

Moving beyond the copyright 'crisis'



*Content producers often lament over how the Internet has undermined copyright. Yet others question whether content owners are manufacturing a crisis that no longer exists. LSE's **H  l  ne de Chalambert** reflects on the debate, and suggests that successful content owners are innovating and moving beyond narrow views of copyright infringement.*

Intellectual property and policy is in a 'transformation phase', says Dr **Luke McDonagh** of the Department of Law at LSE. The copyright 'crisis' is no longer the threat that it once was. Polarised debates about copyright calling it either a shield to protect creativity or a sword to stop infringement are becoming irrelevant.

McDonagh joined with several panellists at '**The Theft of Creative Content: Copyright in Crisis**' event organised by LSE Law and the PRS, to debate in the search for new thinking on 'piracy' and the copyright 'crisis'.

MEP and **Pirate Party** leader Amelia Andersdotter illustrated that such **linguistic crusades** make the whole idea more complex to grasp and leave us, *the audiences of cultural content*, in a moralistic-normative mental battle: 'sharing is good', 'theft is bad', 'file-sharing is theft', but 'share, share, share!' The list is non-exhaustive. Andersdotter criticized the labelling of infringement as 'theft'. Theft suggests taking something tangible away from someone so that they no longer have it. Yet music is non-rivalrous. Indeed, as **Robert Ashcroft**, chief executive of **PRS for Music** explained, the value of music can be enhanced when it is shared, and social platforms like YouTube and Spotify generate significant royalties for producers of music.



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To buy or not to buy?

As several panellists explained, there remain significant questions about whether rational consumers will chose to pay for music. Rather than punishing 'pirates', the better approach is to monetize new models of content delivery including Internet streaming. In fact, Ashcroft revealed that PRS made ** 642 million last year**, in part because it was able to track, process, and extract royalties from 104 billion plays of steaming music. Does this sound like an industry in crisis?

Rewarding creative work

Of course artists should be encouraged to create and be compensated for their work. But it does not follow that we should rely only on protecting 'copyright' as we know it.

The same technologies that enable file-sharing have also created new opportunities. As musician and songwriter **Eg White** pointed out, the costs of producing music and other forms of content have significantly diminished. This has allowed people to experiment and **in some cases succeed**. New generations of authors/creators now **wish** that their content is shared and spread around the world. They need to become known in order to become successful. And trying to restrict people's

online behaviour is simply not the way to succeed. Yet according to Andersdotter, cease and desist orders continue to be tools used by producers to penalize sharing of cultural content.

Don't worry about the industry, the dark clouds are gone

Those who agonised about the downfall of the industry can now relax. As Ashcroft explained, large-scale production and distribution companies are adapting and finding efficient ways to make profit through online ventures (e.g. subscription-based services). And it's not because of copyright. It's because people are willing to buy content that some online services thrive. Indeed, Ofcom's own commissioned research found that the optimum price audiences were willing to pay 'generally increased as the volume of infringed content increased'.

Conceiving financial rewards or incentives merely in terms of copyright is **obsolete and unsustainable**. That narrow focus is the real 'crisis'. The debate feels to me like an on-going loop of archaic conflicts of interest. Being flexible and open to how people react to new developments is, I suggest, the way to move forward. *Nous sommes tous un peu voleurs*^[1], after all!

^[1] We're all a little thieves

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