



JOHN DEIGHTON
LEORA KORNFELD

Sony and the JK Wedding Dance

On June 20, 2009, a wedding in St. Paul, Minnesota, broke with tradition. Instead of the customary slow procession into the church and down the aisle, the bridesmaids and groomsmen led the bride and groom in a jubilant, hip hop-inflected dance. A month later, a home video of the entrance caught the attention of YouTube viewers, and by December it was the third most-watched video of 2009, with 28 million views in North America and 33 million views worldwide.

The music that the wedding party danced to was a recording of the song *Forever*, performed by 20-year-old Chris Brown. Brown's very promising career had come to a halt just four months earlier when he had been arrested on charges of battering his girlfriend.

There was little doubt that the popularity of a musical performance on YouTube could have significant business implications. For example, the most-watched YouTube video of 2009, which showed Susan Boyle's debut performance on the television talent show *Britain's Got Talent*, launched her singing career. The British media company ITV plc had orchestrated the distribution of Boyle's television appearance on YouTube, had managed press coverage of her subsequent Internet popularity, and had released her first album in time for Christmas.

Jeff Dodes, Executive Vice President of Marketing and Digital Media for Sony's Jive Label Group, pondered the business implications of the wedding dance video. On the one hand, Sony's copyrighted material was creating traffic for someone else: "It's our content, and the artist should be paid for it or it should come down." On the other hand, there was an argument for passing up the opportunity to profit from the video: "Chris Brown has some PR problems, so we need to be very careful; we don't want to do anything to take advantage of it." What was the significance for Brown and his label, Sony, of the new attention his music was receiving?

Marketing and Social Media

Social media was defined as a set of Internet-based software applications that facilitated the creation and exchange of user-generated content. In 2009, social media experienced unprecedented growth, opening new opportunities for marketing as the number of worldwide users grew. Members of Facebook approached 300 million, an increase of threefold from the previous year. The users of microblogging site Twitter grew eighteenfold to 18.2 million in the same year. And people gave more

Professor John Deighton and Research Associate Leora Kornfeld prepared this case. HBS cases are developed solely as the basis for class discussion. Cases are not intended to serve as endorsements, sources of primary data, or illustrations of effective or ineffective management.

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of their media attention to social media, which increased in that year from 7 to 17 minutes.¹ The video-sharing site YouTube was generally described as a social medium, even though much of the video posted to the site was not generated by users. YouTube was one of the Internet's most trafficked destinations, receiving 85 million unique visits each month according to Internet traffic measurement firm Compete.com, and accounting for 20% of the searches by its parent, Google.

Social media could be used by firms to promote their products and services. So-called "in-stream advertising platforms," such as Ad.ly and Magpie, maintained lists of people with substantial followings on Twitter, MySpace, and Facebook. The platforms entered into pay-per-post relationships with celebrities ranging from reality television stars such as Kim Kardashian and Dr. Drew to comedians, hip hop artists, actors, and popular bloggers and web celebrities. The platforms would match an advertiser's promotional message to people with large social media followings and appropriate conversational themes, locations, and languages, and use algorithms to set prices for promotional postings that factored in the number of followers, follower interest in their postings, and the poster's authority. Ad.ly's CEO Sean Rad, age 23, remarked, ". . . and when I say that celebs get paid handsomely, I mean it. If a celeb has above a million followers, each tweet gets in the five figures."² Prices for celebrity tweets were reported to range from \$2,500 for a tweet from reality television star Holly Madison, \$2,900 for a tweet from home improvement expert Bob Vila, to \$10,000 for a tweet from actor Ashton Kutcher. Companies that experimented with this marketing technique, sometimes referred to as "sponsored conversations," included Black & Decker, Dell, Disney, MTV, Sony Pictures, and TiVo.

Concurrent with these developments was a review by the Federal Trade Commission (FTC) of the use of endorsements and testimonials in social media. The FTC issued guidelines that governed the use of experts, or those claiming to be experts; celebrity endorsers who might be receiving payment in the form of cash, products, or royalties on sales; and individuals who agreed to appear on behalf of a product in exchange for exposure or future opportunities. Section 255.5 of FTC's guide stated, "when there is a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement (i.e., the connection is not reasonably expected by the audience), such connection must be fully disclosed."³

The Entertainment Industry and YouTube

In the early 2000s, the Recording Industry Association of America (RIAA) started the practice of filing lawsuits against those sharing music online illegally, via peer-to-peer networks. Individuals, as well as the networks, were being held responsible for files that were illegally uploaded and downloaded. In total, the RIAA accused 18,000 Internet users of engaging in illegal file-sharing activity, and settled with most of them out of court. Two high-profile cases ended up going to court, with the court ruling in favor of the RIAA for damages of \$1.92 million and \$675,000, respectively.⁴

One by one, the illegal networks were shut down, although new ones continued to surface, as did legal downloading services such as iTunes and Rhapsody. Online audio file-sharing soon gave way to online video sharing, with clips and sometimes entire programs and movies posted illegally on the Internet. A flurry of lawsuits, large and small, ensued. In March 2007, the media company Viacom, copyright owner of such film and television properties as *An Inconvenient Truth*, *MTV Unplugged*, *South Park*, *The Daily Show with Jon Stewart*, and *The Colbert Report*, filed a \$1 billion-dollar civil action suit against YouTube (and parent company Google), seeking damages and injunctive relief for copyright infringement. In their declaration, the plaintiffs stated that "YouTube has harnessed technology to willfully infringe copyrights on a huge scale, depriving writers, composers and performers of the rewards they are owed for effort and innovation, reducing the incentives of

America's creative industries, and profiting from the illegal conduct of others as well. Using the leverage of the Internet, YouTube appropriates the value of creative content on a massive scale for YouTube's benefit without payment or license."⁵

In October 2007, Stephanie Lenz of Gallitzin, Pennsylvania, posted a 30-second video clip of her baby boy dancing in the kitchen, while a fuzzy version of a song by Prince was heard in the background. The video had been viewed 28 times, by family and friends, when Lenz received an email from YouTube. Lenz was told that at the request of Universal Music Publishing Group, copyright holders of Prince's music, YouTube had removed her video from the site. "I was afraid . . . And the more afraid I got, the angrier I got . . . I was afraid that the recording industry might come after me the way they've come after other people for downloading music or file sharing . . . I thought even though I didn't do anything wrong that they might want to file some kind of suit against me, take my house, come after me."⁶ Lenz's anger turned into action. She got in touch with the Electronic Frontier Foundation, a leading cyber rights organization, and filed a civil lawsuit against Universal, claiming "fair use."⁷ She also filed a counter-notice against YouTube. The video featuring her son dancing was placed back on the site shortly thereafter.

The JK Wedding Dance Video

On the afternoon of June 20, 2009, bride and groom Jill Peterson and Kevin Heinz, both age 28, were preparing to walk down the aisle. Also in the wedding party that day at Christ Lutheran Church in St. Paul, Minnesota, were 7 bridesmaids, 5 groomsmen, and 4 ushers. Friends and family were seated in the church, waiting to witness the event.

After the guests had arrived, the ushers closed the doors of the chapel. The eyes of the crowd then shifted toward the back of the chapel. Music was heard, and within moments the ushers tossed their programs in the air and began to dance down the aisle. The ushers were followed by two bridesmaids, wearing fuchsia-colored cocktail dresses and sunglasses, who continued the strut toward the altar. Family and friends began to clap in time with the song, which many recognized as Chris Brown's 2008 hit *Forever*.

Next to appear was a stout groomsman, who wowed the crowd by walking on his hands. The other bridesmaids and groomsmen sashayed down the aisle and then wound their way back to the doors of the chapel, where they formed two parallel lines. Friends and family clapped and cheered even more enthusiastically as the groom executed a triumphant tumble down the middle of the lines. The group continued to dance toward the altar where they dispersed for an extended slow-motion sway during the song's instrumental break. When the lyrics resumed, with Chris Brown singing "It's like I waited my whole life, for this one night," the bride emerged, in a traditional white gown, waving her bouquet in the air as she danced toward the front of the chapel. The entire group dance routine down the aisle was lighthearted and imperfect, the result of a total of 90 minutes of preparation, according to the bride.⁸ On July 19, the video was posted on YouTube with the title "JK Wedding Dance." Within 48 hours it had broken the record for most views for a single video on YouTube, boasting a view count of 3.5 million.⁹ What in an earlier era would have been a home movie seen by a few dozen people quickly became an Internet juggernaut. (See **Exhibit 1** for more on the video's online view tally.)

The Video Goes Viral

Various parties were quick to take credit for the video's viral success. With 3 million followers in the summer of 2009, actor Ashton Kutcher was one of the most popular people on Twitter. On July 23, Kutcher was a keynote speaker at *Fortune* magazine's Brainstorm TECH conference. During his presentation, he boasted that "I shut down a website every day because I send too much traffic from my Twitter feed."¹⁰ He also claimed that by tweeting the link to the JK Wedding Dance, views rose from 12,500 to 1.2 million in the space of 12 hours. Some said these figures were exaggerated, citing link views they had tracked.¹¹ Others, such as the online technology news site CNet, reported that in the 24-hour period beginning at 10 a.m. on July 25, the video was viewed online over 2 million times.¹² Later that day, the JK Wedding Dance party appeared on NBC's *The Today Show* to recreate their playful choreography on a ramp set up in midtown Manhattan.

Some observers found the rise to prominence of the video suspicious. In a blog posting entitled, "The JK Wedding Dance: A Manufactured Success?" the authenticity of the video was debated, and readers wondered if there was more to the story than was being revealed in the media, both online and offline. One comment read, "I've always been troubled by the audio quality in the video. . . . The music would have had to have been very loud for a small video camera to capture it that well. . . . It feels to me that the music was overdubbed in post-production."¹³ More carefully crafted conspiracy theories surfaced online, suggesting that the phenomenon of the wedding dance video was engineered to serve the dual purpose of generating revenue for the music label and salvaging Chris Brown's reputation. Augustine Fou, chief digital officer at a healthcare consultancy and a PhD from MIT, blogged regularly on stories related to Internet strategy and analytics. As the view count for the video approached 15 million, less than 2 weeks after it appeared on YouTube, he wrote a blog post entitled "The JK Wedding Dance video was real; the viral effect was manufactured." In it he wrote, "we did some more digging—digital forensics—and this is a case where a viral hit was indeed successfully manufactured. . . . The social intensity detected in all of the top social venues like Technorati, Delicious, Reddit, Digg, etc. indicate there was not enough organic sharing to support 13 million views in 11 days."¹⁴

The last week of July saw the wedding dance video turn into a cultural "meme," or unit of meaning used beyond its original context. On July 29, 2009, a video produced by Indigo Productions of New York City entitled "JK Divorce Entrance Dance" appeared online. Indigo was founded in 1990 and had a client list that included American Express, IBM, Revlon, and the Smithsonian. The staff at Indigo pulled together a crew of trained Broadway actors and performers and a professional choreographer for a divorce-themed spoof of the JK Wedding Dance. The group rehearsed for one hour, and the video was shot in three takes.¹⁵ Indigo's CEO Max Rosen said the genesis of the video came from a bet with a client, who told Rosen that he could not intentionally produce a viral video. Rosen took on the challenge with aplomb, and the video quickly surpassed 1, then 2, then 3 million views. By the end of the year, the Divorce Dance video had been viewed over 6 million times. In a blog posting on Indigo's website, Max Rosen and Warren Zenna wrote: "Video production companies are getting more and more requests for 'viral videos'. . . . Underneath the hood of this new seemingly chaotic marketing phenomenon is actually a complex combination of marketing savvy, technical know-how and behavioral science. . . . But let's be clear: An estimated 70,000 new videos are posted to YouTube every day. Obviously, the majority of these homemade wonders are lost in the cybersauce."¹⁶

On July 30, a post entitled, "I now pronounce you monetized: a YouTube video case study," appeared on YouTube's official blog. In the post, the writer examined the phenomenon of the JK Wedding Dance as an example of YouTube's ability to do more than host server space for the world's

videos. "One of our main goals at YouTube is to help content creators effectively make money from the distribution of their content online. That they can do so in a way that brings artists and our community together to create fun, spontaneous, and inspiring works, is one of the best and most exciting things about YouTube."¹⁷

Throughout the summer and into the fall of 2009, the JK Wedding Dance continued to attract views online and fuel chatter online and in blogs, with spoofs and parodies appearing on television and the Internet. On average, the video was receiving approximately 100,000 views per day. On October 8, 2009, the number of views increased significantly when a plotline for the NBC program *The Office* involved the wedding of two characters and a reenactment of Jill and Kevin's wedding dance. Online views approached 500,000 per day immediately after the broadcast, reaching 30 million by the end of the month.

The bridal couple, Jill and Kevin, responded to the expropriation of their video by popular culture by adding a note to their YouTube posting of The Wedding Dance Video, as well as on their website jkweddingdance.com, in which they acknowledged the controversial nature of the song featured in their video clip but announced that they would be soliciting donations and contributing those monies to charity. They wrote: "Due to the circumstances surrounding the song in our wedding video, we have chosen the Sheila Wellstone Institute," which—according to its own website—works to end violence against women and children."¹⁸

The Artist behind the Song behind the Video

The song heard in the JK Wedding Dance video was Chris Brown's *Forever*. It was first released in May 2008. The song appeared on Brown's second album *Exclusive*, which went platinum, selling over 1 million copies, and the single reached No. 2 on the *Billboard* charts. Brown's debut album, released in 2005 when the singer was just 16 years old, had been certified double platinum by the RIAA (Recording Industry Association of America).¹⁹ When Nielsen Soundscan did its tallies for the top-selling artists of 2008, Chris Brown ranked fourth in digital music, with 6.8 million paid downloads.²⁰ At a time when most artists in the music industry were foundering, Brown's music was proving to be highly profitable. He was signed to Jive, a Sony Music Entertainment label that housed international superstars such as Britney Spears, Justin Timberlake, and the Backstreet Boys. The label was owned by Sony Music Entertainment.

On February 8, 2009, following a call to 911 about a domestic violence incident, Brown turned himself in to the Los Angeles Police Department. The police report in Brown's file said that the woman involved in the incident, unnamed at the time of Brown's booking, had sustained visible injuries. Brown was booked on charges of making criminal threats and posted \$50,000 bail. The story immediately made international headlines, creating a torrent of negative publicity for the young star. On February 9, chewing gum manufacturer Wrigley's announced that print and television advertisements for Doublemint gum featuring Chris Brown and his music would be pulled. On February 10, the "Got Milk" campaign announced it would be ending its relationship with Brown. Many radio stations removed Brown's music from their playlists, and public appearances, such as the 2009 Grammy Awards, were called off.²¹ Reports about the identity of the alleged victim soon began to surface, naming R&B singer Rihanna, who had been dating Brown. On June 22, 2009, Brown pleaded guilty to a felony charge and agreed to five years of probation, including community labor and anger management classes.

Sony Music: What to Do about the Wedding Dance Video

Jeff Dodes was the executive vice president of marketing and digital media for Sony's Jive Label Group. He led a 16-person team that was responsible for all aspects of artist marketing, with a special interest in direct-to-consumer digital strategies and the monetization of new media products such as ringtones. One of his team's tasks was to promote Jive's artists on social media. He reflected on the irony of the accidental attention being paid to Chris Brown on the Internet: "We sit around these offices on a daily basis and try to figure out how to create viral activity for our artists, often with little success. Then this happens."

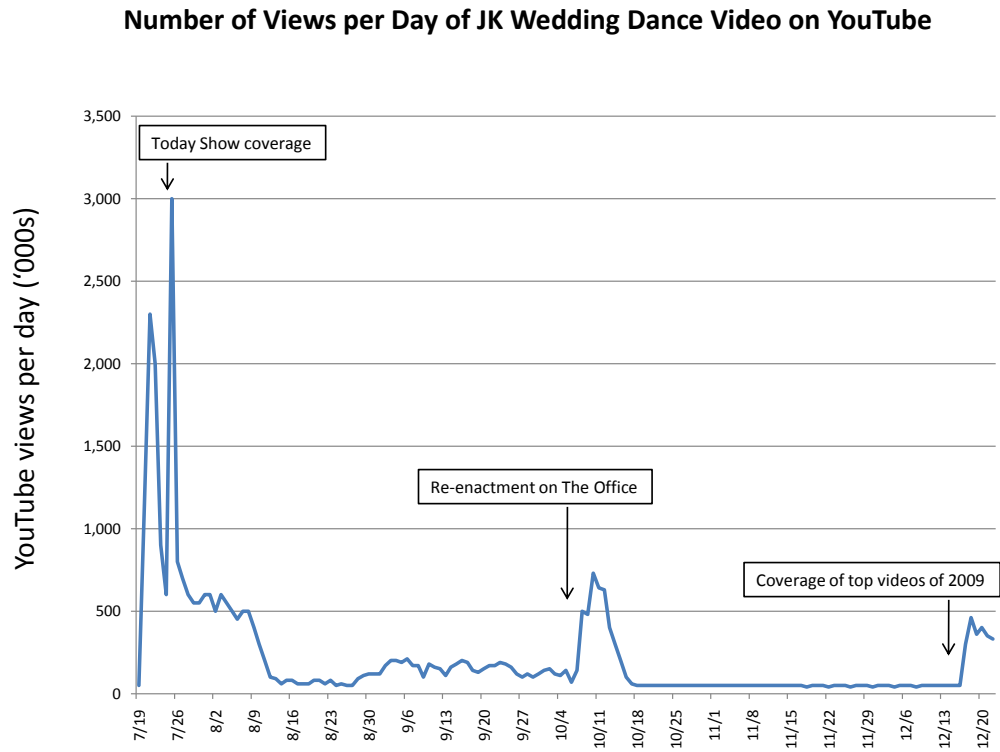
Sony was one of about 1,000 media companies that had signed a content-licensing deal with YouTube. Under the deal's terms, YouTube used a content identification system to track and notify the licensees of copyrighted materials on YouTube. When the JK Wedding Dance video began to be viewed in large numbers, a YouTube employee took note and told Sony that one of its songs was being used without authorization. At that point, Sony had three options:

- Issue a take-down notice. A provision of the 1998 Digital Millennium Copyright Act (DMCA) empowered the holder of copyright on works that were hosted online without authorization or licensing to instruct the host to remove them.
- Do nothing. By doing nothing, the artist or the copyright holder might be able to benefit in some ancillary way from the attention being paid to the song—for example, by selling tickets to concerts.
- Notify the host that it was claiming the song. By putting the host on notice that they were the owners of hosted material, the copyright holder could negotiate some form of revenue-generating or sharing agreement. Very popular content was particularly valuable, and so the host was usually willing to offer inducements to legitimate claimants to keep their content on the system. When content drew traffic to the host's site, the traffic could be monetized with advertising or sales revenue. For example, Sony could tell YouTube to put a "click to buy" overlay on the video so that viewers could click through to iTunes or Amazon to make a purchase.

As Dodes weighed these three courses of action, he reminded himself that one should disturb the natural flow of consumer behavior as little as possible. "At Jive, I've taken the approach that the best thing in most cases is to try and allow the consumer to do what the consumer wants to do with content after it's been released. That's the physics of the web nowadays; it is nearly impossible to prevent it, so you need to embrace it, and oftentimes positive things can come of it. At the same time, if our artists' content is being used, they should be paid for it."

But interpreting this philosophy in the light of the Chris Brown song posed particular problems. The public scandal that had erupted only months earlier meant that any attempt to redeem Brown's reputation through aggressive promotional activity could raise the public's ire. There were, however, relatively simple things that an artist's label might do to capitalize on awareness. "We could put a link to the wedding dance video on Chris's website. We could mention the video in emails to fans. What happens organically is fine, but under the circumstances, we don't want to go out of our way to encourage it."

Exhibit 1 YouTube Views



Source: Casewriter research.

Endnotes

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