

Launching the LSE Media Policy Project Brief 1: Public responses

By Zoetanya Sujon

The LSE Media Policy Project's first policy brief, entitled 'Creative Destruction and Copyright Protection', was successfully launched last week on the eve of the judicial review for the Digital Economy Act (DEA) began a few days later on March 23. The report authors, Bart Cammaerts and Bingchun Meng advocate file-sharing as an important activity in participatory culture responsible for fostering creativity and innovation; rather than as a criminal activity requiring often repressive copyright enforcement measures.

The brief is hosted on [Scribd](#) and has been categorized as a "must read" by [Michael Geist](#). As of this morning, the brief has been viewed a phenomenal **10 547** times and has been downloaded **901** times. Also as of this morning, the brief has been viewed **1 556** times on our blog.

So what have people been saying?

Overall, the report has been welcomed, particularly by those who have long been calling for a shift in the negative tone framing file-sharing, as defined by the recording and media industries. Many have picked up the evidence-based critique of the music industry's declining revenue and made links to related studies strengthening the case against the DEA and for more positive policies on file-sharing.

[Dwayne Winseck](#), a professor at the School of Journalism and Communication in Carleton University, writes an insightful [blog post](#) outlining similarities across between copyright measures and media industries in several countries. Winseck claims that although governments should not be protecting "business models," the fact that they do "is also evident in Canada." Winseck suggests that although Cammaerts and Meng should take a more critical view of "IPFI's data," he strongly agrees and elaborates upon their argument that the music industry is actually thriving:

"taking into account all sources of income, the music industry has not contracted, but expanded greatly since the late-1990s, precisely alongside the massive popularization of the Internet."

[Cory Doctorow](#), co-editor of popular technology blog Boing Boing, [Electronic Frontier Foundation](#) (EFF) Fellow and journalist, [claims](#) the report is "an eye-opening look at the economics of file-sharing and music." Like others, Doctorow picks up on the report's critique of the record industry's flawed claims that file-sharing is responsible for declining profits. Julie Samuels, an EFF attorney focusing on intellectual property, [welcomed](#) the report's review of the evidence. Samuels also discussed another recent [report](#) which found that "unauthorized file-sharing in some developing economies has actually created opportunities" especially in emerging economies.

Asher Moses, Australian journalist for [The Age](#) and [The New Sydney Herald](#), refers to the music industry as "frequently dishonest with the public about the impact of piracy." Moses points to a January 2011 [paper](#) by University of Minnesota economist, Joel Waldfogel, who concludes that in the decade since Napster, there has been "no evidence that the quantity of new recorded music or artists had been affected by file-sharing over the past decade" – further supporting Cammaerts and Meng's argument that the music industry is doing a lot better than it claims.

All of these studies support the argument that file-sharing is not threatening creative growth; rather it appears to be opening new opportunities for creative growth in and out of the music industry.

Matthew Lasar, an **Ars Technica** journalist, takes a broader view of the LSE report, focusing on three key points related to:

1. The “inappropriate and disproportionate” measures proposed by the DEA,
2. The “downward economic pressure” influencing change – rather than all around decline – in the music industry’s revenues, and
3. The increasingly central role of innovation and “not-so-marginal” file-sharing activities by emerging musicians and artists.

Lasar also points to **studies** by Felix Oberholzer-Gee and Koleman Strumpf, one of which analysed the (non) correlation between “actual downloads of music files” and the “decline in legal sales of music” (2007).

Jag Bahra and Eugenio Quintieri who have been blogging for the **Open Rights Group** on the 4 day judicial review brought by Talk Talk and BT provide a detailed day-by-day **overview**. While Judgement from the judicial review of the DEA is expected “as soon as reasonably practicable,” it is also expected that there will be at least a year long delay in implementing the DEA.

Let’s hope that this delay is a sign that government and policy makers are able to take into account this evidence and, as Meng hopes, drastically “reconsider their approach toward file-sharing.”

Media Policy Project Brief 1: Press and blog links

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