Online video content creation: the Autorité de la concurrence examines the relationship between creators, audiences, commercial partners and platforms and calls on platforms to improve transparency and vigilance in their commercial relations

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Online video content creation: the *Autorité de la concurrence* examines the relationship between creators, audiences, commercial partners and platforms and calls on platforms to improve transparency and vigilance in their commercial relations with content creators

The online video content creation sector has grown rapidly over the past 15 years and is now an integral part of the French audiovisual industry. In 2024, there were more than 150,000 professional content creators.

The sector, which comprises a number of different, interdependent players (content creators, talent agencies, advertisers, platforms, audiences, etc.), presents several competition challenges.

On 13 May 2024, the *Autorité de la concurrence* therefore decided to start inquiries *ex officio* to analyse the competitive functioning of the online video content creation sector in France, with the view to issuing an opinion.

Methodology and scope

As part of the preparation of the opinion, the *Autorité* launched a public consultation of industry stakeholders and conducted a survey of content creators, supplemented by questionnaires and hearings. In particular, the Board of the *Autorité* heard representatives from Instagram, OpenAI, TikTok, Twitch and YouTube, as well as the French Union of Influencers and Content Creators (UMICC) and several high-profile content creators (Dr Nozman, EnjoyPhoenix, Gaspard G, HugoDécrypte, Inoxtag, Maghla, McFly & Carlito, Squeezie and ZeratoR).

In its opinion, the *Autorité* first examines competition between content creators, in terms of both audience and commercial partners. It also analyses the development of generative artificial intelligence (AI) and its impact on the sector. Lastly, from a competition law perspective, the *Autorité* examines the relationship between video content creators and the other players in the sector, including commercial partners, talent agencies and platforms.

Relationship with platforms

As regards the relationship between platforms and content creators, the *Autorité* notes that while the use of online platforms is essential for content creators, not all are equally important. The sector is currently concentrated around a few key platforms, namely YouTube, TikTok, Instagram and, to a certain extent, Twitch.

The market power of platforms is further reinforced by the existence of barriers to entry and expansion for their competitors and by a certain level of captivity for content creators, whose ability to transfer content from one platform to another is limited. The evidence collected shows that, from the perspective of content creators, substitutability between platforms presents significant constraints, due in particular to their formats, preferred themes, specific cultures and expertise and, lastly, the imperfect overlap of their audiences.

Content creators are therefore structurally dependent on the main platforms, which creates a significant imbalance in their respective bargaining powers. This asymmetry is particularly evident in platforms' ability to unilaterally set the terms

of their commercial relations with creators, whether in terms of revenue sharing or content visibility.

The *Autorité* reminds platforms that, in the absence of negotiations on the terms of their relations with content creators, such terms must not be unfair, and makes a series of recommendations. In particular, the *Autorité* calls on platforms to demonstrate greater transparency, firstly in the implementation of revenue-sharing rules, and secondly in the operation of recommendation algorithms and moderation measures.

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