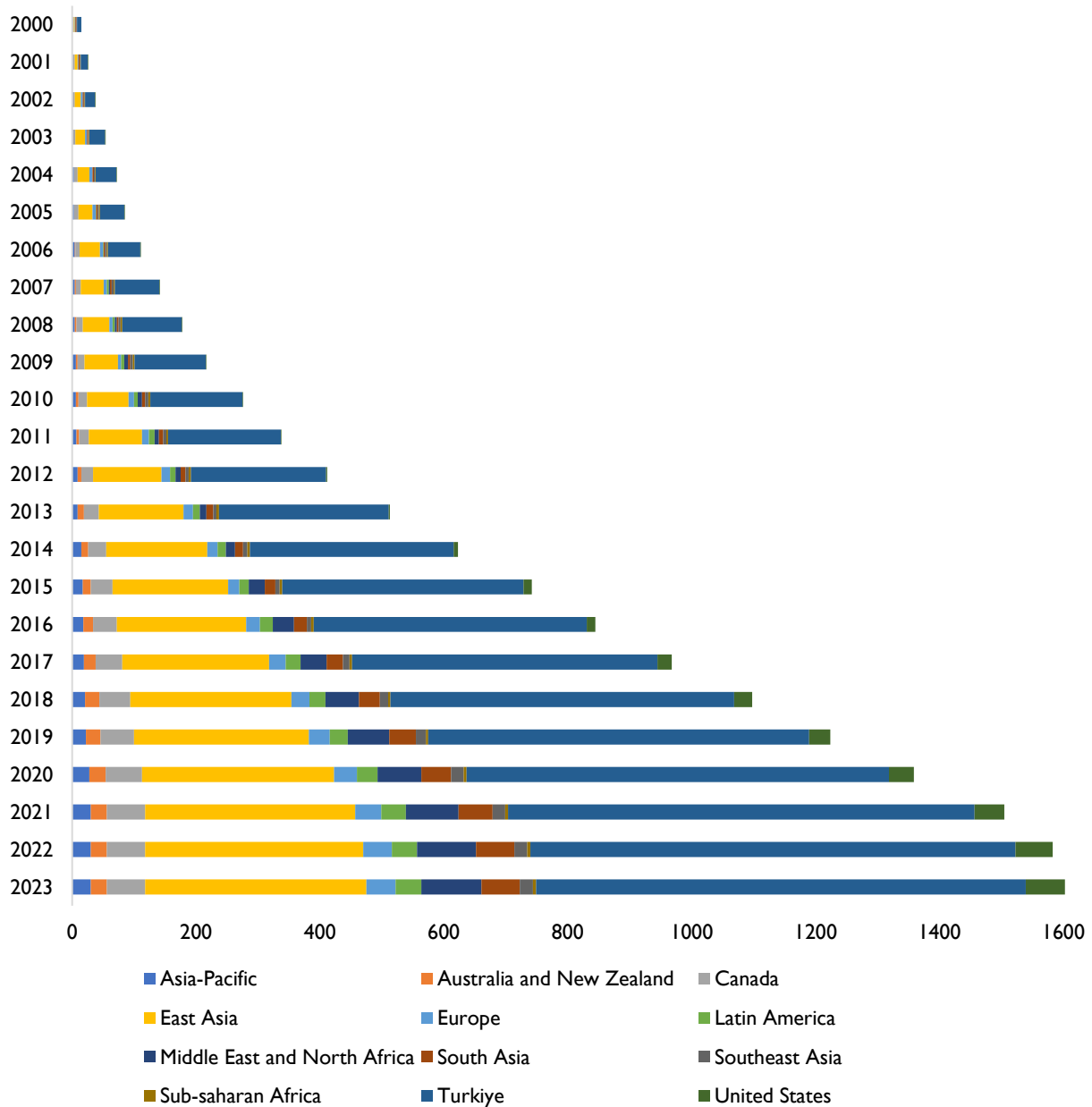
## B. CREATORS' CHANNELS AND MONETIZATION MODELS

According to the Crunchbase database on businesses around the world, since the year 2000 there have been more than 1,600 companies formed that categorize themselves as being in the content creator industry, with the majority founded in the United States, followed by Europe (figure 1). A closer analysis of the ecosystem provides a snapshot into the types of companies that have been formed including channels for creators and influencers to sell their craft, and services for creators like financial support and digital marketing (figure 2). There have also been an emergence of brand management agencies that act as intermediaries between brands and creators (case 2).

Investors have been excited about the creator economy, investing robustly in creator platforms – some \$461 million in 2020, \$939 million in 2021, and in the first half of 2022, \$637 million.<sup>17</sup> Notable raises

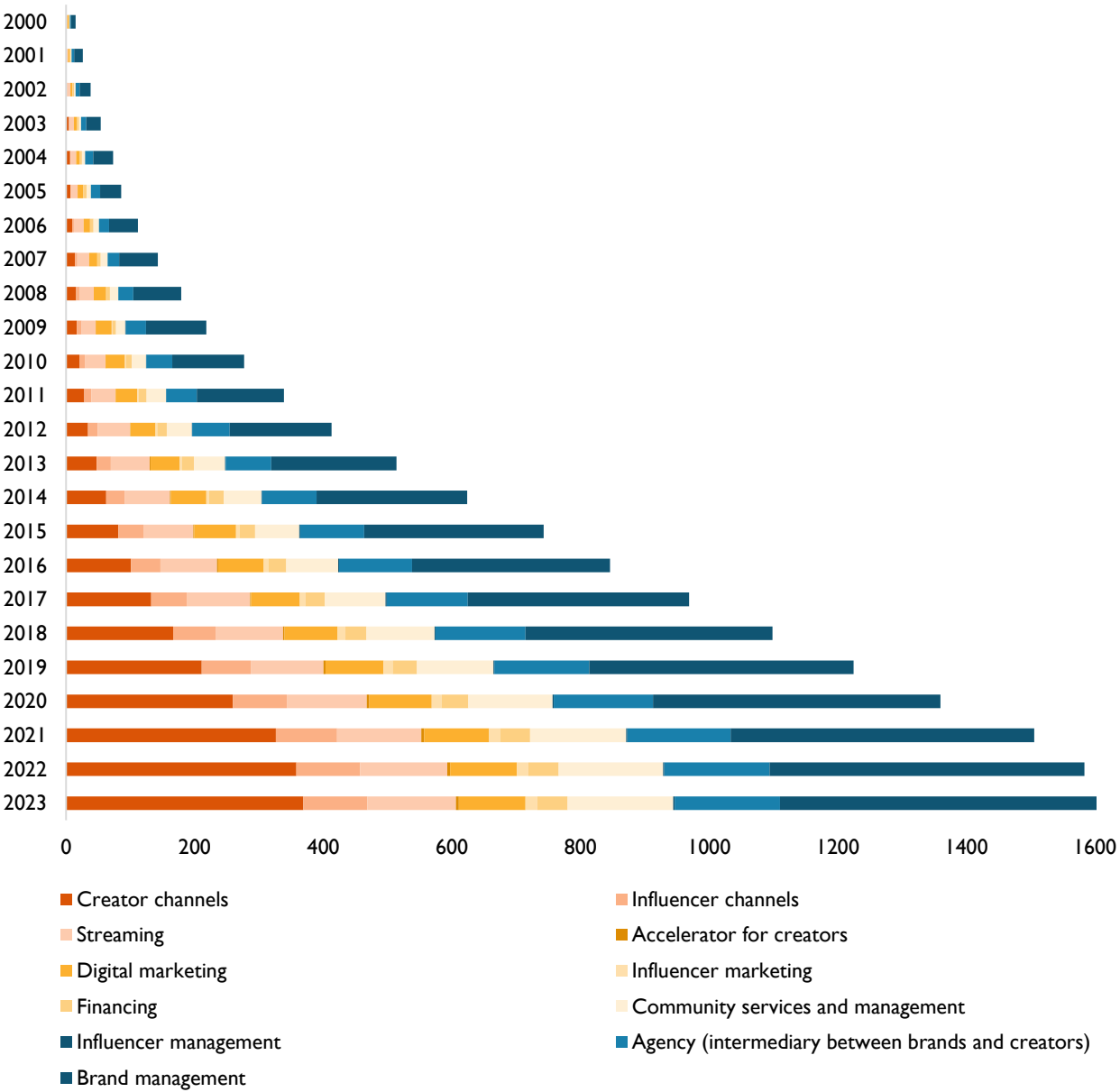
include Kajabi (\$550 million), Clubhouse (\$300 million), Patreon (\$155 million), and Cameo (\$100 million).<sup>18</sup> Table 2 expands on top creator platforms and funding amounts.

**Figure I – Content creator ecosystem companies, by year founded and company headquarters (cumulative)**



Source: Nextrade Group on the basis of Crunchbase.

**Figure 2 – Content creator ecosystem companies, by year founded and focus (cumulative)**



Source: Nextrade Group on the basis of Crunchbase.

**Case 2- Marketplaces for influencers and brands to meet**

The growth of the creator economy has given rise to platforms that connect creators and influencers with the brands that want to hire them. Major social media platforms have built in-app marketplaces for this reason, alongside an emergence of other platforms that utilize technology to connect brands with the right personalities, while at the same time empowering creators to seek out new business

opportunities and relationships. YouTube's creator marketplace originated in 2013 under Famebit's self-service platform to assist brands searching for creators and was bought by Google and re-worked into a full-service offering called YouTube BrandConnect in 2020.

Facebook launched Brand Collabs Manager in 2018 to cultivate collaboration between brands and influencers for branded content deals. TikTok first launched its marketplace in 2019 to allow brands to search for creators that would be a good fit for their marketing campaign and in September 2021 launched an API for the marketplace, providing brands with access to TikTok's first-party data which includes information on creator stats, video performance, and audience insights.<sup>19</sup> Instagram followed the trend and in 2022 launched the Creator Marketplace, adding on an API for third party marketing platforms in 2023.<sup>20</sup>

There has been an explosion of similar marketplaces outside of these major social media platforms that act as intermediaries between creators and brands and allow for more flexibility in choosing the right platform for the campaign. For example, Grin provides brands with a database of over 100 million influencers from Instagram, YouTube, and TikTok and focuses on ecommerce businesses with integrations into major shopping platforms. Creator.co has a database of 300 million and focuses more on showcasing micro-influencers for small business marketing campaigns. Upfluence provides a self-service platform that is more affordable for SMEs, and includes a database with 500 million items of content, spread across major social media platforms that businesses can search through to find the best match. Aspire's underlying algorithm crawls the web to find data on influencers, resulting in over 500,000 profiles for brands to browse, and has introduced features like allowing brands to upload a picture of the type of campaign they want to run and finding matches of similar picture results from past influencer campaigns. Beyond being a discovery tool for brands, many of these platforms have expanded to provide relationship and campaign management and analytics features as well.

**Table 2 – Selected platforms used by creators, by raises, users, funding to date, revenues, and monetization models<sup>21</sup>**

Platform	Description	Location	Number and types of users in 2021	Funding raised	Funding, Revenue, Valuation	Monetization model
<b>Twitch</b>	Twitch is a social video platform where gamers can broadcast, watch, and talk about video games.	San Francisco, United States	>9M monthly creators ~140M MAU; 2.84M concurrent viewers	\$35M	Revenue: >\$2B (est.) Valuation: >\$5B (est.)	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• Advertising</li> <li>• In-app purchases (IAP)</li> </ul>
<b>Substack</b>	Substack is a subscription-based newsletter publishing platform for independent writers.	San Francisco, United States	>10,000 writers (creators) >500,000 paying subscribers >1M subscriptions	\$82.4M	Funding: \$82.4M Revenue: >\$20M (est.) Valuation: \$650M	<ul style="list-style-type: none"> <li>• Subscription fees</li> </ul>
<b>OnlyFans</b>	OnlyFans provides a social media platform where creators share and monetize content and develop connections with fans.	London, United Kingdom	>1M content creators 120M registered users		Revenue: \$1.2B (est.) Valuation: >\$1B (est.)	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• IAP</li> </ul>
<b>Lightricks</b>	Lightricks develops creativity tools that enable its users to craft and share visual content on mobile devices.	Jerusalem, Israel	5M paid subscribers	\$335M	Funding: \$335M Revenue: >\$80M (est.) Valuation: \$1.8B	<ul style="list-style-type: none"> <li>• Subscription fees</li> </ul>
<b>Clubhouse</b>	Clubhouse is an audio-based social app that allows users to spontaneously join group chats.	San Francisco, United States	10M WAU	\$110M	Funding: \$110M Valuation: \$1.4B	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• IAP / event fees</li> </ul>
<b>Patreon</b>	Patreon is an online platform connecting creators and other artists with their fan base.	San Francisco, United States	>210,000 creators 6M subscribers (“patrons”)	\$413.3M	Funding: \$413.3M Revenue: \$160M (est.) Valuation: \$4B	<ul style="list-style-type: none"> <li>• Subscription fees</li> </ul>

<b>TikTok</b>	TikTok is a short-video sharing app and social network platform.	Los Angeles, United States	1B MAU (global) 100M MAU (U.S.)		Revenue: >\$17B Valuation: \$280B (Bytedance)	<ul style="list-style-type: none"> <li>• Advertising</li> <li>• IAP</li> <li>• Ecommerce</li> </ul>
<b>YouTube</b>	YouTube is a video-sharing platform that allows users to upload, view, and share videos.	San Bruno, United States	2B MAU 30M paid subscribers		Revenue: >\$20B (est.)	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• Advertising</li> </ul>
<b>Instagram</b>	Instagram is a free photo and video-sharing application.	Menlo Park, United States	1B MAU 500M DAU		Revenue: >\$26B (est.) Valuation: \$102B (est.)	<ul style="list-style-type: none"> <li>• Advertising</li> </ul>
<b>Spotify</b>	Spotify is an audio, music and podcast streaming service.	Stockholm, Sweden	11M creators 406 MAU 180M subscribers	\$2.1B	Revenue: \$9.6B Valuation: \$27.2B	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• Advertising</li> </ul>
<b>Gumroad</b>	Gumroad owns and operates an online service through which users can buy and sell digital goods such as design templates and source codes.	San Francisco, United States	~45k sellers (creators) ~600,000 customers	\$16.1M	Funding: \$16.1M Revenue: \$10.9M (est.) Valuation: \$100M	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• Transaction/commission fees</li> <li>• Payment processing fees</li> </ul>
<b>Medium</b>	Medium is a social publishing network that connects ideas and perspectives.	San Francisco, United States	~175,000 writers (creators) ~700,000 paid subscribers	\$163M	Funding: \$163M Revenue: ~\$35M (est.) Valuation: >\$500M	<ul style="list-style-type: none"> <li>• Subscription fees</li> </ul>
<b>Teachable</b>	Teachable allows anyone to create and sell online courses.	New York, United States	>100,000 instructors/creators ~10M students	\$13.5M	Revenue: \$44.7M (est.) Acquired in 2020 for \$250M	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• Transaction/commission fees</li> </ul>

<b>Roblox</b>	Roblox is an online gaming and entertainment platform that offers a shared digital experience for players.	Garden City, United States	9.5M developers (creators) 43.2M DAU 202M MAU	\$856.7M	Revenue: \$1.9B Valuation: \$26.58B	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• IAP</li> <li>• Transaction/commission fees</li> </ul>
<b>Kajabi</b>	Kajabi operates as an all-in-one knowledge commerce platform.	Irvine, United States	~20k knowledge entrepreneurs (creators) >40M customers	\$550M	Funding: \$550M Revenue: >\$60M (est.) Valuation: \$2B	<ul style="list-style-type: none"> <li>• Subscription fees</li> <li>• Service fees</li> </ul>
<b>Cameo</b>	Cameo is a marketplace where fans can book personalized video shoutouts from their favorite people.	Chicago, United States	>30,000 celebrities (creators) >1M customers	\$165.7M	Funding: \$165.7M Revenue: \$25M (est.) Valuation: \$1B	<ul style="list-style-type: none"> <li>• Commission fees</li> </ul>



### **Case 3 – Teaching English on YouTube: Case of Kaizen**

Malar created Kaizen English in 2017 after realizing that knowledge of the English language could help people communicate and connect to better opportunities. Malar herself discontinued her studies after Grade 12 in her hometown of Rajapalayam, about 500km south of Chennai, due to familial constraints. Malar was strongly discouraged by her family from pursuing a formal education and was instead encouraged to get married, with no real career prospects. However, after getting married, she was determined to keep studying and learning, and she received her degree through correspondence. She soon landed a teaching job, and in this role met a colleague who spoke English very well and who inspired Malar to learn how to improve her English skills.

Malar became passionate about learning English fluently, and wanted to share this knowledge with others. She saw how people in her community were limited by their communication skills, and felt that English could empower them to achieve their potential and to improve their employment opportunities. She eventually joined a spoken English center where her teaching method was very popular among the students. After a potential business partnership failed to launch, Malar decided to start her own business teaching English from her home.

Some of Malar’s students were working overseas and asked Malar if she could put teaching videos on YouTube. Malar thought it was a good idea, and considers this a pivotal turning point in her life. Inspired by the Japanese concept of ‘kaizen’, meaning ‘continuous improvement’, she created her Kaizen English YouTube channel in 2017 where she began using everyday conversations, catchphrases and descriptions of household objects to teach spoken English to Tamil speakers. The impact was swift, as she quickly began receiving comments on her videos from Sri Lanka, Malaysia, Singapore, and even the UK. People around the world were writing to tell her how learning English through Kaizen English had a positive effect on their lives.

One of her former students was the first to suggest the idea of monetization, which Malar had previously been unaware of. However, Malar quickly ran with the idea and began making revenue from her videos. She used her earnings to start an institution in Chennai for in-person classes alongside her online content, a big accomplishment in a metropolitan area as big as Chennai.

Malar posted the first video to the Kaizen English YouTube channel in March 2017, and 5 years later in April 2022, she hit the milestone of 1 million subscribers. She also has an official Instagram account with almost 40,000 followers and in 2021, Malar expanded her brand to include the “Ikigai” YouTube channel, another nod to Japanese culture which roughly translates to “reason for being” - this time focusing more on lifestyle content. She also has monetized content through paid workshops in the Kaizen Academy, utilizing the e-learning platform Winuall. Malar’s future goals include reaching more of the Tamil community worldwide, and plans to share free beginner English videos with government schools to help her lessons reach remote areas and underprivileged children.

### III. WHAT TYPES OF MSMES BECOME CREATORS – AND HOW DO CREATORS PERFORM?

There are a number of reasons why the creator economy can be a particular growth opportunity for developing countries:

- **Low barriers to entry.** The barriers to providing digital services are low: only a smartphone or a laptop and an Internet connection are needed to deliver even more sophisticated services. In addition, digitally deliverable services often require lower overhead costs than traditional businesses, such as rent for a physical storefront. By leveraging digital tools, creators can increase the number of customers they serve without necessarily increasing their costs. This can help small businesses and freelancers keep costs down and increase their profit margins.
- **Limited investment to scale.** Provided online, digitally deliverable services enable scalability without significant new investment, along with the ease of expanding across markets. For example, a creator may get audiences and fans from diverse countries without necessarily even targeting any one market.
- **Opportunities for arbitrage.** Developing country creators can potentially compete on cost particularly as advanced country companies seek commoditized services at low cost, and as emerging markets engage in more value-adding digital services.
- **Flexibility.** Digitally deliverable services often allow freelancers and small businesses to work from anywhere on hours they set, which can provide flexibility especially for women and students. A number of studies discuss the flexibility and “individualization” of work enabled by platforms.<sup>22</sup>
- **Increased job opportunities.** Creators are not limited to sharing their work through one platform or company, but have freedom to craft their personal brand across multiple platforms, increasing their potential to secure new business and grow their audience. According to one study using data on freelance workers on Upwork South Africa, Kenya, Nigeria, Ghana, and Uganda, high-skilled workers gain better wages than they would without the platform.<sup>23</sup>

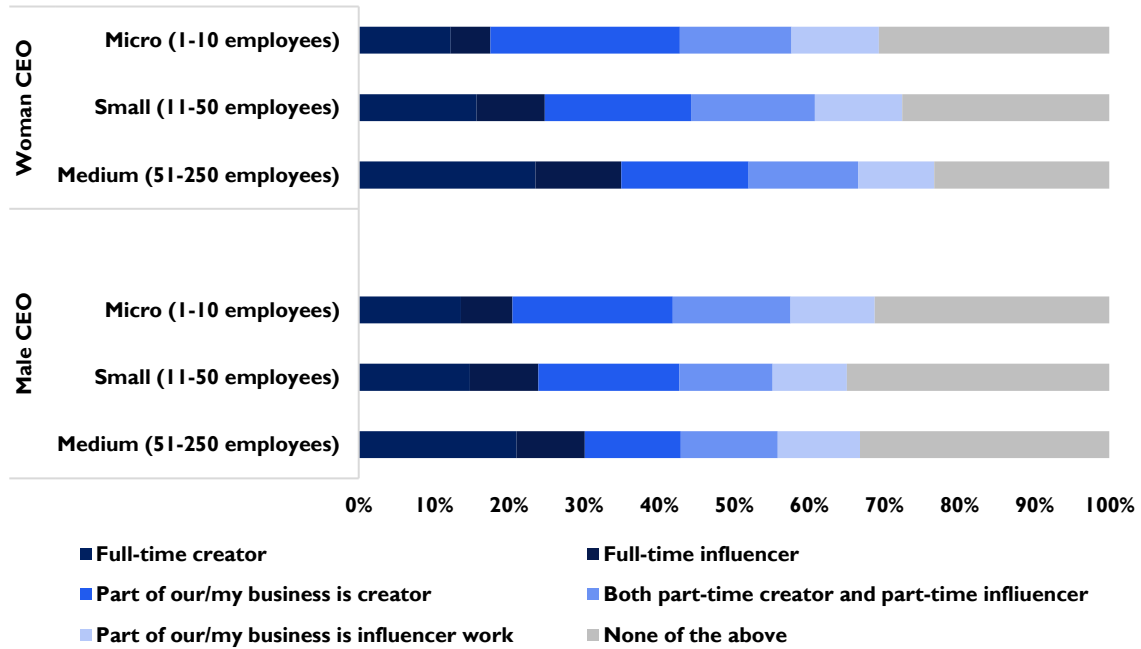
What then do survey data tell us about creators and their performance? Are they particularly scalable businesses? Are they mostly micro enterprises, or are even more mature businesses branching out to grow creator business?

This section highlights key trends from a Visa survey of 9,011 MSMEs fielded on 22 May – 28 July 2023 in Argentina, Australia, Brazil, Chile, Cambodia, Costa Rica, Indonesia, Kazakhstan, Kenya, Mexico, Peru, the Philippines, South Africa, Thailand, Ukraine, Vietnam, and the United States across services and goods sectors. 5,786 of these MSMEs report being creators and/or influencers in part-time or full-time capacities.

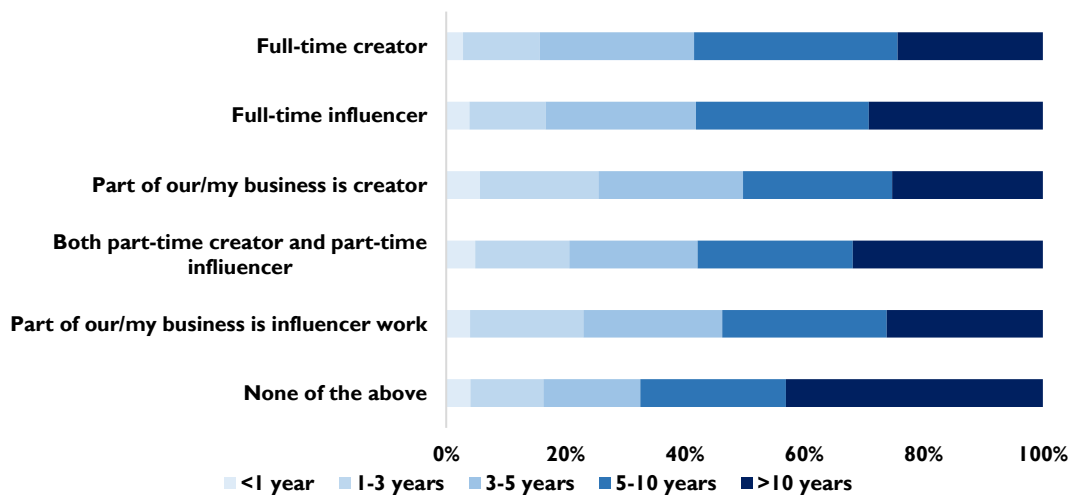
There are a number of key findings around creators characteristics and performance. For example, creators and influencers are not just new or micro businesses, they are prevalent especially in the ranks of small and medium-sized firms and often have 3-10 years of experience (figures 3 and 4). Creator and influencer firms are also more often led by women; 71 percent of women-led firms consider their work to be at least part-time creator or influencer based compared to 62 percent of men-led firms (figure 3).

Creators and influencers are especially prevalent in the content, IT and financial services, consulting, wholesale and retail sectors (figure 5).

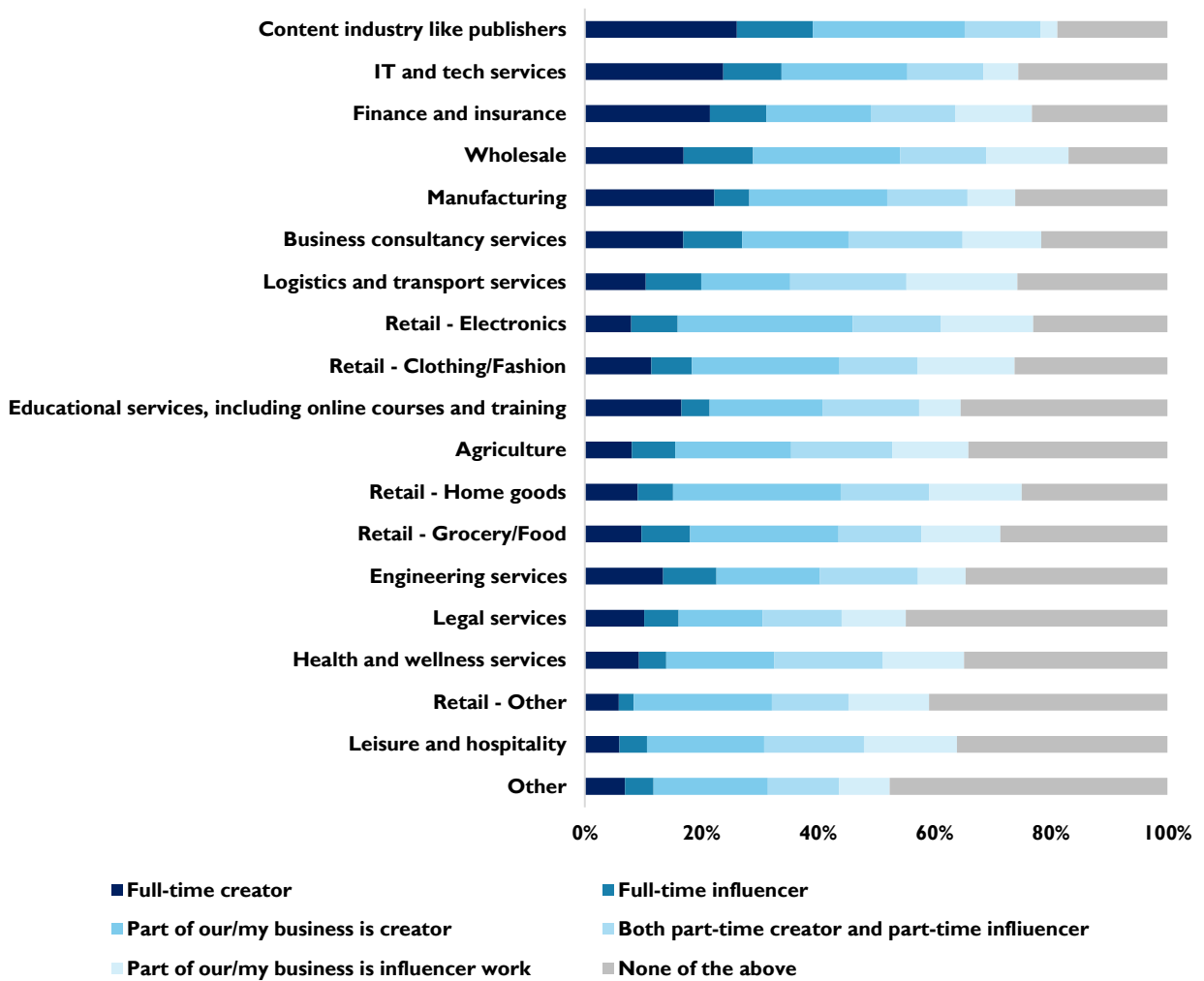
**Figure 3 – Creator types, by CEO gender and firm size**



**Figure 4 – Firm age, by creator type**

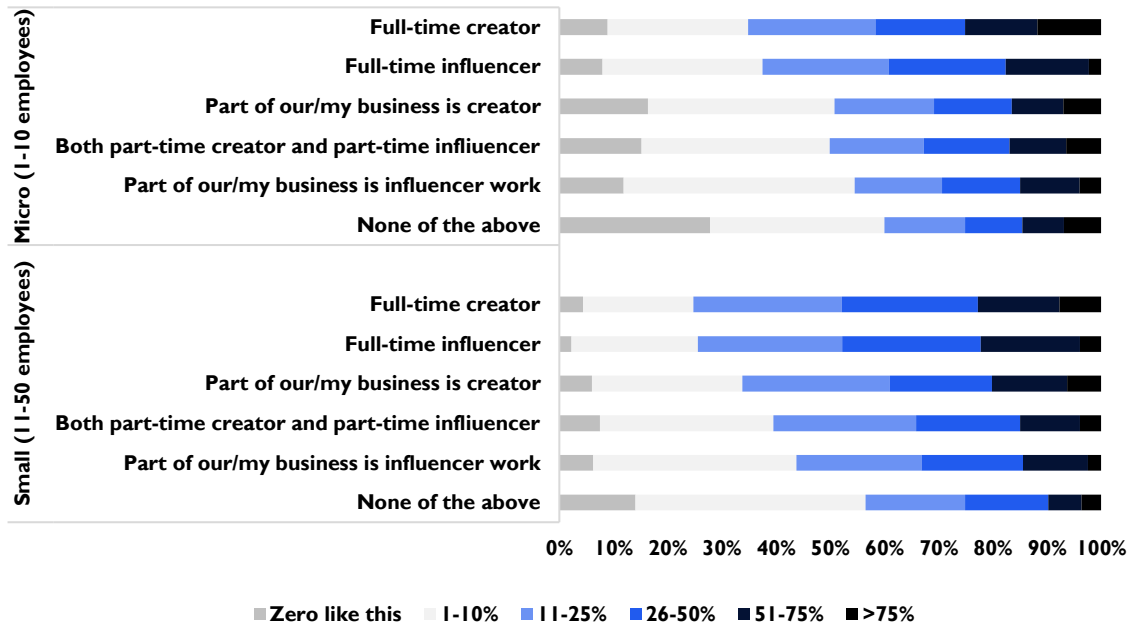


**Figure 5 – Creators’ reported sectors**

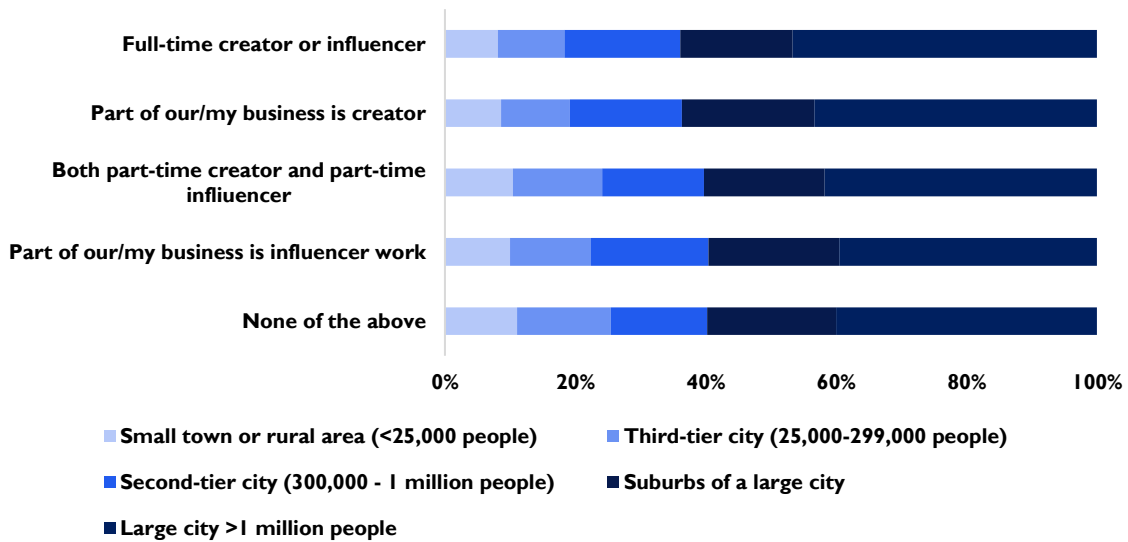


Creators and influencers use the Internet intensively in their work – and are more prepared than noncreators for the online economy. In almost one-half of firms that are full-time creators or influencers, more than a quarter of the leadership team has over five years of IT experience. Only 25 percent of noncreator firms have as much in-house talent (figure 6). Unsurprisingly, creators are most likely to be found in major cities and the suburbs surrounding major cities, where the Internet is more reliable and creative and technology talent is more abundant than in third-tier cities or rural areas (figure 7).

**Figure 6 – Share of leadership team with over 5 years of IT experience, by creator type**

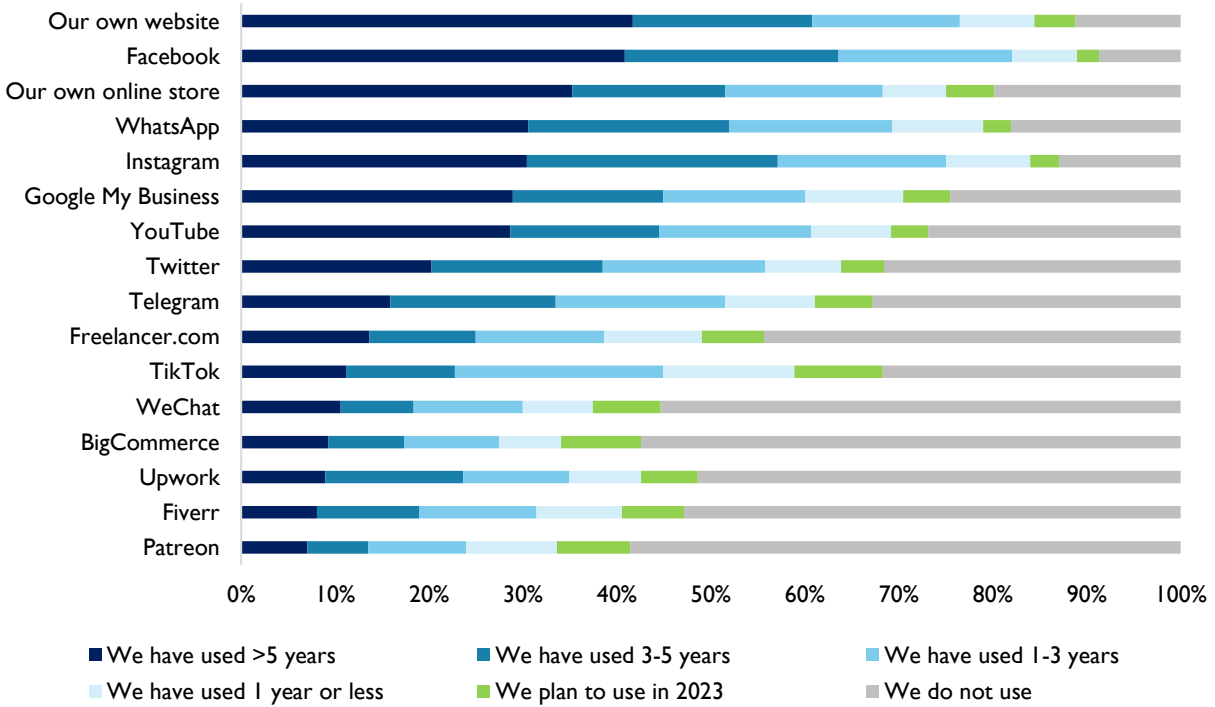


**Figure 7 – Firm location, by creator type**



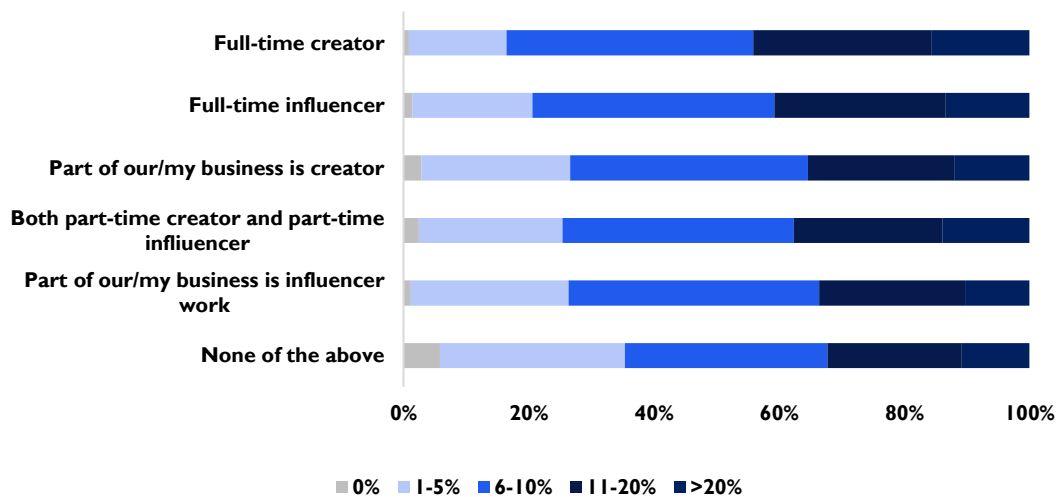
MSMEs that are full-time creators or influencers use their own websites and online stores, as well as social media platforms like Facebook, WhatsApp and Instagram the most; Facebook and firms' own online stores have been used the longest while platforms like TikTok have made particular gains in the past three years (figure 8).

**Figure 8 – Platforms used by creators**



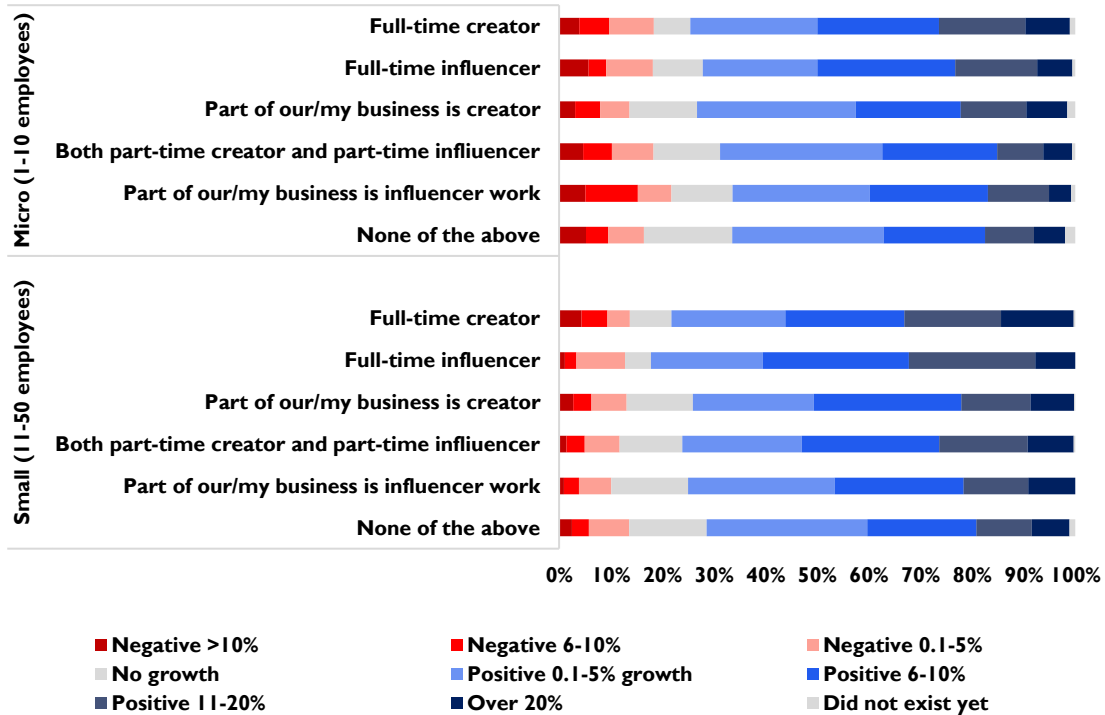
Creators spend considerably more than their noncreator peers on digital services and technologies- 43 percent of full-time creators and influencers spend more than 10 percent of their revenue on technology and digital services, compared to 32 percent of non-creators (figure 9).

**Figure 9 – Share of revenue spent on digital services and technologies, by creator type**

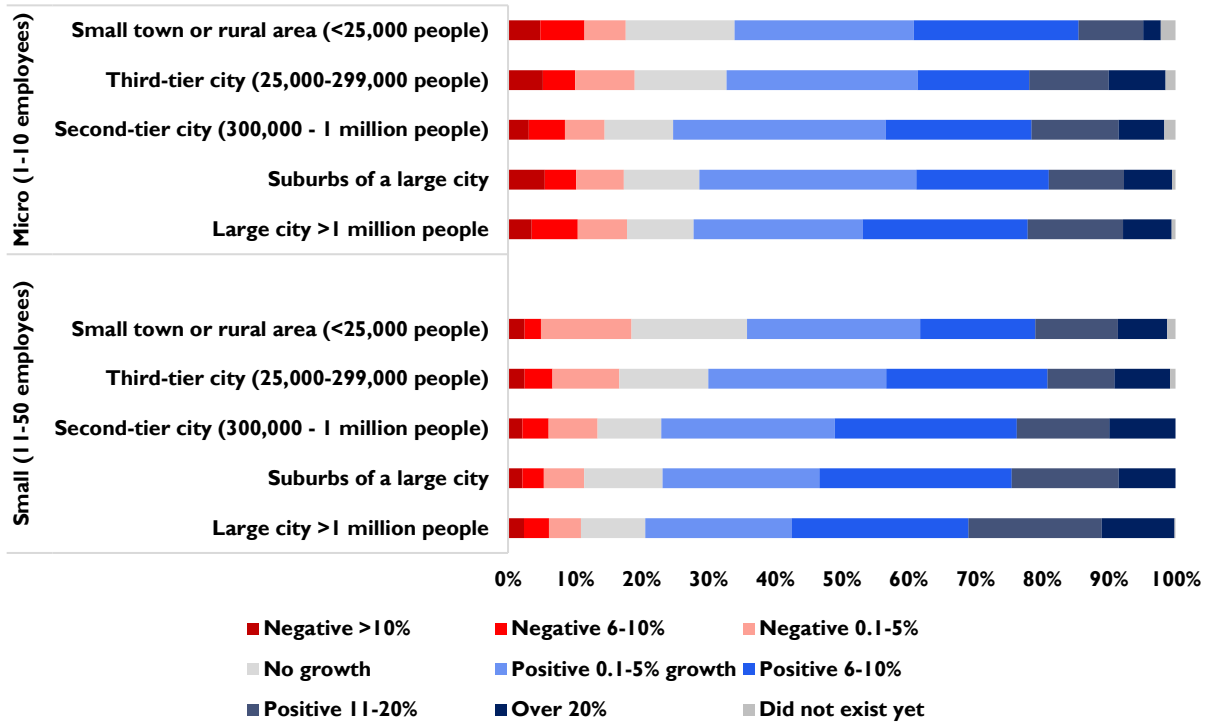


How then do creators perform? Overall, creators are faster-growing than noncreators: one third of full-time creators in small firms and one quarter in micro firms had more than 10 percent revenue growth in 2022, compared to 18 percent of small and 15 percent of micro noncreators (figure 10). Creators that are small firms and in large cities tend to have the fastest growth rates (figure 11). These are also firms that have had consistent revenue growth in 2020-23 (figure 12).

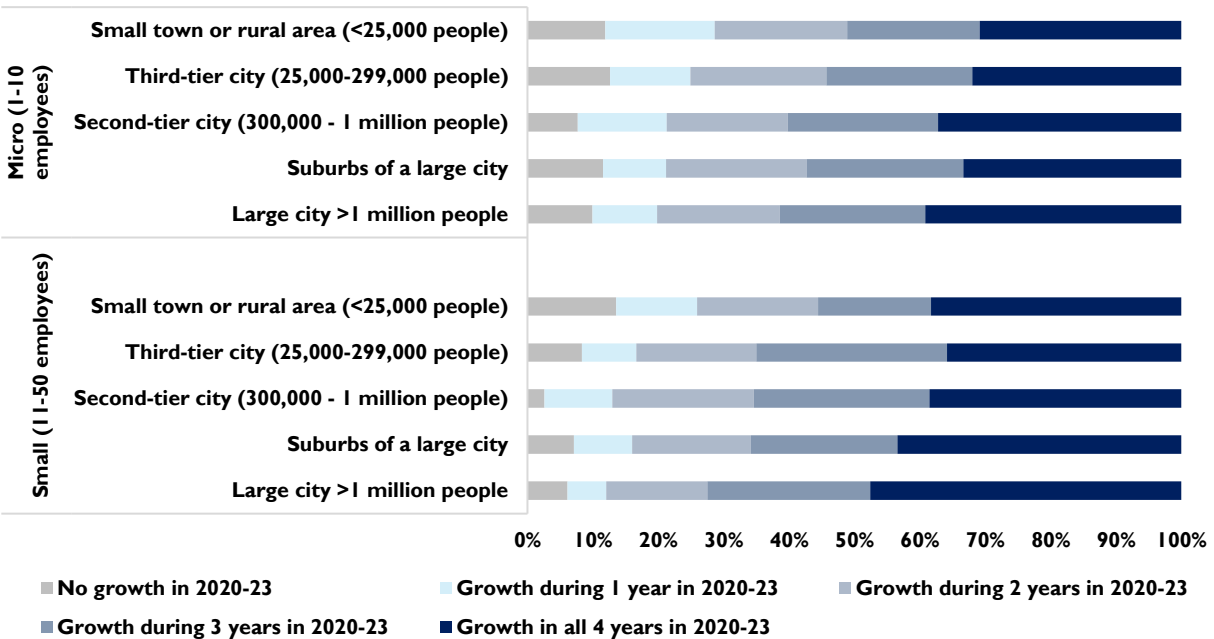
**Figure 10 – Firm revenue growth in 2022, by creator type**



**Figure 11 – Creator firms’ revenue growth in 2022, by location**



**Figure 12 – Creator firms’ revenue growth in 2020-2023, by location**

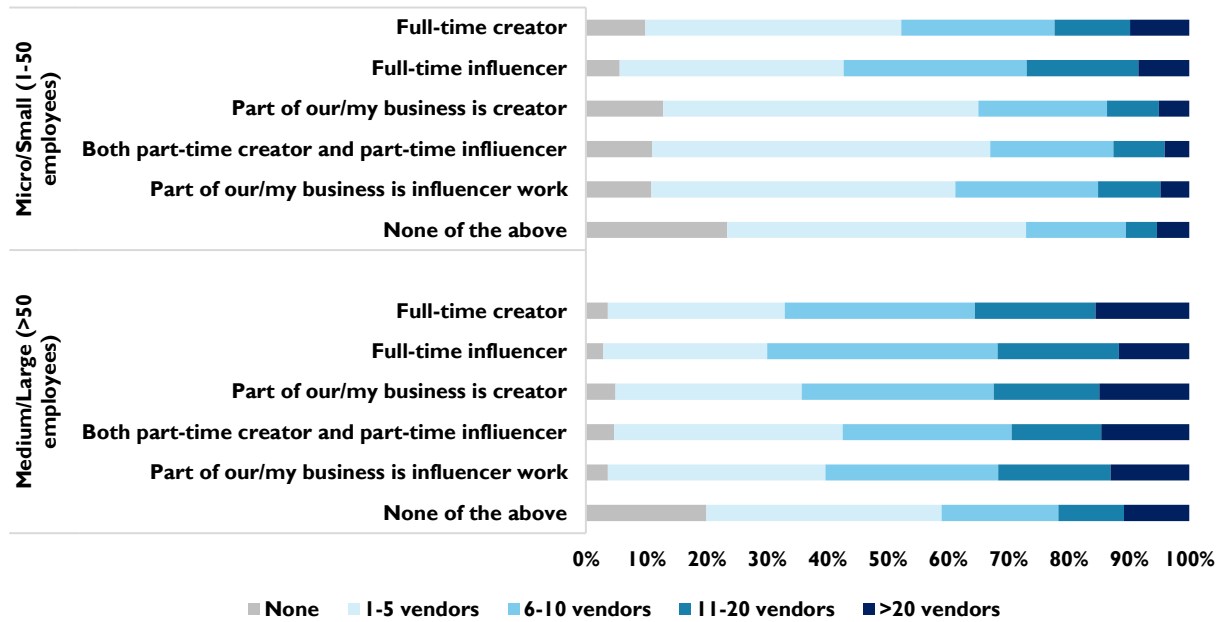




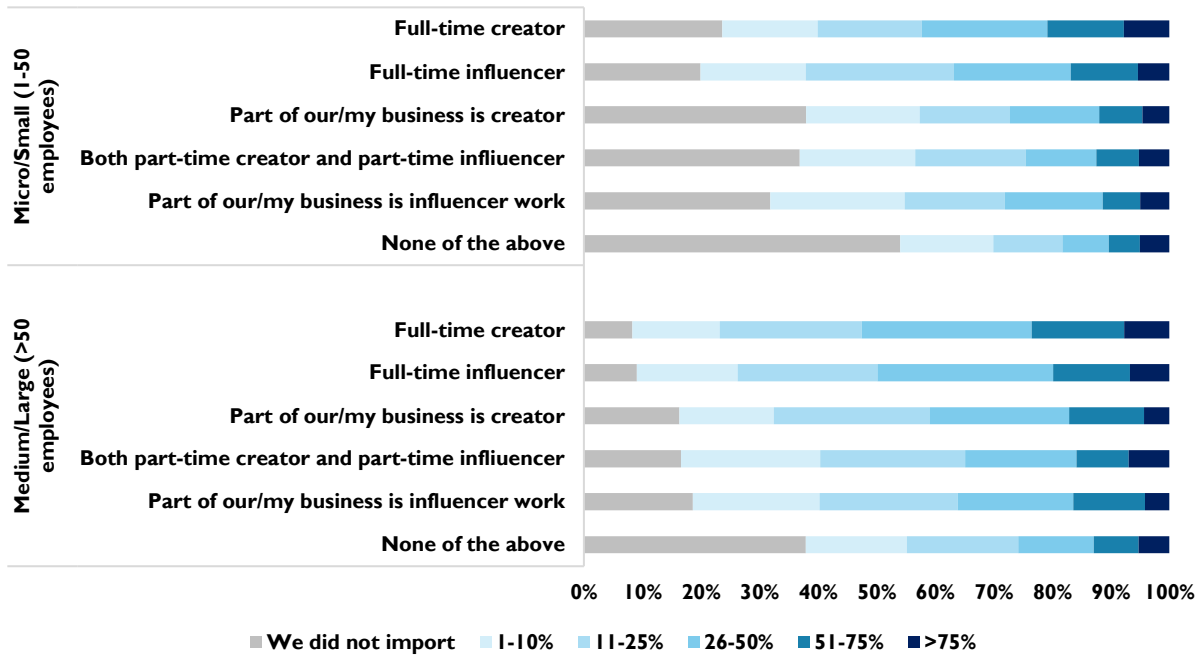
### C. CREATORS' SUPPLY CHAINS, BACKWARD LINKAGES, AND EXPORTS

Creators and influencers shape entire ecosystems around themselves, for example by using graphic designers, video artists, content editors, and so on. Indeed, creators appear to hire a wider set of vendors domestically than comparable noncreators (figure 13). Creators are also likelier than noncreators to seek vendors in international markets – for example, of full-time creators that are micro and small firms, 78 percent import, and 55 percent use more than six international vendors, compared to noncreator importers of which only 20 percent use as many vendors (figure 14 and 15).

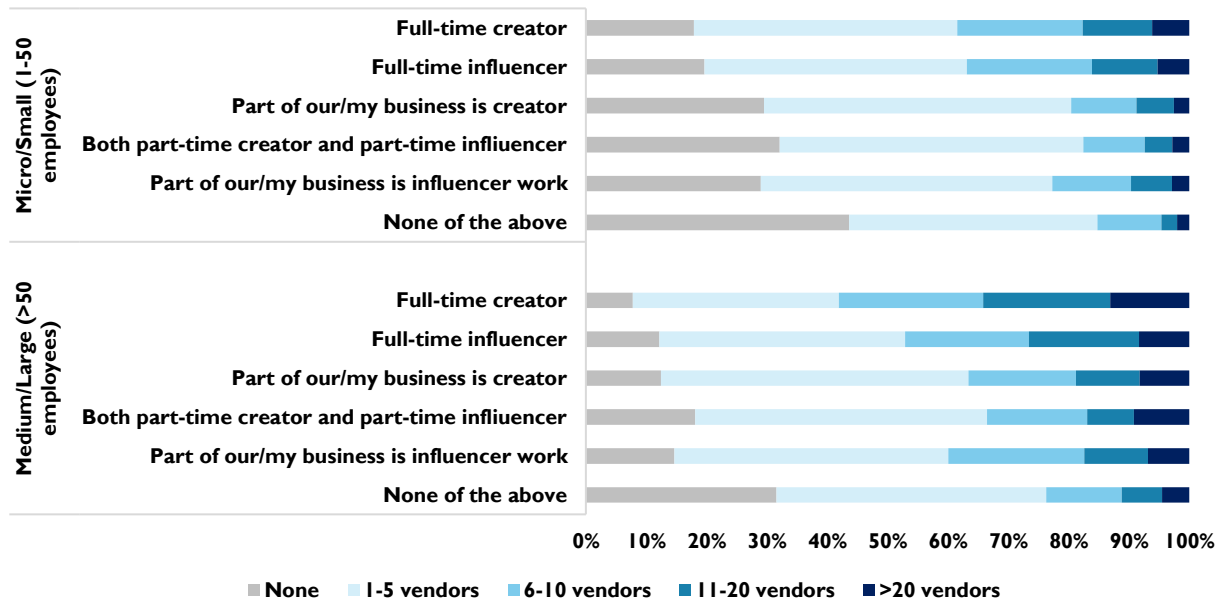
**Figure 13 – Number of domestic vendors, by creator type**



**Figure 14 – Share of total purchases were imports, by creator type**



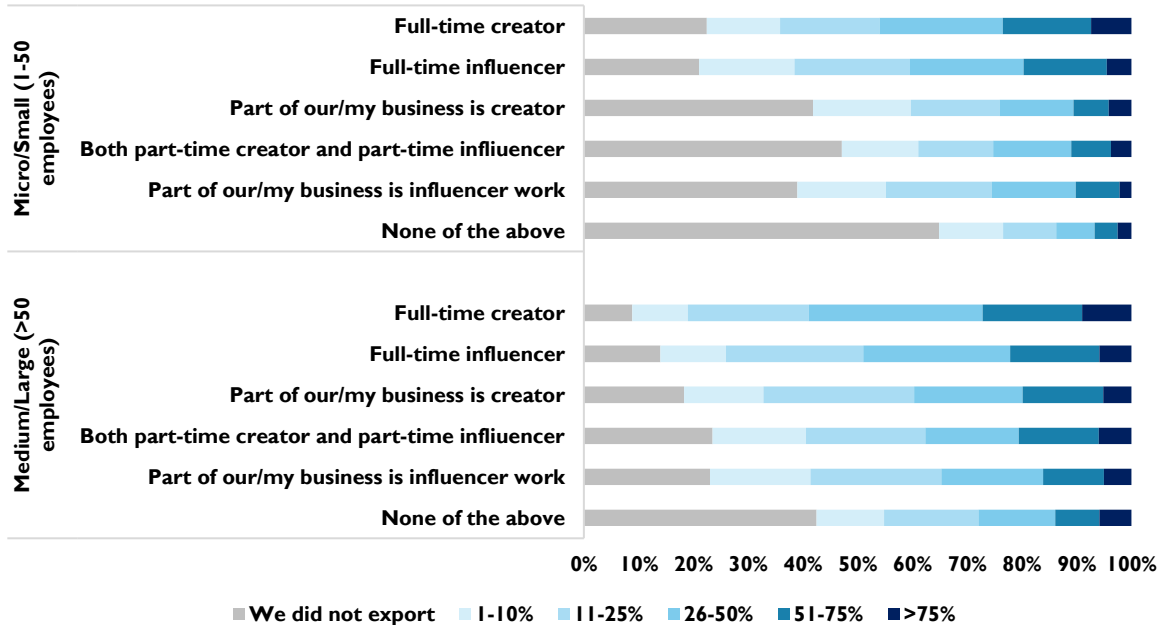
**Figure 15 – Number of international vendors used by importer firms, by creator type**



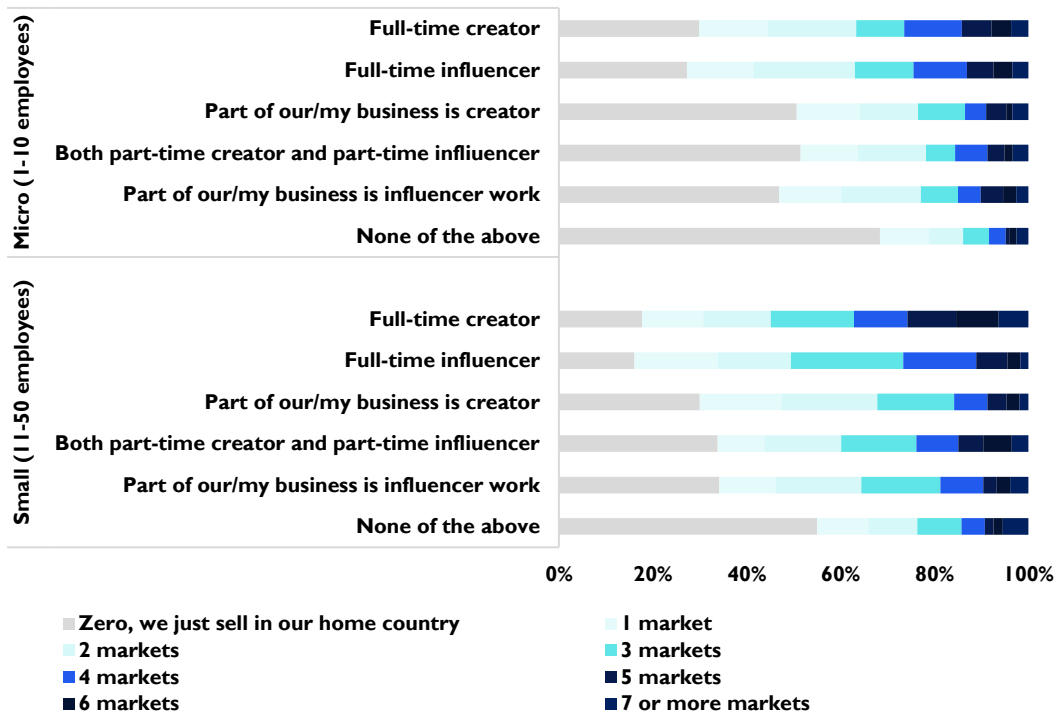
Creators and influencers are also more likely to export than other firms, and export to multiple markets, perhaps reflecting the ease with which digitally deliverable services can be provided across borders and visibility and marketing dividends that use of platforms provides for creators (figures 16

and 17). Almost all or 89 percent of creator firms that export also import, compared to just 37 percent of creator non-exporters (figure 18).

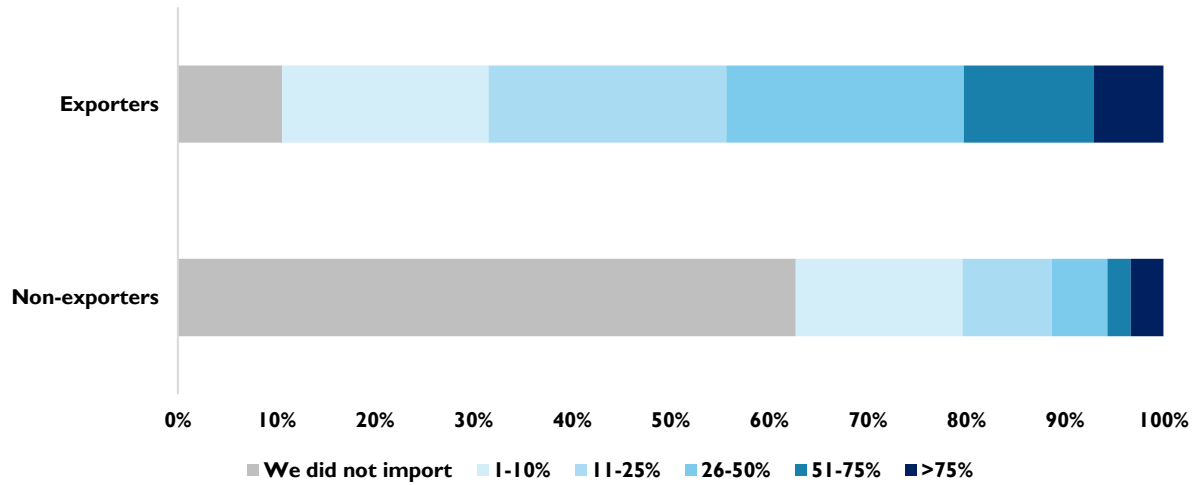
**Figure 16 – Exports as share of total sales in 2022, by creator type**



**Figure 17 – Number of foreign markets sold to in 2022, by creator type**

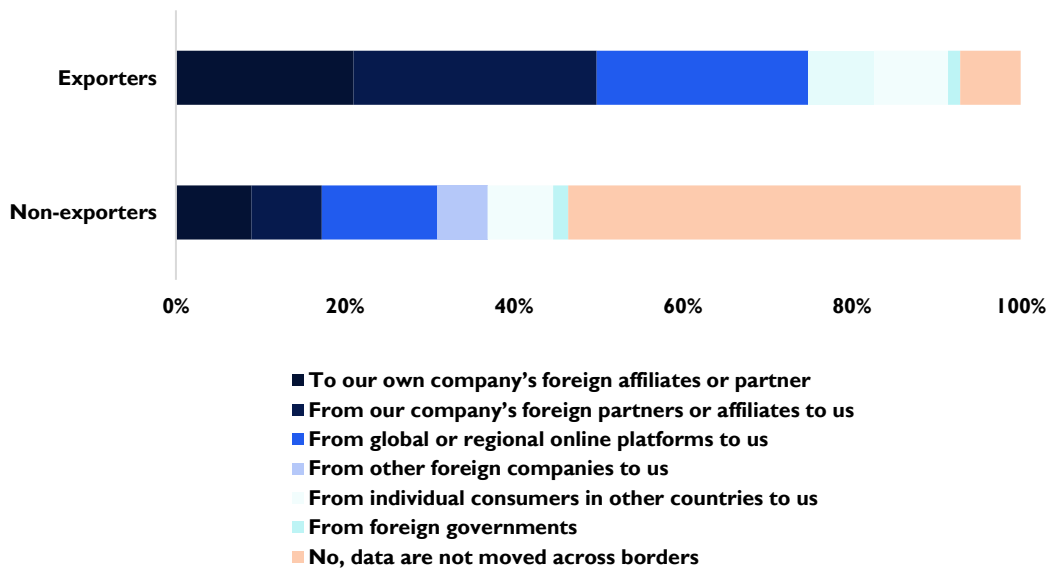


**Figure 18 – Import intensity of creator exporters vs. non-exporters**



Creators that export are intensive users of data and habitually transfer data across borders: 93 percent of exporting creator firms move data, most commonly to and from company partners and affiliates and from online platforms (figure 19).

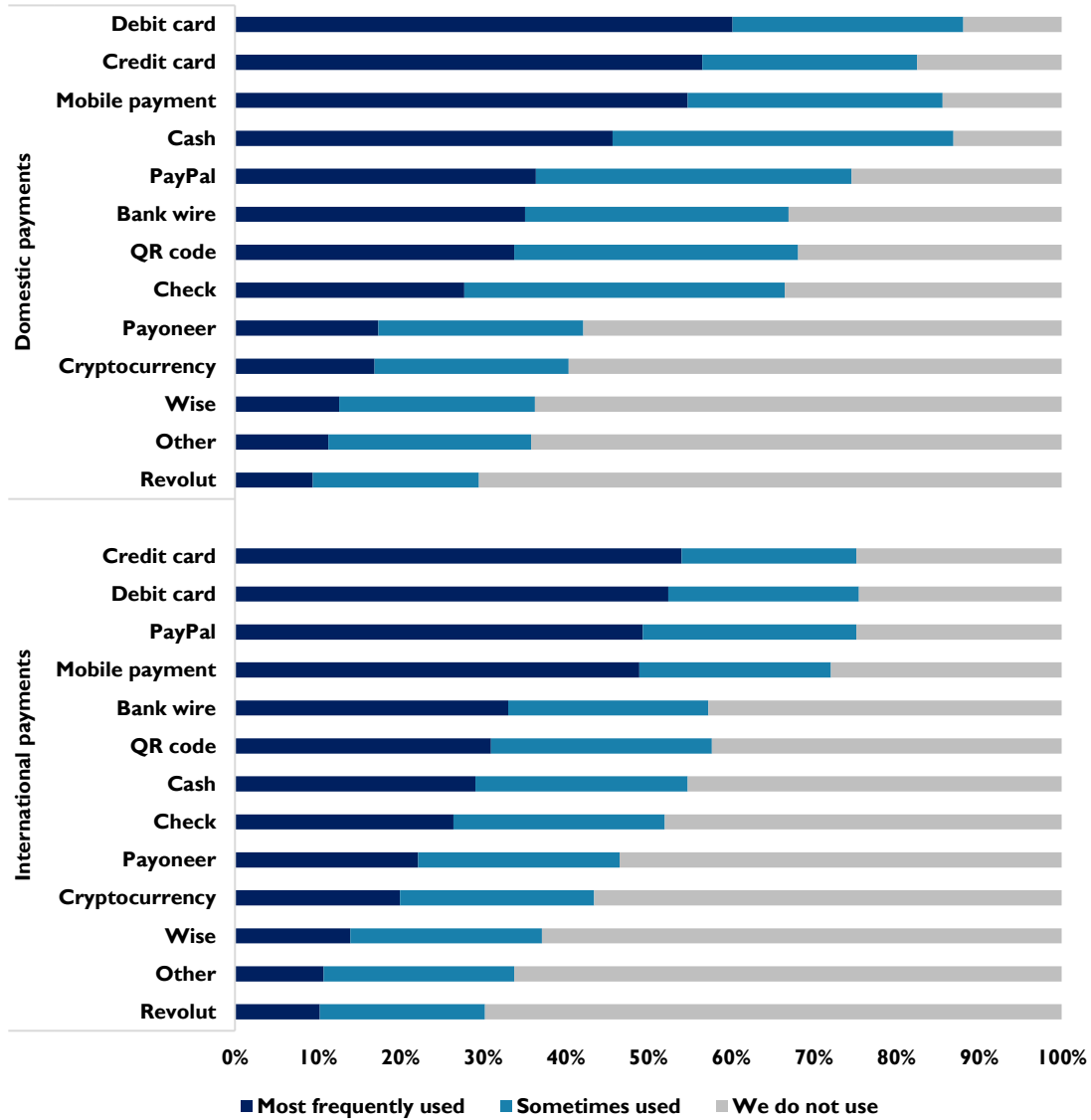
**Figure 19 – Creators transfer data across borders**



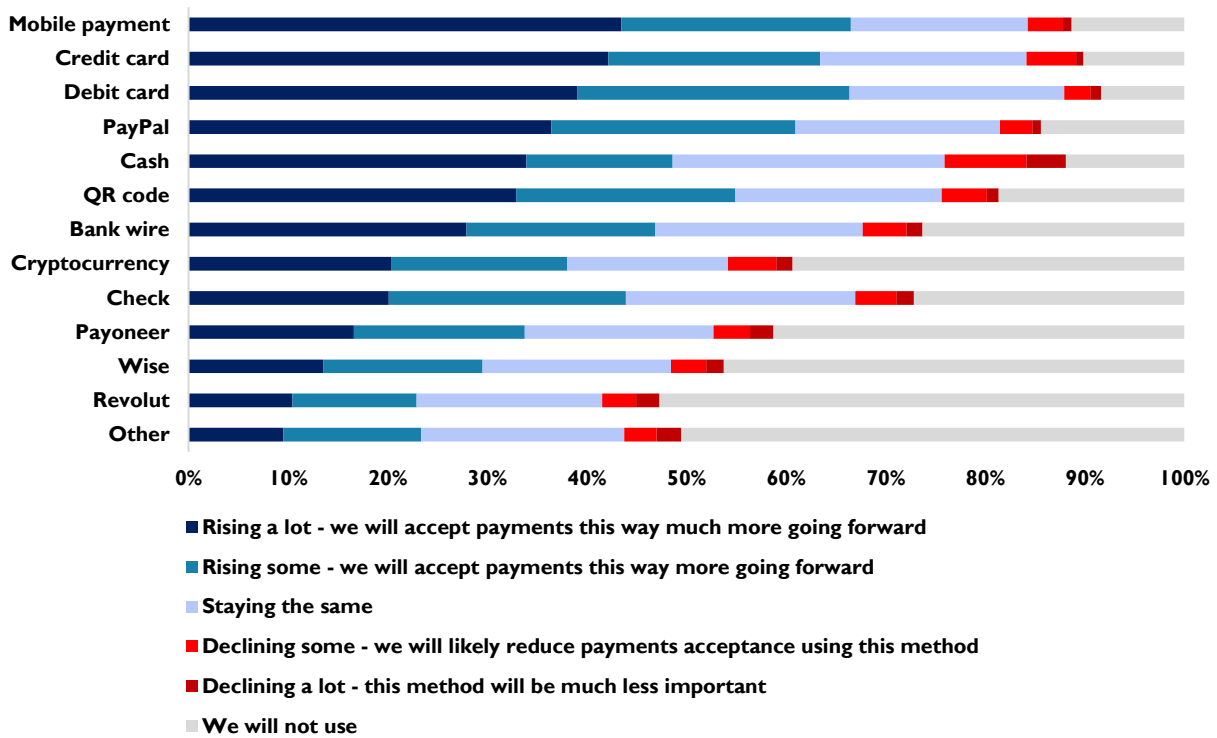
Digital payments acceptance is crucial for, and prevalent among, creators. Creators accept payments most often by card for both domestic and international customers, while mobile payments and PayPal are also popular (figure 20). In domestic transactions especially, cash is still prevalent, however it is the method of payment that firms expect to decline the most going forward, while firms see mobile, card,

and digital payments as rising the most (figure 21). Almost all creators think digital payments are important, if not vital, for their business's operational efficiencies and revenue generation (figure 22).

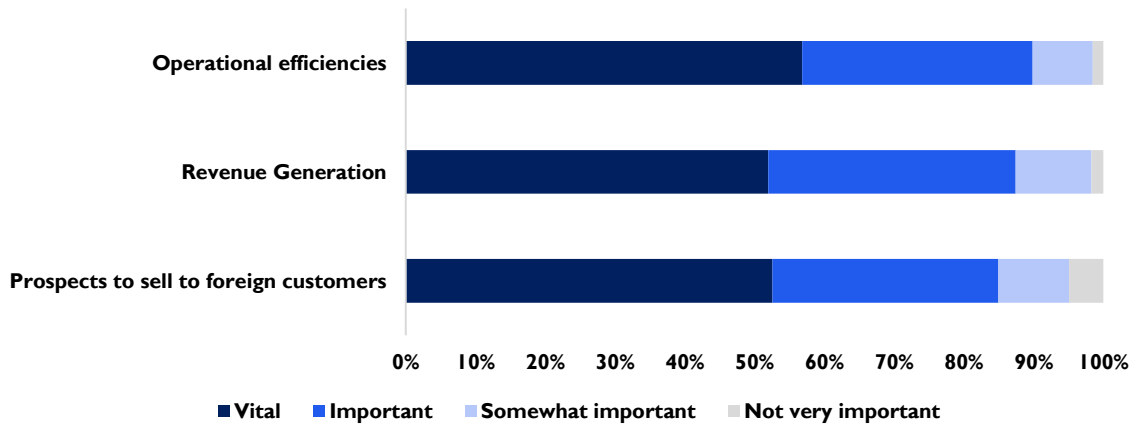
**Figure 20 – Creators’ domestic and international payment acceptance in 2023**



**Figure 21 – Creators’ expected payment methods in 2023-24**



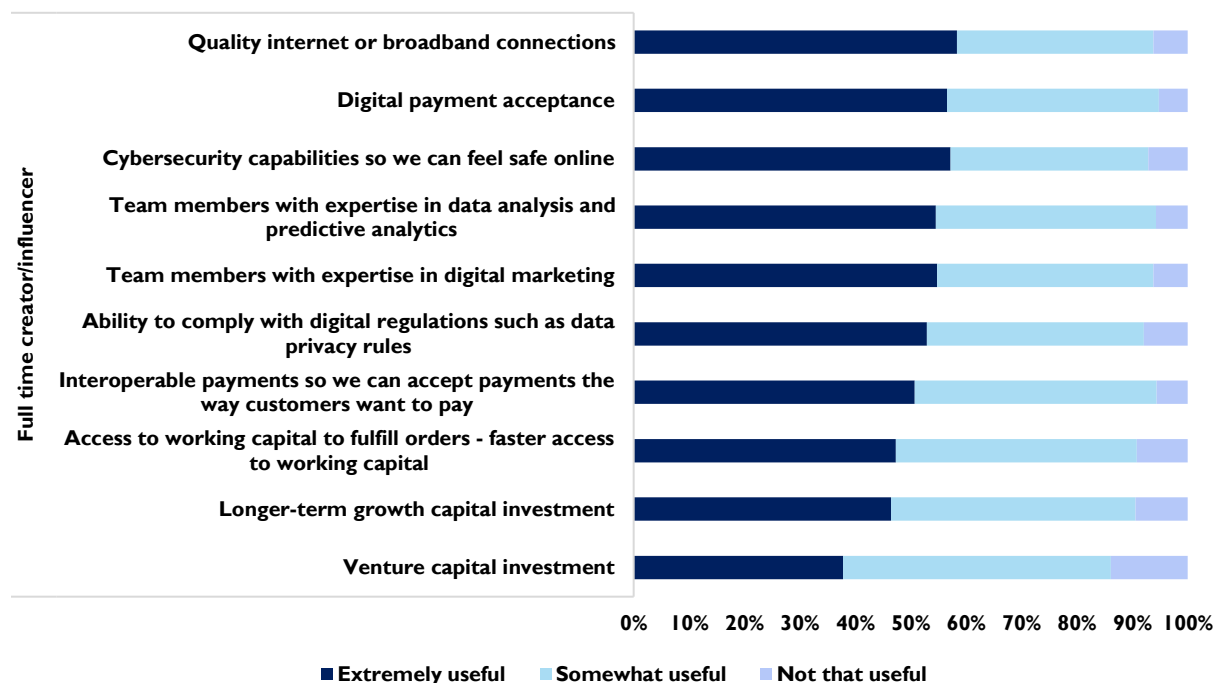
**Figure 22 – Importance of digital payments for creators**



**D. CREATORS’ NEEDS AND CHALLENGES TO GROW THEIR SALES**

In order to expand sales and exports, creators and influencers point to improving internet connections, digital payments acceptance, and cybersecurity capabilities as “extremely useful” (figure 23). Creators also need better digital marketing and data analytics capabilities and capabilities to comply with international digital regulations.

**Figure 23 – Creators’ needs to expand sales and exports**



## E. HOW EMERGING TECHNOLOGIES SHAPE THE CREATOR AND INFLUENCER MARKET

Outside the scope of the survey, there are interesting dynamics in the online economy that may aide creators and influencers, such as the rise of social commerce and livestreaming, while other emerging technologies may both aide and challenge creators, like virtual, non-human influencer characters, and the increasing prevalence of generative AI:

- Social commerce.** Social commerce is the branch of ecommerce that allows brands and companies to utilize social media platforms like Facebook, Twitter, Instagram and TikTok to promote and sell products and services and engage directly with customers, through activities like product discovery and sharing, reviews, ratings, exclusive discounts and deals, and loyalty programs.<sup>24</sup> Companies gather data on these interactions, helping them to gain insights into their target audience's interests and preferences and thus better tailor their offerings to increase engagement and boost sales. While traditional ecommerce involves driving traffic to the website where a consumer will purchase a good or service, social commerce exists within the social media platforms that consumers are already using. With the data mined about social media users, companies can more easily present a product or service directly into potential customers' social media feeds. Different examples of social commerce strategies include influencer marketing, social media advertising, content creation in the form of blogs and articles, user generated content which encourages customers to share their experience on social media, live streaming events, and shopping cart integration. A McKinsey report attributed \$37 billion of sales from social media in 2021 in the U.S. alone, with projections to reach \$80 billion by 2025,

which would account for about 5 percent of all ecommerce sales; globally the social commerce market is expected to top \$2 trillion by 2025.<sup>25</sup>

- **Virtual influencers.** Virtual influencers are computer-generated digital characters that exist entirely online and help promote brands and products just like an actual human influencer would. These digital personas are created using technology such as AI, 3D modeling, and animation, and can look cartoon-like or be so realistic it is difficult to distinguish them from a real human. These virtual influencers are crafted by businesses, content creators and PR companies, who create traits and backstories and the ability to engage with consumers through social media posts, videos, and comments.<sup>26</sup> They represent new opportunities for creators and influencers to promote brands (case 4).
- **Generative AI.** Generative AI applications such as ChatGPT may significantly alter creative work, both for independent creators and those working within companies in creative roles. These new generative AI models are able to produce content like text, images, and audio, by learning from huge datasets and user feedback. Jobs focused on delivering content could now be at risk of being replaced by this technology. However, while some creative jobs could be eliminated in favor of technology, there are other alternatives that may play out that allow creative humans and AI to coexist, some of which have already begun. Many creators are using generative AI to assist them in their creative process and improve efficiency, especially in idea creation. Creators can for example give ChatGPT a few preliminary instructions of what they are trying to accomplish, and in return get AI-driven ideas and examples, which they can then run with and build on.<sup>27</sup> Visual-focused generative AI tools like Midjourney can help a creator ideate on an image, and tools like Opus can take a longer video and turn it into shorter clips for something like TikTok.
- **Livestreaming.** Live commerce or “livestreaming” is this generation’s answer to the home shopping network: a content creator or influencer promotes products through a live video stream on social media platforms, where viewers can tune in to learn about and purchase products. Different types of livestreaming include product demonstrations, Q&A sessions, and expert advice sharing. By participating in live streaming, content creators can earn affiliate commissions, secure brand sponsorships, and position themselves as industry experts. Viewers tune in for the interactive and immersive experience of watching a live stream with fellow potential customers and to engage with the host, leading to increased feelings of community and connection to the products and brands. In 2022, livestream sales were estimated at \$17 billion dollars in the United States and are expected to nearly triple by 2026 to reach around \$55 billion.<sup>28</sup> China has led the boom in livestreaming popularity- livestreaming generated \$480 billion in sales in 2022, and this number is expected to increase 30 percent in 2023.<sup>29</sup>

#### Case 4 – Virtual influencers – what they mean for human ones

Virtual influencers have proven their marketing capabilities and risen in popularity in recent years, some amassing millions of followers and promoting well-known brands. Lu do Magalu was created in 2003 by Brazilian ecommerce site Magazine Luiza, and has since become a social media star in the country, with 6.4 million Instagram followers, 7 million TikTok followers, and reportedly an annual income of \$16 million from sponsored Instagram posts.<sup>30</sup>



Brands may choose to work with virtual influencers for a few different reasons, including the possibility for the brand to maintain more control over their projects and to be able to push out content around the clock, as well as appealing to younger and more tech-savvy demographics.<sup>31</sup> According to Statista, in 2022, 35 percent of American consumers purchased a product or service after a virtual influencer promoted it, and 40 percent of those customers were millennials or Gen Z.<sup>32</sup>

When determining the effectiveness of virtual versus human influencers, a recent study suggests that they can be equally effective, but for promoting different kinds of products and in different ways.<sup>33</sup> For example, followers are more likely to question the expertise of a virtual influencer when endorsing a product or service and not respond well when a virtual influencer pretends to have actual experience. In one part of the study, half of the participants were shown a social-media post about either ice cream or sunglasses and told the influencer was human, and the other were shown the same product and told the influencer was virtual. Participants viewed the virtual influencer as less credible and had a less positive view of the brand behind the product when it used a virtual influencer.

In another experiment, however, the authors found that virtual influencers can more effectively promote a brand when the endorsement is factual, such as listing product descriptions and features. In this experiment participants were told that a company hired an influencer to promote its new software. The participants were divided into four groups: two groups were presented with an emotional endorsement using words like “love” and “adore”, while the other two groups saw a post that focused on specific software features. In each of these scenarios, one group was told the influencer was human and the other that the influencer was virtual. For the more emotional endorsement, participants preferred the human influencer. Participants also had a more positive view of the brand when they were told the influencer was human. For the more factual endorsement, there was no significant difference between the two groups in terms of the perceived credibility of the influencer or the attitude towards the brand.

In the evolving competitive landscape of the influencer economy, human influencers can stand out and best connect and engage with their audiences through their authenticity, something a virtual influencer cannot compete with.

## **IV. REGULATORY CHALLENGES TO THE CREATOR ECONOMY**

The various steps in the creator economy – how creators deliver content on platforms, interact with fans, monetize their work, and share revenue with platforms – involve complex regulatory issues that echo those surrounding the gig economy and platform economics. Some of the key issues have to do with compensation and taxation of creators and their sales, others have to do with intellectual property and liability for copyright infringements, and still others with regulation of cross-border sales and data flows in the digital economy. The following section and table 3 address the emerging challenges.

**Table 3 – Regulatory challenges in the creator economy, by country**

Area	Examples of challenges
<p><b>Compensation and taxation</b></p>	<ul style="list-style-type: none"> <li>• <b>European Commission</b> published proposal in 2021 that could make 4 million gig workers into employees of platform.</li> <li>• <b>UK's</b> Supreme Court ruled in 2021 that rather than self-employed, Uber drivers must be considered “workers” eligible for minimum wage, paid leave, and whistleblower protections – but that they would not be full “employees” under UK classification, eligible for further benefits.<sup>34</sup></li> <li>• <b>California's</b> 2019 AB 5 law requires gig workers across many industries to be classified as employees and receive benefits such as minimum wage, overtime, and workers’ compensation.<sup>35</sup></li> <li>• <b>China</b> published new regulations in 2022 on live-streaming influencers, requiring platforms to provide twice-yearly reports on their live-streamers, including information such as personal identification, bank account and income details. Platforms are also now required to deduct personal income tax from live-streamers’ revenue.<sup>36</sup></li> <li>• <b>India</b> introduced regulation on social media influencers that requires influencers to pay 10 percent tax on “freebies” and perks, if the value of the perk is above approximately \$240.</li> </ul>
<p><b>Content moderation</b></p>	<ul style="list-style-type: none"> <li>• <b>European Parliament</b> passed a copyright law in 2018 that overrides the EU’s longstanding safe harbor protections. The law makes platforms legally liable for users’ content and copyright violations, and forces platforms to adopt content moderation filters to detect illegal or infringing content.<sup>37</sup></li> <li>• <b>European Union's</b> Digital Services Act went into effect in 2023 and requires online platforms to implement methods to prevent and remove posts containing illegal goods, services, or content, and also give users a way to report illegal content.<sup>38</sup></li> <li>• <b>India</b> introduced safe harbor protections in its IT Act in 2008, but in 2022, amendments to the IT Intermediaries Rules went off course and imposed more obligations onto platforms to ensure no illegal content is posted.<sup>39</sup></li> <li>• <b>Indonesia's</b> 2020 MR5 law requires online platforms to take down content the government deems unlawful or a threat to public order, sometimes as quickly as within 4 hours of receiving the takedown request.<sup>40</sup></li> <li>• <b>Vietnam</b> issued a regulation in 2023 that defines secondary liability for internet intermediaries, establishing joint obligations when a user of the platform commits copyright infringement, if the internet intermediary failed to comply with the conditions for liability immunity.<sup>41</sup></li> <li>• <b>Thailand's</b> Computer Crime Act of 2007, amended in 2016, provides liability protection for online platforms for user content if the platform complies with requirements to remove the content within certain timeframes; however, the timeframes can be as short as 24 hours and without strict compliance, the platform could be liable for the content.<sup>42</sup></li> </ul>
<p><b>Link tax (ancillary copyright)</b></p>	<ul style="list-style-type: none"> <li>• <b>Australia</b> passed a law in 2021 to govern commercial relationships between Australian news businesses and digital platforms and allow collective bargaining by the news organizations over compensation for the latter’s use of news content.<sup>43</sup></li> <li>• <b>Canada's</b> Online News Act became law in June 2023, requiring tech companies to pay to host Canadian news content on their platforms.</li> <li>• In <b>California</b>, the Journalism Competition and Preservation Act, up for review in 2024, would force social media and search engine tech companies like Meta and Google to pay “journalism usage fees” for news</li> </ul>

	<p>content on their platforms, and would require publishers to invest 70 percent of those funds in helping to preserve journalism jobs.<sup>44</sup></p> <ul style="list-style-type: none"> <li>• <b>European Union's</b> 2019 Copyright Directive gives news and other publishers the right to receive revenue from online news aggregators and platforms that use their content.<sup>45</sup></li> <li>• <b>Indonesia</b> is in 2023 drafting a law to allow news outlets to receive payment when online platforms use their content.<sup>46</sup></li> </ul>
<b>Network usage fee</b>	<ul style="list-style-type: none"> <li>• <b>Korean</b> ISPs have driven legislative proposals to impose network usage fees on content and application providers (CAPs) serving Korean consumers over the internet.<sup>47</sup></li> <li>• The <b>European Union</b> is debating whether to adopt network usage fees.<sup>48</sup></li> <li>• <b>Brazil</b> released a consultation in 2023 regarding the possibility of network usage fees.<sup>49</sup></li> </ul>
<b>Electronic transaction restrictions</b>	<ul style="list-style-type: none"> <li>• <b>India, South Africa, Turkey, Argentina and Indonesia</b> pushed back against the WTO moratorium on customs duties on electronic transactions which expires again in 2023 unless renewed.</li> </ul>
<b>Data transfer restrictions</b>	<ul style="list-style-type: none"> <li>• <b>China's</b> collection of laws on data transfer prohibit or severely restrict cross-border transfers of "important data," which is broadly and vaguely defined.<sup>50</sup></li> <li>• Per <b>Vietnam's</b> 2022 Decree 53, domestic and foreign service providers who collect and process certain types of data on telecom networks must store data in Vietnam for a certain period of time.<sup>51</sup> Vietnam's Personal Data Protection Decree requires data subject consent for data transfer, along with a transfer impact assessment to be completed by the data transferor.<sup>52</sup></li> <li>• <b>Nigeria's</b> Guidelines for Nigerian Content Development in Information and Communications Technology" (NITDA Guidelines) require all foreign and domestic businesses to store all data concerning Nigerian citizens within Nigeria.<sup>53</sup></li> <li>• <b>Turkiye's</b> 2016 data protection law restricts cross-border data transfer except to a specific country that the government approves of or when other specific requirements are met, such as explicit consent. In 2018, the country began requiring publicly traded companies to keep their primary and secondary information systems, data, and infrastructure within Turkiye, and starting in 2019, public institutions and organizations must store certain critical information and data in Turkiye, such as health records and biometric data.<sup>54</sup></li> <li>• <b>India's</b> 2023 Digital Data Protection Act allows the government to create a list of countries that data cannot be transferred to. The Act also clarifies that if any other existing Indian law provides a higher degree of regulation for data transfer, that regulation will take precedence, for example the requirement to store payment system data within the country.<sup>55</sup></li> <li>• <b>Indonesia's</b> GR 71 requires data localization for public sector electronic system operators (state institutions or institutions appointed by the state that operate an electronic system). 2020 Regulations require commercial banks and insurance companies to store some data within the country.<sup>56</sup></li> </ul>

## A. COMPENSATION AND TAXATION OF CREATORS

One of the regulatory issues in the creator economy centers on creators' compensation and taxation. Some of these issues are practically the same as those surrounding gig workers such as drivers of ride hailing companies or renters of vacation homes. A number of legislative battles have been waged over

the past few years on whether gig workers should be considered employees of platforms that match them with riders, vacationers, and buyers, and thus be eligible for social security and other protections, and whether platforms should pay their payroll taxes.

Europe has taken a particularly muscular approach, with the European Commission publishing a proposal in 2021 that could make 4 million gig workers into employees of platforms.<sup>57</sup> National laws and rulings are also emerging – for example, in the UK, the Supreme Court ruled in 2021 that rather than self-employed, Uber drivers must be considered “workers” eligible for minimum wage, paid leave, and whistleblower protections – but that they would not be full “employees” under UK classification, eligible for further benefits.<sup>58</sup>

Similar, still unsettled questions now swirl around the creator economy – on creators’ employment status, fair pay, and taxation.

First, there are questions around creators’ employment status. In a watershed law, California’s 2019 AB 5 law requires gig workers across many industries to be classified as employees and receive benefits such as minimum wage, overtime, and workers’ compensation.<sup>59</sup> The practical and counterproductive effect on creators in California is expected to be two-fold. One, the law is feared to make employers less interested in using creators or to pay creators less, to compensate for the payroll and other costs they incur if making creators into employees. Two, AB5 can also impact creators who hire other services. For example, a creator that hires a designer or video service provider may as a result of the law create a formal business and then hire these service providers as employees. This creates considerable fixed costs on creators, such as franchise taxes and workers compensation insurance costs.

AB5 has been contested by ride hailing companies in a referendum and in courts. Other states like Massachusetts, New York, Washington, Colorado, Illinois, and New Jersey as well as cities have weighed or adopted similar laws.<sup>60</sup>

Second, there are questions around “fair” compensation of creators and division of revenue between creators and platforms. The large global platforms, facing complaints that they are monetizing creators via advertisement revenue and escaping payroll tax obligations, have created new compensation schemes and incentives for creators. For example, TikTok has launched a Creator Fund that rewards creators for viral videos. Snapchat, Facebook and YouTube have similar programs.<sup>61</sup> There are related discussions and emerging studies about unequal compensation of women and minorities, given the observed notable gender and racial pay gaps in the creator industry.<sup>62</sup>

Third, there are questions on how creators, if they are independent contractors, should be taxed at national and global levels. In the U.S. at the federal level, when creators are not classified as employees, they have to submit Form 1099-K showing their gross income from gig economy platforms. However, tax authorities at state and federal levels also struggle to enforce compliance and raise creators’ awareness of their tax obligations. Platforms are in part as a result being made to collect taxes from creators, with extraterritorial implications: the IRS is asking platforms like YouTube to collect up to 24 percent taxes from creators, wherever based, on their total worldwide earnings.<sup>63</sup> For example, in 2021 YouTube started to deduct U.S. taxes from payments to creators in foreign markets like India.<sup>64</sup> Tax treaties can attenuate the tax liability; where they do not exist, creators may face double taxation. In the case of Patreon, a creator or an artist living outside the United States must withhold 30 percent of the contribution received from their patrons residing in the United States and pay this to the IRS – again unless there is a tax treaty in place.<sup>65</sup>

There are also questions around sales taxes on creators' sales. Many U.S. states have either passed laws or rulings making the sale of digital products taxable. The application varies depending on states' views on what a "digital product" is.<sup>66</sup> In this area California and Massachusetts are among exceptions, considering digital products tax exempt.

These issues are part of the larger debate on large global technology companies and how to tax digital sales. Several countries by now require that platforms communicate to tax authorities the income received by sellers or service providers; the OECD has in 2020 published model rules of reporting this income.<sup>67</sup> Countries where creators are based will likely grow increasingly interested in taxing creators' earnings, instead of having creators on U.S. platforms pay taxes to the IRS. These debates are far from resolved in the United States or globally, and outcomes can have far-reaching implications on creators and their compensation.

In March 2022, China published new regulations on live-streaming influencers, requiring platforms to provide twice-yearly reports on their live-streamers, including information such as personal identification, bank account and income details. Platforms are also now required to deduct personal income tax from live-streamers' revenue.<sup>68</sup> This follows high profile tax evasion cases involving top live-streamers in China, including a staggering \$210 million dollar fine for tax evasion against one live-streamer in December 2021.<sup>69</sup>

In July 2022, India introduced new regulation on social media influencers that requires influencers to pay a 10 percent tax on "freebies" and perks, if the value of the perk is above \$240. These could include free air tickets, mobile phones, hotel stays, luxury products, and other free gifts or services. This could be difficult especially for smaller influencers who receive a significant portion of their remuneration in the form of products, and may also change how brands choose to collaborate with influencers.<sup>70</sup> In general, Indian influencers must file an annual income tax return, disclosing all earnings including from sponsored posts, brand endorsements, and product placements.<sup>71</sup>

## B. CONTENT MODERATION

A major issue surrounding the creator economy is content moderation and liability. Who should be liable for content that is for example libelous or infringes copyrights – platforms or the creators?

The issue is vast and long-standing. In the United States, it has been dealt through the 1998 Section 512 of the Digital Millennium Copyright Act (DMCA) and Section 230 of the American Communications Decency Act of 1996. These landmark laws consider Internet intermediaries (like social media platforms, ecommerce marketplaces, and internet service providers) largely as *conduits* of information, not its generators, and thus provides them with certain immunities, or a so-called "safe harbor", from the content their users generate.<sup>72</sup> Intermediaries' liability has been limited to cases where they fail to remove infringing material or damaging content in a timely manner after a judicial order or, in cases of sexual content or nudity, after the injured party makes a takedown request.<sup>73</sup> Intermediaries are also liable for trademark infringement, unfair competition, privacy, or defamation laws, and any of their own infringing activities and collusion between them and third parties to create infringing material.<sup>74</sup>

Many other countries have adopted similar safe harbors. For example, Brazil's renowned Marco Civil Internet law of 2014 includes a safe harbor that limits the responsibility of providers for hosting or transferring third-party content.<sup>75</sup> Chile's copyright law of 2010 specifies that internet intermediaries are not liable for user content on their sites if they take appropriate actions in response to official notices.<sup>76</sup>

Now however, safe harbor protections are eroding globally, as policymakers concerned about online harms such as defamatory or violent content are pushing platforms to police user-generated content and identify and remove illegal content. Again the European Union has been the harbinger. In 2018, the European Parliament passed a copyright law that overrides the EU's longstanding safe harbor protections. The law makes platforms legally liable for users' content and copyright violations, and forces platforms to adopt content moderation filters to detect illegal or infringing content.<sup>77</sup> These efforts can be counterproductive to the creator economy because of their:

- **Impact on original and small content providers.** Critics of EU's copyright law argue that rolling liability on platforms for users' copyright infringements would force platforms to refuse content from smaller less-known content creators and instead be incentivized to accept content from larger, better-known companies that are unlikely to post infringing content.
- **Impact of regulations on small platforms that lack staff and capacities to remove content from their sites.** Upload filtering requirements can harm small platforms in particular, as the technologies in question are costly. Indeed, astute observers have pointed out that Europe's copyright law does a disservice to both creators and platforms that host them and favors content removal technology companies.<sup>78</sup>
- **Undermining freedom of speech.** Making platforms police their users could also limit innovation and freedom of expression (as platforms would likely err on the side of caution and remove content that could be deemed offensive or infringing). Experts agree that automated filters are far from being able to discern which content qualifies as free speech, or differentiate between fair use and copyright infringements.<sup>79</sup> Courts in the United States have also recognized intermediaries' own free speech rights in their handling of user-generated content.<sup>80</sup>
- **Undermining investor interest in startup platforms.** Section 230 is widely hailed as key for the growth of American online platforms and investors' interest in them. Making platforms liable for user-generated content would undermine investor interest in startup platforms and undermine the growth of digital ecosystems.

The U.S. Trade Representative and stakeholders have long raised concerns with the EU about the erosion of safe harbor protections.<sup>81</sup> There are also contestations in Europe – a 2021 ruling by Europe's top court ruled against the copyright law's spirit by stipulating that platforms should only be held liable for copyright infringing content when they actively and deliberately give access to copyright-protected work, but not be ex-ante judges of what content is infringing.<sup>82</sup>

At the same time, the global tide is turning and many other jurisdictions such as Canada, UK, Australia, India, and others like the EU with prior robust safe harbor rules, have started to review and revise their safe harbor regimes, to deal with "online harms" and accelerate removal of illegal or infringing content. In the U.S., there has been fierce discussion, intensifying after January 6, 2021, on the future of Section 230 and DMCA. The many antitrust bills put forth in 2021 by the House Judiciary Committee also contain provisions that would make content moderation decisions potential antitrust violations.<sup>83</sup> In 2022, a new bill called SMART Copyright Act would empower the Library of Congress to designate "technical measures" that internet services must use to address copyright infringement— even after a firestorm opposition for upload filters in a 2021 Copyright Office consultation.<sup>84</sup> In addition, U.S courts have recently taken a more stringent approach to platform liability.

The Chinese government has blocked many popular social media platforms from being used in the country, such as Twitter, YouTube, and Instagram.<sup>85</sup> China has also issued extensive rules on creators, in an effort to get ahead of “illegal content”, for example by issuing an 18-point guide on live-streaming that details 31 behaviors that are not allowed during a live stream, including “hyping up” sensitive issues, showing off an extravagant lifestyle, and using deepfake technology on images of government officials. The guide also includes new requirements that influencers must prove qualifications to speak about certain topics like education, finance, law, or medication.<sup>86</sup>

Rules for take-down of content are also tightening. For example, in 2017, Germany passed the Network Enforcement Act (NetzDG), mandating online platforms with more than 2 million users to appoint a local representative to receive and handle takedown requests from law enforcement, including removing or disabling illegal content within 24 hours.<sup>87</sup> Other countries have followed suit with similar regulations of online platforms. In 2020, Indonesia’s MR5 law gives Indonesian authorities the power to force online platforms to take down content the government has determined to be illegal or a threat to public order, and sometimes as quickly as within 4 hours if it is considered urgent.<sup>88</sup> India’s 2022 amendments to the IT Intermediaries Rules imposed more obligations onto platforms to ensure no illegal content is posted.<sup>89</sup> In 2023, Vietnam issued regulation that defines secondary liability for internet intermediaries, establishing joint obligations when a user of the platform commits copyright infringement, if the internet intermediary failed to comply with the conditions for liability immunity.<sup>90</sup>

### C. LINK TAXES AND NETWORK USAGE FEES

The creator economy also faces the challenges of copyright and leveraging linkable content. The so-called link tax, or “ancillary copyright protection”, is to protect publishers from others using their published texts or parts thereof available on other sites, via links, free of charge. The European Union has championed these issues in its copyright directive, calling on internet services and platforms to sign licensing agreements with publishers before posting their content and to compensate copyright holders (such as journalists or musicians) for the use of their content, even in small snippets. The law, both the upload filter rules and the link tax, have been met with fierce protests – more than 100,000 people took to the streets against it in Europe and in Germany, Wikipedia switched off part of its online encyclopedia for a day in protest.<sup>91</sup>

Similar laws have been adopted in other countries, as policymakers are pressured to address competition by digital platforms against traditional publishers.<sup>92</sup> For example, Australia passed a law in 2021 to govern commercial relationships between Australian news businesses and digital platforms and allow collective bargaining by the news organizations over compensation for the latter’s use of news content.<sup>93</sup> In early 2023, the Indonesian government was drafting a law to allow news outlets to receive payment when online platforms use their content.<sup>94</sup> Canada’s Online News Act became law in June 2023, requiring tech companies to pay to host Canadian news content on their platforms. Both Google and Meta rejected the framework, opting instead to block content from Canadian news organizations on their platforms.

Pressured by traditional publishers, the U.S. Congress has requested the U.S. Copyright Office to consider the value of EU-type link taxes in the United States.<sup>95</sup> In California, the Journalism Competition and Preservation Act, up for review in 2024, would force social media and search engine tech companies like Meta and Google to pay “journalism usage fees” for news content on their platforms, and would require publishers to invest 70 percent of those funds in helping to preserve journalism jobs.<sup>96</sup>



Creator platforms have rallied against prospective changes to U.S. copyright law, arguing appropriately that the ability to link freely is fundamental to the operation of the free Internet.<sup>97</sup> Platforms argue that link taxes would impose an overly broad extension of copyright and only favor large platforms, as the requirement for paying licensing fees would disadvantage small platforms and stifle innovation and diversity. For example, Patreon summoned evidence from Spanish creators and startups that closed down thanks to link taxes and costly licensing fees.<sup>98</sup> Creator mentoring platform Re:Create argued that “a link is purely utilitarian and has no creative element to it”, and that First Amendment guarantees render it inappropriate for the government to determine what is news and worthy of “protection.”<sup>99</sup>

Policymakers have also seen increased pressure to address telecom operators and ISPs’ calls for network usage fees, which shift the costs of running and expanding their networks, including the increase of data flows, onto the services their customers are using, like video streaming, gaming, and other similar type of platforms. In Korea, ISPs have campaigned for regulation that imposes network usage fees on content and application providers (CAPs) serving Korean consumers over the Internet. The EU is also considering a network usage fee proposal, though many countries have rejected the idea.<sup>100</sup> Brazil released a consultation in 2023 on the topic, and telecom companies in India and Australia have increased demands for the government to impose these type of fees as well.<sup>101</sup> Network usage fees can negatively impact SMEs that would bear the downstream effects of increased costs on platforms.<sup>102</sup>

#### **D. RESTRICTIONS ON ELECTRONIC TRANSMISSIONS AND DATA TRANSFERS**

The creator economy produces various content – video, text, and audio, as well as NFTs. Prominent creators’ content is bought and consumed worldwide. In addition, creators are expected to break away from large platforms and take charge of their audiences and data.

In principle, creators’ work should be easy to transfer across borders, and there are trade rules in place to facilitate cross-border transfer of content. For example, the WTO as well as a growing number of free trade agreements and regional integration groupings have established a moratorium on customs duties on electronic transmissions, to pre-empt the imposition of border taxes on digital goods, 3D printable designs, content, and designs produced or owned in one country and sold to another. However, there are two challenges to cross-border sales and creators’ ability to operate globally:

First, in 2023, India, South Africa, Turkiye, Argentina and Indonesia pushed back against the WTO moratorium.<sup>103</sup> These calls, not new, are motivated by efforts to earn customs duty revenue. Imposing a tariff on creators could well undermine their fans’ interest in purchasing content from them.

Second, creators as well as platforms that host them need data on their fans and performance in different markets, in order to optimize their marketing and content. However, access to and use of data and the cross-border transfer of personal data are highly contentious – most countries allow cross-border data transfer but qualify or restrict it in some fashion.<sup>104</sup> Several countries such as China, Indonesia, India, Vietnam, Nigeria, and Turkiye have issued laws in the past few years to localize all data or data in specific sectors such as payments, financial services, or healthcare, in essence likely meaning that some of creators’ fan data cannot be moved across borders. Another challenge for creators with global audiences is the fragmentation of national data privacy and transfer laws – meaning creators and platforms they use will have to comply with not just one but a diverse range of data privacy and transfer regimes, a burdensome process. It would be useful to understand how creators use data on their fans and customers, to connect the creator economy to broader debates on the future of data transfer policies.



## V. CONCLUSION

The creator economy has revolutionized entrepreneurship and empowered millions of people around the world to create new revenue streams and connect with each other in new, rich ways, including as: creators that sell their content and creations, such as educational classes, podcasts, and music on YouTube, Patreon, and SubStack; influencers that are hired by domestic and foreign businesses to shape the purchasing decisions of their fans and audiences through brand campaigns and sponsored posts on Instagram and TikTok; nano-influencers that have smaller audiences but higher engagement rates and are increasingly appealing in brand marketing strategies; and as NFT creators who tap into blockchain technology to sell their creations as unique digital assets on platforms like OpenSea and Rarible.

Firm-level survey in 17 countries around the world has given more insight into how the creator economy has evolved and how it benefits MSMEs who engage in creator work:

- Creators are not just new or micro businesses, they are prevalent especially in the ranks of small and medium-sized firms, and often have 3-10 years of experience. They are often led by women.
- Creators are more digitized than their noncreator peers, including having more technical expertise within leadership, and higher spending on digital services and technologies.
- Overall, creators are faster-growing than noncreators with higher revenue growth.
- Creators hire a wider set of vendors domestically and internationally than comparable noncreators. They are also likelier to import and export and sell to multiple foreign markets, as well as frequently transfer data across borders.
- Digital payments acceptance is crucial for, and prevalent among, creators: creators accept payments most often by card for both domestic and international customers, while mobile payments and PayPal are also popular.
- Top needs for creators to expand include improving internet connections, digital payments acceptance, and cybersecurity capabilities, along with better digital marketing and data analytics capabilities and capabilities to comply with digital regulations.

The creator economy faces complex regulatory issues that echo those surrounding the gig economy and platforms. Governments have started to seek to understand the creator economy and how to regulate it, with some laws and rules risking hampering creators' growth. Examples include:

- Counterproductive employment and tax rules that dissuade employers from hiring creators and raise creator-employers' costs to hire third party services.
- Stringent regulations that make platforms liable for users' copyright and thus prone to censor non-infringing and legitimate content.
- Increasing challenges of "link taxes" that would make creators pay those to whose content they link, undermining the entire internet economy of linking and sharing.

- Potential border barriers such as customs duties on creators' cross-border transactions.
- Network usage fees that will add costs to platforms that creators use to share their work.
- Data localization and fragmentation of the global digital economy by national regulations and policies, which makes it costly and complicated to meet rules across jurisdictions.

Governments around the world can promote the creator economy through policies that enable creators to grow and sell across borders. Policymakers should work to ensure:

- Fair employee status and domestic and cross-border taxation rules so as to not place unnecessary financial burdens on creators and the businesses that hire them.
- Safe harbor laws to provide platforms protections from copyright violations of their users.
- Avoidance of link taxes and network usage fees, which would be especially difficult for smaller creators and platforms.
- Continued moratorium on customs duties on electronic transmissions.
- Increased understanding of how creators use data, and the promotion of free cross-border data transfer.

While there are many donor funded projects and initiatives around the world to enable the growth of MSMEs, there are as yet only a few that recognize the significance and potential of the creator economy specifically. Major donors can begin to shift focus onto the creator economy as a way to empower developing country MSMEs, and for example partner with digital platforms for impactful programs. An example is YouTube's Black Voices Fund, a multi-year commitment dedicated to spotlighting and growing Black creators including in Kenya, South Africa, and Nigeria, by giving them access to resources to help them thrive on YouTube, such as a partner manager, seed funding, training, networking, and development support.<sup>105</sup>

The creator economy can have a bright future especially in developing nations, with low entry costs, flexibility, and ease of scalability. There are a plethora of platforms to get started on, a whole ecosystem of tools and marketplaces to help creators refine their craft and flourish, and a push towards authenticity which may also make it easier for people new to the industry with smaller audiences to find success even faster than before. Policymakers can steer the creator economy in the right direction in their respective countries and reap the rewards of the \$250 billion-and-growing industry.



**Agreement Officer's Representative:**

Paul Fekete

USAID, Center for Economics & Market Development

[pfekete@usaid.gov](mailto:pfekete@usaid.gov)

**Project Director:**

Brett Johnson, Palladium

[Brett.Johnson@thePalladiumgroup.com](mailto:Brett.Johnson@thePalladiumgroup.com)

**Technical Director:**

Kati Suominen, Nextrade Group

[Kati@nextradegroupllc.com](mailto:Kati@nextradegroupllc.com)

[www.allianceforetradedevelopment.org](http://www.allianceforetradedevelopment.org)



**USAID**  
FROM THE AMERICAN PEOPLE



## References

---

- <sup>1</sup> Rani Molla, “Posting less, posting more, and tired of it all: How the pandemic has changed social media,” Vox, March 1, 2021, <https://www.vox.com/recode/22295131/social-media-use-pandemic-covid-19-instagram-tiktok>
- <sup>2</sup> Robert Kyncl, “10 ways to monetize on YouTube,” YouTube blog, August 3, 2021, <https://blog.youtube/news-and-events/10-ways-monetize-youtube/>
- <sup>3</sup> Ollie Forsyth, *The 2023 Creator Economy: A new direction*, Antler, March 29, 2023, <https://www.antler.co/blog/2023-creator-economy>
- <sup>4</sup> Amjad Hanif, “Made on YouTube: supporting the next wave of creative entrepreneurs,” YouTube blog, September 20, 2022, <https://blog.youtube/news-and-events/supporting-the-next-wave-of-creative-entrepreneurs/>
- <sup>5</sup> Werner Geysler, *The State of Influencer Marketing 2023: Benchmark Report*, Influencer Marketing Hub, February 7, 2023, <https://influencermarketinghub.com/influencer-marketing-benchmark-report/>
- <sup>6</sup> Goldman Sachs, “The creator economy could approach half-a-trillion dollars by 2027,” April 19, 2023, <https://www.goldmansachs.com/intelligence/pages/the-creator-economy-could-approach-half-a-trillion-dollars-by-2027.html>
- <sup>7</sup> Werner Geysler, *Creator Earnings: Benchmark Report 2022*, Influencer Marketing Hub, August 2, 2022, <https://influencermarketinghub.com/creator-earnings-benchmark-report/>
- <sup>8</sup> Edwin Wee, “The creator economy goes global,” Stripe blog, September 6, 2023, [https://stripe.com/blog/creator-economy-2023#:~:text=We percent20refreshed percent20that percent20data percent20in,over percent20 percent2425 percent20billion percent20in percent20earnings.](https://stripe.com/blog/creator-economy-2023#:~:text=We%20refreshed%20that%20data%20in,over%20%2425%20billion%20in%20earnings.)
- <sup>9</sup> Werner Geysler, “What is an Influencer? – Social Media Influencers Defined [Updated 2023],” Influencer Marketing Hub, March 24, 2023, <https://influencermarketinghub.com/what-is-an-influencer/>
- <sup>10</sup> Werner Geysler, “What is an Influencer? – Social Media Influencers Defined [Updated 2023],” Influencer Marketing Hub, March 24, 2023, <https://influencermarketinghub.com/what-is-an-influencer/>
- <sup>11</sup> Werner Geysler, *The State of Influencer Marketing 2023: Benchmark Report*, Influencer Marketing Hub, February 7, 2023, <https://influencermarketinghub.com/influencer-marketing-benchmark-report/>
- <sup>12</sup> Werner Geysler, *The State of Influencer Marketing 2023: Benchmark Report*, Influencer Marketing Hub, February 7, 2023, <https://influencermarketinghub.com/influencer-marketing-benchmark-report/>
- <sup>13</sup> Jacinda Santora, “16 Influencer Marketing Trends That Will Shape 2024,” Influencer Marketing Hub, September 22, 2023, <https://influencermarketinghub.com/influencer-marketing-trends/#toc-5>
- <sup>14</sup> Justin Chia, “7 Ways NFT Creators Make Money in 2023 (Explained!)” Justjooz, June 27, 2023, [https://justjooz.com/how-do-nft-creators-make-money/#:~:text=An percent20NFT percent20Creator percent20is percent20someone,social percent20media percent20sites percent20C percent20and percent20more.](https://justjooz.com/how-do-nft-creators-make-money/#:~:text=An%20NFT%20Creator%20is%20someone,social%20media%20sites%20C%20and%20more.)
- <sup>15</sup> Werner Geysler, “The 14 Best-Selling NFT Creators to Watch Out For in 2023,” Influencer Marketing Hub, December 26, 2022, <https://influencermarketinghub.com/top-nft-creators/>
- <sup>16</sup> Werner Geysler, *Creator Earnings: Benchmark Report 2022*, Influencer Marketing Hub, August 2, 2022, <https://influencermarketinghub.com/creator-earnings-benchmark-report/>
- <sup>17</sup> Sophia Kunthara, “Online Content Creators Are Making Millions. VCs Want To Cash In On The Booming ‘Creator Economy’ Too,” Crunchbase News, July 5, 2022, <https://news.crunchbase.com/media-entertainment/creator-economy-startups-vc-investment/>
- <sup>18</sup> Bobby Burch, “Report: Creator economy nabs record \$1.3B in 2021 alone,” Indie Economy, June 24, 2021, <https://www.indiehackers.com/post/report-creator-economy-nabs-record-1-3b-in-2021-alone-26b85405c1>
- <sup>19</sup> Geri Mileva, “TikTok Creator Marketplace: The Ultimate Guide for 2023,” Influencer Marketing Hub, January 23, 2023, <https://influencermarketinghub.com/tiktok-creator-marketplace/#toc-1>
- <sup>20</sup> Instagram, “Testing Third Party Access to Instagram’s Creator Marketplace,” April 11, 2023, <https://business.instagram.com/blog/creatormarketplaceAPI>
- <sup>21</sup> **Data sources:**  
Patreon: Brian Dean, “Patreon: Subscriber and Creator Statistics for 2023,” Backlinko, Updated August 23, 2023, <https://backlinko.com/patreon-users#patreons-annual-revenue>  
Medium: Casey Newton, “The mess at Medium,” The Verge, March 5, 2021, <https://www.theverge.com/2021/3/24/22349175/medium-layoffs-union-evan-williams-blogger-twitter-subscription>

Twitch: Viktor Hendelmann, "Twitch's Business Model – How Does Twitch Make Money?" Productmint, Accessed 2023, <https://productmint.com/twitch-business-model-how-does-twitch-make-money/> ; Brian Dean, "Twitch Usage and Growth Statistics: How Many People Use Twitch in 2023?", Backlinko, Updated August 23, 2023, <https://backlinko.com/twitch-users#twitch-by-the-money> ; Mansoor Iqbal, "Twitch Revenue and Usage Statistics (2023)" Business of Apps, July 18, 2023, <https://www.businessofapps.com/data/twitch-statistics/>

Substack: Brian Dean, "Substack User and Revenue Statistics (2023)," Backlinko, March 27, 2023, <https://backlinko.com/substack-users>

TikTok: "TikTok Business Model: How TikTok Makes Money," What Is The Business Model Of, March 25, 2023, <https://whatisthebusinessmodelof.com/business-models/how-tiktok-makes-money/>

YouTube: Brian Dean, "How Many People Use YouTube in 2023? [New Data]," Backlinko, March 27, 2023, <https://backlinko.com/youtube-users>

Instagram: Brian Dean, "Instagram Demographic Statistics: How Many People Use Instagram in 2023?", Backlinko, August 23, 2023, <https://backlinko.com/instagram-users>

Teachable: Danny Crichton, "Edtech notches a win as Teachable is acquired by Hotmart," Tech Crunch, March 16, 2020, [https://techcrunch.com/2020/03/16/edtech-notches-a-win-as-teachable-is-acquired-by-hotmart/#:~:text=Unlike percent20some percent20online percent20education percent20marketplaces,revenue percent20fee percent20is percent20also percent20taken.](https://techcrunch.com/2020/03/16/edtech-notches-a-win-as-teachable-is-acquired-by-hotmart/#:~:text=Unlike%20some%20online%20education%20marketplaces,revenue%20fee%20is%20also%20taken.)

Gumroad: Crunchbase; Nan Wang, "Gumroad: The Android of the Creator Economy that Powered \$142M in GMV," Sacra, March 4, 2021, [https://sacra.com/research/gumroad-android-creator-economy/#:~:text=Gumroad percent20has percent20facilitated percent20over percent20 percent24400,unique percent20buyers percent20in percent202020 percent20alone.](https://sacra.com/research/gumroad-android-creator-economy/#:~:text=Gumroad%20has%20facilitated%20over%20percent24400,unique%20buyers%20in%202020%20alone.)

Onlyfans: Viktor Hendelmann, "How Does OnlyFans Make Money? Dissecting Its Business Model," Productmint, Accessed 2023, <https://productmint.com/onlyfans-business-model-how-does-onlyfans-make-money/>

Shopify: "30 Shopify Statistics," Fundera, Updated January 23, 2023, <https://www.fundera.com/resources/shopify-statistics> ; <https://acquireconvert.com/shopify-statistics/>

Spotify: Brian Dean, "Spotify User Stats (Updated March 2023)", Backlinko, March 27, 2023, <https://backlinko.com/spotify-users#spotify-revenue-by-segment-premium-subscribers>

Kajabi: "How Kajabi hit \$60M revenue and 19K customers in 2023." Get Latka, Accessed 2023, <https://getlatka.com/companies/kajabi>

Cameo: Viktor Hendelmann, "The Cameo Business Model – How Does Cameo Make Money?," Productmint, Accessed 2023, [https://productmint.com/cameo-business-model-how-does-cameo-make-money/#:~:text=Founded percent20in percent202016 percent20and percent20headquartered,now percent20part percent20of percent20the percent20platform.](https://productmint.com/cameo-business-model-how-does-cameo-make-money/#:~:text=Founded%20in%202016%20and%20headquartered,now%20part%20of%20the%20platform.)

Opensea: Opensea statistics, Followchain, Accessed 2023, <https://www.followchain.org/opensea-statistics/#3>

Rarible: Viktor Hendelmann, "The Rarible Business Model – How Does Rarible Make Money?," Productmint, Accessed 2023, <https://productmint.com/rarible-business-model-how-does-rarible-make-money/>

SuperRare: SuperRare NFT, NFT Stats, Accessed 2023, <https://www.nft-stats.com/collection/superrare>

Mintable: Mintable Revenue and Competitors, Growjo, Accessed 2023, <https://growjo.com/company/Mintable>

<sup>22</sup> F Alanezi and T Alanzi, "A Gig MHealth Economy Framework: Scoping Review of Internet Publications." JMIR MHealth and UHealth 8 (1): e14213, 2020 ; M Altenried, "The Platform as Factory: Crowdwork and the Hidden Labour Behind Artificial Intelligence." Capital & Class 44 (2): 145–158, 2020.

<sup>23</sup> Using data on 65 workers on Upwork South Africa, Kenya, Nigeria, Ghana, and Uganda one study finds that high-skilled workers gain better wages than they would without the platform. Anwar and Graham (2020)

<sup>24</sup> Griffin LaFleur, "Social Commerce," Tech Target, Updated February 2023, [https://www.techtarget.com/searchcustomerexperience/definition/social-commerce#:~:text=Social percent20commerce percent20is percent20a percent20rapidly,recommendations percent20C percent20transactions percent20and percent20loyalty percent20programs.](https://www.techtarget.com/searchcustomerexperience/definition/social-commerce#:~:text=Social%20commerce%20is%20a%20rapidly,recommendations%20percent20transactions%20and%20loyalty%20programs.)

<sup>25</sup> Camilo Becdach, Marc Brodherson, Alex Gersovitz, et al., "Social commerce: The future of how consumers interact with brands," McKinsey, October 19, 2022, <https://www.mckinsey.com/capabilities/growth-marketing-and-sales/our-insights/social-commerce-the-future-of-how-consumers-interact-with-brands>

<sup>26</sup> Leila Hawkins, "The rise of virtual influencers and what it means for customer engagement," CX Network, August 29, 2023, <https://www.cxnetwork.com/artificial-intelligence/articles/the-rise-of-virtual-influencers-and-what-it-means-for-customer-engagement>



- 
- <sup>27</sup> Christianna Silva, “How generative AI will affect the creator economy,” Mashable, May 31, 2023, <https://mashable.com/article/ai-chatgpt-influencer-creator-economy>
- <sup>28</sup> Stephanie Chevalier, “Livestream e-commerce sales in the United States between 2020 and 2026,” Statista, November 17, 2022, <https://www.statista.com/statistics/1276120/livestream-ecommerce-sales-united-states/>
- <sup>29</sup> Casey Hall, “Focus: Brands focus on stories in refining China livestreaming to boost profits,” Reuters, June 29, 2023, <https://www.reuters.com/business/retail-consumer/brands-focus-stories-refining-china-livestreaming-boost-profits-2023-06-28/>
- <sup>30</sup> Leila Hawkins, “The rise of virtual influencers and what it means for customer engagement,” CX Network, August 29, 2023, <https://www.cxnetwork.com/artificial-intelligence/articles/the-rise-of-virtual-influencers-and-what-it-means-for-customer-engagement>
- <sup>31</sup> Alison Bringé, “The Rise Of Virtual Influencers And What It Means For Brands,” Forbes, October 18, 2022, <https://www.forbes.com/sites/forbescommunicationscouncil/2022/10/18/the-rise-of-virtual-influencers-and-what-it-means-for-brands/?sh=1e5409676b56>
- <sup>32</sup> Leila Hawkins, “The rise of virtual influencers and what it means for customer engagement,” CX Network, August 29, 2023, <https://www.cxnetwork.com/artificial-intelligence/articles/the-rise-of-virtual-influencers-and-what-it-means-for-customer-engagement>
- <sup>33</sup> Lisa Ward, “Influencers Don’t Have to Be Human to Be Believable,” Wall Street Journal, June 17, 2023, <https://www.wsj.com/articles/virtual-influencers-social-media-advertising-9cabecd2>
- <sup>34</sup> Emily Schifter, “State and Local Laws Require Greater Protections for Gig Workers: What Employers Need to Know,” Troutman Pepper, November 29, 2021, <https://www.hiringtofiring.law/2021/11/29/state-and-local-laws-require-greater-protections-for-gig-workers-what-employers-need-to-know/> and Leah Shepherd, “EU Proposes New Protections for Gig Workers,” SHRM, February 2, 2022, <https://www.shrm.org/resourcesandtools/hr-topics/global-hr/pages/eu-proposed-protections-gig-workers.aspx>
- <sup>35</sup> However, Californians in 2020 rejected in a referendum in the case of ride hailing companies – only to see a court invalidate the referendum a year later. To qualify as an independent contractor under AB5, a worker must: be free from the control and direction of the hiring organization, work outside the normal scope of the hiring organization’s business (a high hurdle for example video editors working for an influencer), be engaged in an independently established trade, occupation or business.
- <sup>36</sup> Tracy Qu and Iris Deng, “China tech crackdown: no more tax-free riches for live-streaming stars as Beijing tightens oversight,” South China Morning Post, March 31, 2022, <https://www.scmp.com/tech/policy/article/3172614/china-tech-crackdown-no-more-tax-free-riches-live-streaming-stars>
- <sup>37</sup> Ivana Kottasová, “Europe just approved new copyright rules that could change the internet,” CNN, September 12, 2018, <https://money.cnn.com/2018/09/12/technology/eu-copyright-law/index.html>.
- <sup>38</sup> Emma Roth, “The EU’s Digital Services Act goes into effect today: here’s what that means,” The Verge, August 25, 2023, <https://www.theverge.com/23845672/eu-digital-services-act-explained>
- <sup>39</sup> Pankaj Doval, “Onus on social media cos to nix illegal content: Govt on IT rules,” The Time of India, October 30, 2022, <https://timesofindia.indiatimes.com/india/new-it-rules-put-obligations-on-social-media-companies-to-remove-unlawful-content-mos-chandrasekhar/articleshow/95166708.cms>
- <sup>40</sup> Igor Bonifacic, “Indonesia blocks Steam, PayPal and other services over missed regulatory deadline,” Engadget, July 30, 2022, <https://www.engadget.com/indonesia-blocks-steam-paypal-mr5-law-213619872.html>
- <sup>41</sup> Vinh Le Quang, “Notice and Takedown Process under Vietnamese Copyright Legislation,” Lexology, May 31, 2023, [https://www.lexology.com/library/detail.aspx?g=c0985dc4-1cfe-41c6-8050-fb169a701c58#\\_ftn1](https://www.lexology.com/library/detail.aspx?g=c0985dc4-1cfe-41c6-8050-fb169a701c58#_ftn1)
- <sup>42</sup> United States Trade Representative, 2023 National Trade Estimate on Foreign Trade Barriers, March 2023, <https://ustr.gov/sites/default/files/2023-03/2023%20NTE%20Report.pdf>
- <sup>43</sup> News media bargaining code, Australian Competition and Consumer Commission, Accessed September 2023, <https://www.accc.gov.au/by-industry/digital-platforms-and-services/news-media-bargaining-code/news-media-bargaining-code>
- <sup>44</sup> Jaimie Ding, “California bill requiring Big Tech to pay for news placed on hold until 2024,” Los Angeles Times, July 7, 2023, <https://www.latimes.com/business/story/2023-07-07/california-journalism-bill-on-hold-until-2024>
- <sup>45</sup> Copyright Office, Study on Ancillary Copyright Protections for Publishers, Copyright.gov, June 30, 2022, <https://www.copyright.gov/policy/publishersprotections/>

---

<sup>46</sup> “Indonesia drafts law enabling media to receive payments from digital platforms for content,” Reuters, February 9, 2023, <https://www.reuters.com/world/asia-pacific/indonesia-drafts-law-enabling-media-receive-payments-digital-platforms-content-2023-02-09/>

<sup>47</sup> “Proposal to Mandate Payments by Content and Application Providers (CAPs) Undermines the Future of U.S.-Korea Trade,” Computer and Communications Industry Association, September 2022, <https://ccianet.org/wp-content/uploads/2022/09/CCIA-Trade-Analysis-of-Korean-Network-Usage-Fee-Proposals.pdf>

<sup>48</sup> Foo Yun Chee, “Majority of EU countries against network fee levy on Big Tech, sources say,” Reuters, June 3, 2023, <https://www.reuters.com/business/media-telecom/majority-eu-countries-against-network-fee-levy-big-tech-sources-say-2023-06-02/>

<sup>49</sup> “CCIA Offers Comments In Brazil ANATEL Proceeding on Network Investment,” Computer & Communications Industry Association, July 26, 2023, <https://ccianet.org/news/2023/07/ccia-offers-comments-in-brazil-anatel-proceeding-on-network-investment/>

<sup>50</sup> United States Trade Representative, 2023 National Trade Estimate on Foreign Trade Barriers, March 2023, <https://ustr.gov/sites/default/files/2023-03/2023%20NTE%20Report.pdf>

<sup>51</sup> Richard Irwin and Phan Thi Thuy Duong, *Decree 53 Guiding Cybersecurity Law*, PwC, September 8, 2022, <https://www.pwc.com/vn/en/publications/2022/220908-pwc-vietnam-legal-newsbrief-decree-53.pdf>

<sup>52</sup> Joseph P. Whitlock, “Comments of the Global Data Alliance on the Cross-Border Data Transfer Elements of the Personal Data Protection Decree,” Global Data Alliance, June 30, 2023 <https://globaldataalliance.org/wp-content/uploads/2023/07/en0630202gdapdpd.pdf>

<sup>53</sup> United States Trade Representative, 2023 National Trade Estimate on Foreign Trade Barriers, March 2023, <https://ustr.gov/sites/default/files/2023-03/2023%20NTE%20Report.pdf>

<sup>54</sup> United States Trade Representative, 2023 National Trade Estimate on Foreign Trade Barriers, March 2023, <https://ustr.gov/sites/default/files/2023-03/2023%20NTE%20Report.pdf>

<sup>55</sup> Sivarama Krishnan, Anirban Sengupta, et al., *The Digital Personal Data Protection Act, 2023*, PwC India, August 2023, <https://www.pwc.in/assets/pdfs/consulting/risk-consulting/the-digital-personal-data-protection-act-india-2023.pdf>

<sup>56</sup> United States Trade Representative, 2023 National Trade Estimate on Foreign Trade Barriers, March 2023, <https://ustr.gov/sites/default/files/2023-03/2023%20NTE%20Report.pdf>

<sup>57</sup> All platform workers would be considered employees if two of these five criteria are met:

- The platform determines the pay.
- The platform requires workers to follow rules regarding appearance, conduct toward clients or performance of the work.
- The platform uses electronic means to supervise and assess job performance.
- The platform restricts work times or the freedom to turn the app off.
- The platform requires exclusivity or noncompetition.

Leah Shepherd, “EU Proposes New Protections for Gig Workers,” SHRM, February 2, 2022,

<https://www.shrm.org/resourcesandtools/hr-topics/global-hr/pages/eu-proposed-protections-gig-workers.aspx>

<sup>58</sup> Emily Schifter, “State and Local Laws Require Greater Protections for Gig Workers: What Employers Need to Know,” Troutman Pepper, November 29, 2021, <https://www.hiringtofiring.law/2021/11/29/state-and-local-laws-require-greater-protections-for-gig-workers-what-employers-need-to-know/> and Leah Shepherd, “EU Proposes New Protections for Gig Workers,” SHRM, February 2, 2022, <https://www.shrm.org/resourcesandtools/hr-topics/global-hr/pages/eu-proposed-protections-gig-workers.aspx>

<sup>59</sup> However, Californians in 2020 rejected in a referendum in the case of ride hailing companies – only to see a court invalidate the referendum a year later. To qualify as an independent contractor under AB5, a worker must: be free from the control and direction of the hiring organization, work outside the normal scope of the hiring organization’s business (a high hurdle for example video editors working for an influencer), be engaged in an independently established trade, occupation or business.

<sup>60</sup> Levi Sumagaysay, “From treatment of gig workers to tip transparency, the app-based economy could see key changes in 2022,” MarketWatch, Updated January 1, 2022, <https://www.marketwatch.com/story/from-treatment-of-gig-workers-to-tip-transparency-the-app-based-economy-could-see-key-changes-in-2022-11640900832>

- 
- <sup>61</sup> Werner Geyser, *Creator Earnings: Benchmark Report 2022*, Influencer Marketing Hub, August 2, 2022, <https://influencermarketinghub.com/creator-earnings-benchmark-report/>
- <sup>62</sup> A report by Izea found that while female creators made up 83 percent of influencer marketing deals in 2021, women made on average \$2,289 per post while men made about \$2,978. The only exception is Instagram – women were paid \$962 per story in 2021, over 60 percent more than men who made \$609 that men made per story, supposedly because women have higher engagement rates. Nat Rubio-Licht, “Women dominate the creator economy. They still don’t make as much as men.” Protocol, March 9, 2022, <https://www.protocol.com/bulletins/creator-economy-pay-gap>. Another study of 400 creators found that black influencers were paid 35 percent less than white influencers; Lindsay Dodgson, “Black influencers make significantly less money than their white counterparts, a new study says,” Insider, December 7, 2021, <https://www.insider.com/study-black-influencers-make-significantly-less-money-2021-12>
- <sup>63</sup> U.S. tax requirements for YouTube earnings, YouTube Help, Accessed September 2023, <https://support.google.com/youtube/answer/10391362?hl=en>
- <sup>64</sup> Navdeep Yadav, “If you are a YouTube creator, you may have to pay \$24 as tax for every \$100 you make,” Business Insider India, March 11, 2021, <https://www.businessinsider.in/tech/news/youtube-will-begin-deducting-us-taxes-from-payments-to-creators-as-early-as-june-2021-for-creators-outside-of-the-us/articleshow/81443725.cms>
- <sup>65</sup> Ines Zemelman, “Is Patreon’s Income Taxable? The Content Creator’s Dilemma,” Taxes for Content Creators, October 12, 2021, <https://tfx.tax/content-creators/articles/is-patreon-income-taxable.html>
- <sup>66</sup> Jennifer Dunn, “What Digital Content Creators Need to Know about Sales Tax,” TaxJar, July 14, 2021, <https://www.taxjar.com/blog/07-21-what-digital-content-creators-need-to-know-about-sales-tax>
- <sup>67</sup> Alfredo Collosa, “The Global Tax Reporting Framework for Digital Platforms in the Sharing and Gig Economy: Importance for Tax Administrations,” Kluwer International Tax Blog, April 16, 2021, <http://kluwertaxblog.com/2021/04/16/the-global-tax-reporting-framework-for-digital-platforms-in-the-sharing-and-gig-economy-importance-for-tax-administrations/>
- <sup>68</sup> Tracy Qu and Iris Deng, “China tech crackdown: no more tax-free riches for live-streaming stars as Beijing tightens oversight,” South China Morning Post, March 31, 2022, <https://www.scmp.com/tech/policy/article/3172614/china-tech-crackdown-no-more-tax-free-riches-live-streaming-stars>
- <sup>69</sup> South China Morning Post, “China fines another live-streaming influencer over tax evasion as Beijing keeps heat on once-booming industry,” Yahoo, July 1, 2022, [https://www.yahoo.com/video/china-fines-another-live-streaming-093000231.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce\\_referrer\\_sig=AQA AAFPOAotANtMXyvm2GnkV\\_Sj5\\_nmqrFRHiikYQq9-4CMaEfPQKFVIdA3tIQfQnPAI37E5fArFmixVmnycAS6gTRdpG2mtlmlozBciZIsIcSb-IHawuEe3VV3jzDr\\_q26FHajaXXKpRIGrTZGK7ytRmDOIhFHYE2YGMZ0VJvK84ybwj](https://www.yahoo.com/video/china-fines-another-live-streaming-093000231.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQA AAFPOAotANtMXyvm2GnkV_Sj5_nmqrFRHiikYQq9-4CMaEfPQKFVIdA3tIQfQnPAI37E5fArFmixVmnycAS6gTRdpG2mtlmlozBciZIsIcSb-IHawuEe3VV3jzDr_q26FHajaXXKpRIGrTZGK7ytRmDOIhFHYE2YGMZ0VJvK84ybwj)
- <sup>70</sup> Abhijit Ahaskar, “Influencer tax to hurt creators,” Livemint, July 6, 2022, <https://www.livemint.com/industry/media/influencer-tax-to-hurt-creators-11657043165810.html>
- <sup>71</sup> Samiksha Swayambhu, “Taxation Of Income From Social Media: Here’s What Influencers,” ClearTax Chronicles, July 21, 2023, <https://news.cleartax.in/taxation-of-income-from-social-media-heres-what-influencers/9424/#:~:text=The percent20tax percent20rate percent20for percent20social,Rs percent2010 percent20lakh percent3A percent2020 percent25>
- <sup>72</sup> Nicolo Zingales, “The Brazilian approach to internet intermediary liability: blueprint for a global regime?” *Internet Policy Review* 4, Issue 4, December 28, 2015, [https://policyreview.info/articles/analysis/brazilian-approach-internet-intermediary-liability-blueprint-global-regime#footnote8\\_9leydx8](https://policyreview.info/articles/analysis/brazilian-approach-internet-intermediary-liability-blueprint-global-regime#footnote8_9leydx8)
- <sup>73</sup> R. Polk Wagner and Steven Wilf, “Is the EU’s New Copyright Directive Too Complex to Work?” *Knowledge @ Wharton*, April 9, 2019, <https://knowledge.wharton.upenn.edu/article/new-eu-copyright-directive/>
- <sup>74</sup> Gene Markin, “The Digital Millennium Copyright Act: Scope, Reach, and Safe Harbors,” *National Law Review* 9, no. 135, May 15, 2019, <https://www.natlawreview.com/article/digital-millennium-copyright-act-scope-reach-and-safe-harbors>
- <sup>75</sup> “Brazil’s New Internet Law Could Broadly Impact Online Privacy and Data Handling Practices,” Hogan Lovells Chronicle of Data Protection, May 16, 2014, <https://www.hldataprotection.com/2014/05/articles/international-eu-privacy/marco-civil-da-internet-brazils-new-internet-law-could-broadly-impact-online-companies-privacy-and-data-handling-practices/>

---

<sup>76</sup> “Chile: Últimos Avances En Materia De Propiedad Intelectual,” Ministry of Foreign Relations of Chile, Accessed September 30, 2017, <https://www.direcon.gob.cl/wp-content/uploads/2014/04/Informe-de-Propiedad-Intelectual-Direcon-25-04-2014.pdf>

<sup>77</sup> Ivana Kottasová, “Europe just approved new copyright rules that could change the internet,” CNN, September 12, 2018, <https://money.cnn.com/2018/09/12/technology/eu-copyright-law/index.html>.

<sup>78</sup>

<sup>79</sup> Fair use is a standard used in great many countries to allow for use of content for certain purposes such as research without the need for permission from the copyright holder.

<sup>80</sup> Emma Llansó, “Congress Should Take ‘Filtering Practices of Social Media’ Seriously,” *Center for Democracy & Technology*, April 25, 2018, <https://cdt.org/insights/congress-should-take-filtering-practices-of-social-media-seriously/>

<sup>81</sup> United States Trade Representative, 2022 National Trade Estimate on Foreign Trade Barriers, 2022, [https://ustr.gov/sites/default/files/2022 percent20National percent20Trade percent20Estimate percent20Report percent20on percent20Foreign percent20Trade percent20Barriers.pdf](https://ustr.gov/sites/default/files/2022%20National%20Trade%20Estimate%20Report%20on%20Foreign%20Trade%20Barriers.pdf)

<sup>82</sup> Luca Bertuzzi and Molly Killeen, “EU Court ruling clarifies online platforms’ responsibility for copyright infringements,” Euractiv, Updated June 29, 2021, <https://www.euractiv.com/section/copyright/news/eu-court-ruling-clarifies-online-platforms-responsibility-for-copyright-infringements/>

<sup>83</sup>

<sup>84</sup> Corynne McSherry, “The New Filter Mandate Bill Is An Unmitigated Disaster,” EFF, March 21, 2022, <https://www.eff.org/deeplinks/2022/03/new-filter-mandate-bill-unmitigated-disaster> AND Ernesto Van der Sar, “U.S. Copyright Office Consultation Triggers Massive ‘Upload Filter’ Opposition,” *TorrentFreak*, February 16, 2022, <https://torrentfreak.com/u-s-copyright-office-consultation-triggers-massive-upload-filter-opposition-220216/>

<sup>85</sup> Kristina Zucchi, “Why Facebook Is Banned in China and How to Access It,” *Investopedia*, Updated December 31, 2021, [https://www.investopedia.com/articles/investing/042915/why-facebook-banned-china.asp#:~:text=8 percent20Foreign percent20web percent20services percent20that,of percent20One percent20Country percent2C percent20Two percent20Systems.](https://www.investopedia.com/articles/investing/042915/why-facebook-banned-china.asp#:~:text=8%20Foreign%20web%20services%20that,of%20One%20Country%2C%20Two%20Systems.)

<sup>86</sup> Matthew Humphries, “Live Streaming in China Now Requires Qualifications for Some Topics,” *PCMag*, June 24, 2022, <https://www.pcmag.com/news/live-streaming-in-china-now-requires-qualifications-for-some-topics>

<sup>87</sup> Svea Windwehr and Jillian C. York, “Turkey’s New Internet Law Is the Worst Version of Germany’s NetzDG Yet,” EFF, July 30, 2020, <https://www.eff.org/deeplinks/2020/07/turkeys-new-internet-law-worst-version-germanys-netzdg-yet>

<sup>88</sup> Igor Bonifacic, “Indonesia blocks Steam, PayPal and other services over missed regulatory deadline,” *Engadget*, July 30, 2022, <https://www.engadget.com/indonesia-blocks-steam-paypal-mr5-law-213619872.html>

<sup>89</sup> Pankaj Doval, “Onus on social media cos to nix illegal content: Govt on IT rules,” *The Time of India*, October 30, 2022, <https://timesofindia.indiatimes.com/india/new-it-rules-put-obligations-on-social-media-companies-to-remove-unlawful-content-mos-chandrasekhar/articleshow/95166708.cms>

<sup>90</sup> Vinh Le Quang, “Notice and Takedown Process under Vietnamese Copyright Legislation,” *Lexology*, May 31, 2023, [https://www.lexology.com/library/detail.aspx?g=c0985dc4-1cfe-41c6-8050-fb169a701c58#\\_ftn1](https://www.lexology.com/library/detail.aspx?g=c0985dc4-1cfe-41c6-8050-fb169a701c58#_ftn1)

<sup>91</sup> Ancillary Copyright for Press Publishers, *Digital Guide IONOS*, March 28, 2019, <https://www.ionos.com/digitalguide/websites/digital-law/ancillary-copyright-for-press-publishers-in-europe/>

<sup>92</sup> David Oxenford, “Making the Tech Giants Pay to Use Traditional Media News Content – Looking at the Legislative Issues,” *Broadcast Law Blog*, March 29, 2021, <https://www.broadcastlawblog.com/2021/03/articles/making-the-tech-giants-pay-to-use-traditional-media-news-content-looking-at-the-legislative-issues/>

<sup>93</sup> News media bargaining code, Australian Competition and Consumer Commission, Accessed September 2023, <https://www.accc.gov.au/by-industry/digital-platforms-and-services/news-media-bargaining-code/news-media-bargaining-code>

<sup>94</sup> “Indonesia drafts law enabling media to receive payments from digital platforms for content,” *Reuters*, February 9, 2023, <https://www.reuters.com/world/asia-pacific/indonesia-drafts-law-enabling-media-receive-payments-digital-platforms-content-2023-02-09/>

<sup>95</sup> On edraft bill is called the Journalism Competition and Preservation Act of 2021. See David Oxenford, “Making the Tech Giants Pay to Use Traditional Media News Content – Looking at the Legislative Issues,” *Broadcast Law Blog*, March 29, 2021, <https://www.broadcastlawblog.com/2021/03/articles/making-the-tech-giants-pay-to-use-traditional-media-news-content-looking-at-the-legislative-issues/>

---

<sup>96</sup> Jaimie Ding, “California bill requiring Big Tech to pay for news placed on hold until 2024,” Los Angeles Times, July 7, 2023, <https://www.latimes.com/business/story/2023-07-07/california-journalism-bill-on-hold-until-2024>

<sup>97</sup> U.S. Copyright Office, *Google - Initial Comment*, Regulations.gov, December 3, 2021, <https://www.regulations.gov/comment/COLC-2021-0006-0025>

<sup>98</sup> “What a proposed copyright change could mean for creators,” Patreon Blog, January 24, 2022, <https://blog.patreon.com/what-a-proposed-copyright-change-could-mean-for-creators>

NERA Economic Consulting, Impact on Competition and on Free Market of the Google Tax or AEDE fee, Report for the Spanish Association of Publishers of Periodical Publications (AEEPP 2017), [https://clabe.org/pdf/Informe\\_NERA\\_para\\_AEEPP\\_\(INGLES\).pdf](https://clabe.org/pdf/Informe_NERA_para_AEEPP_(INGLES).pdf).

<sup>99</sup> U.S. Copyright Office, *recreate Ancillary Copyright filing*, Regulations.gov, December 3, 2021, <https://www.regulations.gov/comment/COLC-2021-0006-0024>

<sup>100</sup> Foo Yun Chee, “Majority of EU countries against network fee levy on Big Tech, sources say,” Reuters, June 3, 2023, <https://www.reuters.com/business/media-telecom/majority-eu-countries-against-network-fee-levy-big-tech-sources-say-2023-06-02/>

<sup>101</sup> Brazil: “CCIA Offers Comments In Brazil ANATEL Proceeding on Network Investment,” Computer & Communications Industry Association, July 26, 2023, <https://ccianet.org/news/2023/07/ccia-offers-comments-in-brazil-anatel-proceeding-on-network-investment/> ; India: Manish Singh, “Telecom companies in India want tech firms to pay for network usage,” Tech Crunch, September 5, 2023, <https://techcrunch.com/2023/09/04/telecom-operators-in-india-want-tech-companies-to-pay-for-network-usage/> ; Australia: Robert Clark, “Australian telcos jump on traffic fee bandwagon,” LightReading, September 25, 2023, <https://www.lightreading.com/broadband/australian-telcos-jump-on-traffic-fee-bandwagon>

<sup>102</sup> Maria Teresa Stecher, “How EU Network Fees Would Hit SMEs Disproportionately Hard,” Euractiv, May 2, 2023, <https://www.euractiv.com/section/digital/opinion/how-eu-network-fees-would-hit-smes-disproportionately-hard/>

<sup>103</sup> “WTO Debate over Electronic Transmissions,” Washington Tariff & Trade Letter, July 21, 2023, <https://www.wttlonline.com/stories/wto-debate-over-electronic-transmissions,10796>

<sup>104</sup> The existing regimes tend to fall into five groups, some of which require only the user’s consent to transfer data, while others demand that the company making the transfer secure the data subject’s consent, ensure the recipient country has an “adequate” data privacy regime, and notify a government agency about the transfer. Suominen and Vambell (2021).

<sup>105</sup> #YouTube Black Voices Fund, YouTube Creators, Accessed September 2023, [https://www.youtube.com/intl/en\\_zs/creators/black-voices-fund/](https://www.youtube.com/intl/en_zs/creators/black-voices-fund/)