

Media Policy Project Policy Brief 1: Creative Destruction and Copyright Protection

By Bart Cammaerts and Bingchun Meng

Two days before the opening of a Judicial Review on the Digital Economy Act (DEA), a new **report** from the London School of Economics and Political Science casts doubt on the proportionality and likely effectiveness of measures to protect intellectual property, due to be implemented by the DEA. This report, called 'Creative Destruction and Copyright Protection' by Bart Cammaerts and Bingchun Meng (London School of Economics), has been commissioned by the LSE Media Policy Project.

The LSE Media Policy Project research finds that:

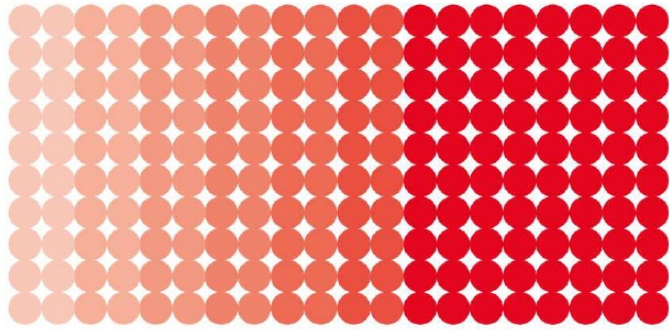
- o The DEA gets the balance between copyright enforcement and innovation wrong. The use of peer-to-peer technology should be encouraged to promote innovative applications. Focusing on efforts to suppress the use of technological advances and to protect out-of-date business models will stifle innovation in this industry.
- o Providing user-friendly, hassle-free solutions to enable users to download music legally at a reasonable price, is a much more effective strategy for enforcing copyright than a heavy-handed legislative and regulatory regime.
- o Decline in the sales of physical copies of recorded music cannot be attributed solely to file-sharing, but should be explained by a combination of factors such as changing patterns in music consumption, decreasing disposable household incomes for leisure products and increasing sales of digital content through online platforms.

According to report author, Bart Cammaerts,

“The music industry and artists should innovate and actively reconnect with their sharing fans rather than treat them as criminals. They should acknowledge that there are also other reasons for its relative decline beyond the sharing of copyright protected content, not least the rising costs of live performances and other leisure services to the detriment of leisure goods. Alternative sources of income generation for artists should be considered instead of actively monitoring the online behaviour of UK citizens.”

LSE expert, Bingchun Meng, argues that

“the DEA has given too much consideration to the interests of copyright holders, while ignoring other stakeholders such as users, ISPs, and new players in the creative industry. I hope the Judicial Review will make the government reconsider its approach toward file-sharing.”



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Creative Destruction and Copyright Protection Regulatory Responses to File-sharing

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