
ATRIP Congress 2022 – Paper Proposal

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The Contribution of Copyright to the Survival and Resilience of the Cultural Sector During the Pandemic and Beyond

With restrictions on public events and gatherings of persons, the corona measures posed unprecedented challenges to artists (authors and performers) and businesses in the cultural sector. In particular, the crisis endangered the survival of small entrepreneurs and freelance professionals – actors whose bankruptcy would make broad inroads into cultural diversity. The limited possibilities for events during the crisis severely curtailed revenues accruing from analogue ‘real-life’ exploitation modes.

While state support and public funding mitigated the corrosive effect of corona restrictions to some extent, the crisis showed that one of the keys to a resilient creative sector lies in sustainable digital exploitation modes that are capable of ensuring a decent income regardless of open ‘real-life’ podia. In the light of corona restrictions, artists and businesses increasingly organized the digital exploitation of works and performances through online content platforms, such as YouTube, flickr and deviantArt. In pre-corona research, freelance artists already expressed the hope to derive more income from their creative work in the digital environment. The reliance on digital exploitation is particularly strong among younger artists.

It is an open question, however, whether copyright and neighbouring rights are capable of ensuring a sufficiently robust and profitable source of income in the digital environment – a source of income that is comparable to revenues accruing from traditional, analogue modes of exploitation.

Against this background, the paper aims to clarify the contribution of copyright to the survival and resilience of the creative sector during the pandemic. Using a mixed-method approach (desk research, an online survey and focus group interviews), it will shed light on the evolution of new avenues for online exploitation, and identify best practices in promoting and exploiting cultural works during the crisis. The analysis will culminate in recommendations for the further development of copyright law and practice to ensure that digital exploitation becomes as profitable as analogue exploitation.