

# The Logic of Copyright

Copyright creates **enforceable** exclusive rights that **motivate** creative production, **facilitate market transactions**, and are **balanced** in a way that ensures access, allows subsequent creativity and innovation, and promotes knowledge, democracy, and social discourse.

Does the **digital age** affect the logic of copyright?

- Does ease of infringement create new **enforcement** challenges?
- Does digital creation, production, distribution, and curation change the **motivation** calculus?
- Does the proliferation of digital works and authors change **transaction** costs?
- Does the existing **balance** need recalibration to account for new forms of creativity and platforms for distribution?

## Does ease of infringement create new **enforcement** challenges?

- Measures of infringement and motivations of infringers
- Risk of over-enforcement, chilling effects on legitimate use, technological innovation
- Implications of broadband proliferation
- Norms and public comprehension
- Detection of infringement
- Cost of enforcement
- Effectiveness of remedies

Does digital creation, production, distribution, and curation change the **motivation** calculus?

- In which sectors does copyright motivate creativity?
- In what sectors is this motivation essential? Based on what data about costs of creative production and plausible business models?
- In which sectors are other motivations and business models operating? Are they sufficient?
- Under what circumstances and in what sectors does copyright inhibit creativity and/or technological innovation?
- What kind of creative productivity relies on the public domain?

# Does the proliferation of digital works and authors change **transaction** costs?

- Transaction costs and other barriers to utilization
- Special problems of orphan works, user-generated content, collaborative, and iterative works
- Examples of successful arrangements
- Role of facilitating public and private institutions
- Relationship of transaction costs to legal rules, e.g. compulsory licenses
- Changes in transaction costs with new technological and business developments

Does the existing **balance** need recalibration to account for new forms of creativity and platforms for distribution?

- How do existing exceptions and limitations apply to new creative and technological practices?
- How does copyright interact with innovative and/or disruptive technologies and platforms?
- Is the scope and duration of copyright well-calibrated for various types of digital era works? Should it be more sector specific?

# Methodological Approaches

- Historical case studies
- Quantitative data analysis
  - Descriptive
  - Causal
- Experiments and surveys
- With special attention to:
  - Sectoral comparisons
  - Cross-national comparisons

## Possible Implications for Evidence-Based Policy Formation

- **Enforcement:** Remedies, priorities, resources, technology
- **Motivation:** Subject matter reform (e.g. more protection for news?), sectoral specificity
- **Transactions:** Orphan works, registries
- **Balance:** Exceptions and limitations, duration

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- **Balance:** Exceptions and limitations, duration
- Improved **data collection and metrics**