CopyrightEvidence.org

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University of Glasgow & CREATe

CREATe || RCUK Centre for Copyright & New Business Models in the Creative Economy

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European Policy for Intellectual Property conference

There is a gap in the field

- There is a growing interest in evidence relating to copyright.
- Driven by changes in technology, the industry, the legal framework and human behaviour.
- More & better data both in size & depth over the past decade.
- Recent methodological improvements in empirical social science affect both *research* and *policy*.
- At CREATe we focus on collecting systematically all empirical studies, designing and directing an online platform on copyright evidence which is available in the public sphere - please visit!
  $\Rightarrow$ **CopyrightEvidence.org**

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Copyright Evidence

*Welcome to the **Copyright Evidence Wiki** developed and maintained by CREATe at the University of Glasgow.*

Propose a Study **Define a Study** **View All Studies**

CopyrightEvidence.org intends to establish a body of evidence that allows better navigation in a contested policy field. Competing claims can be assessed and challenged transparently if the underlying data and methods are revealed. Robustness and limitations of findings are meticulously collected and are available here for all to see.

This project is offering a form of a dynamic literature review in a rapidly changing technological, business and socio-legal landscape, as the evidence related to copyright is consistently and transparently updated to account for the most recent findings. Only very recently, new research methods in combination with the development of big data, which are richer both in size and in depth, have allowed researchers to test empirically key theoretical propositions and forced them to build theories which are consistent with observation. This generated the need to evaluate political decisions and design policy interventions based on evidence.

This open online platform builds on an innovative research philosophy and examines copyright from an interdisciplinary perspective, while it also facilitates bringing evidence to the debate from studies in fields that were previously overlooked. Relevant empirical work spreads across conventional methodological and disciplinary boundaries and it does not need to have "copyright" in the title.

A crucial dimension of the existing evidence examines different stages of production (e.g. creation, innovation, diffusion, distribution), in various creative industries (e.g. music, film and motion pictures, TV programmes, computer software, books), and estimates the effects of copyright on diverse agents in each sector, such as creators, investors, distributors, users or society as a whole. Heterogeneity seems to be a key common element across several studies. The fact that the impact of copyright law differs across various agents, industries and different demographic groups, implies the need for more specific policies (for instance, even though the Ofcom (2011) survey provides evidence for heterogeneous effects, this remains an understudied aspect in most of the existing studies).

Propose a study
Define a study (full)
Define a study (core)

Manage
Manage Candidate Studies

Browse Studies
View all studies
View NEW studies
View unfinished studies

Tools
What links here
Related changes
Special pages
Printable version
Permanent link
Page information
Browse properties

Welcome to Copyright Evidence

439 studies are currently recorded

Semantic drilldown: Dynamically filter the recorded studies according to a range of semantic criteria

Random article:

Gerhardt, 2014 — Gerhardt, D. R. (2014). Copyright at the Museum: Using the Publication Doctrine to Free Art and History. Available at SSRN 2505041.

Methodology (Collection)

- Quantitative Collection Methods *(139)*
  - Survey Research (quantitative; e.g. sales/income reporting) *(145)*
  - Experimental (Laboratory) *(12)*
  - Experimental (Field) *(7)*
  - Experimental (Natural) *(5)*
  - Web analytic (online user trace data) *(37)*
  - Quantitative data/text mining *(65)*
  - Longitudinal Study *(21)*
  - Snowball sampling *(0)*
- Qualitative Collection Methods *(91)*
  - Survey Research (qualitative; e.g. consumer preferences) *(107)*
  - Case Study *(13)*
  - Ethnography *(12)*
  - Life History *(2)*
  - Unstructured Interview *(5)*
  - Semi-Structured Interview *(25)*
  - Structured Interview *(6)*

The *Philosophy* of the Copyright Evidence Wiki

- The Wiki offers a form of a **dynamic literature review** in a rapidly changing technological, business and legal landscape.
- Frequent updates facilitate identifying gaps in the literature, across various problems, industries or geographic areas and bringing evidence to the debate from studies in fields that were previously overlooked (*visual*).
- Only recently, new research methods & better data, allowed researchers to test empirically **key theoretical propositions** and build theories which are consistent with observation.
- These recent developments in interdisciplinary research, methods & data generate the need to evaluate political decisions & design **policy interventions based on evidence**.

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1.2 Main Results of the Study
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Source Details

Abstract

Creators and owners of intellectual properties are alarmed by the growth of technologies that ease the task of copying these properties. This paper, however, shows that the unauthorized copying of intellectual properties need not be harmful and actually may be beneficial. The empirical impact of photocopying on publishers of journals is examined in an attempt to discover if publishers can indirectly appropriate revenues from users who are not original purchasers. The evidence indicates that publishers can indirectly appropriate revenues from users who do not directly purchase journals and that photocopying has not harmed journal publishers.

Main Results of the Study

Main results:

- Photocopying has not had a detrimental effect on publishers.
- The pricing of commercial publishers is significantly more discriminatory than non-commercial publishers.
- The age of the journal has little clear effect on the degree of price discrimination.
- The existence of indirect appropriability is confirmed: the more intensive use of journal in libraries allows publishers to raise the price charged to libraries.
- There is evidence that photocopying increased the price paid by libraries for journals relative to the price paid by individuals.
- The emrgence of price discrimination was not limited to economics journals.
- Growth in reprography has not coincided with a period of decline for journals.

Policy Implications as Stated By Author

Policy implications:

- The debate between publishers and users regarding photocopying's influence on publisher evenues has neglected important economic factors such as indirect appropriability, exposure effects, and price discrimination.
- The determination of photocopying's impact is a complex problem that cannot be determined without resorting to empirical evidence.
- Dicussions of policy have generally assumed that unauthorised copying must be harmful to copyright owners and have tried to weigh the harm to copyright owners from unauthorised photocopying against the gain to users.
- Recent attempts promoting clearinghouses to make the collection of copyright payments more economic may be as possibly redundant or unnecessary.
- With indirect appropriability, fair users may pay for their use of the intellectual product (albeit indirectly) just as other users pay, which has implications for fair use.
- Copying using other technologies may or may not have impacts similar to those found for photocopying.

Coverage of Study

Liebowitz (1985)

Title:	Copying and Indirect Appropriability: Photocopying of Journals
Author(s):	Liebowitz, S. J.
Year:	1985
Citation:	Liebowitz, S. J. (1985). Copying and indirect appropriability: Photocopying of journals. The Journal of Political Economy, 945-957.
Link(s):	Definitive
Key Related Studies:	• Besen (1984) • Johnson (1985) • Novos and Waldman (1984)
Discipline:	• K11: Property Law
Linked by:	Liebowitz (2004), Liebowitz (2006a), Waldfogel (2009)

About the Data

Data Description:	Data for a sample of 80 economics journals were collected; these data included institutional and individual subscription prices in both 1959 and 1982, the number of citations received by each journal, the age of the journal, and the type of publisher. Trends in library expenditures for American academic libraries were examined for the time period 1941-81 using 'College and University Library Statistics', published by College and Research Libraries (data covered the period 1941-53) and the Bowker Annual 1970-82 (data covered the period

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Coverage of Study

Coverage of Fundamental Issues

Issue	Included within Study
Relationship between protection (subject matter/term/scope) and supply/economic development/growth/welfare	✓
Relationship between creative process and protection - what motivates creators (e.g. attribution; control; remuneration; time allocation)?	
Harmony of interest assumption between authors and publishers (creators and producers/investors)	
Effects of protection on industry structure (e.g. oligopolies; competition; economics of superstars; business models; technology adoption)	
Understanding consumption/use (e.g. determinants of unlawful behaviour; user-generated content; social media)	

Coverage of Evidence Based Policies

Issue	Included within Study
Nature and Scope of exclusive rights (hyperlinking/browsing; reproduction right)	
Exceptions (distinguish innovation and public policy purposes; open-ended/closed list; commercial/non-commercial distinction)	✓
Mass digitisation/orphan works (non-use; extended collective licensing)	
Licensing and Business models (collecting societies; meta data; exchanges/hubs; windowing; crossborder availability)	
Fair remuneration (levies; copyright contracts)	✓
Enforcement (quantifying infringement; criminal sanctions; intermediary liability; graduated response; litigation and court data; commercial/non-commercial distinction; education and awareness)	

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Datasets

Sample size:	80
Level of aggregation:	Academic Journals
Period of material under study:	1959-1982

About the Data

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Trends in library expenditures for American academic libraries were examined for the time period 1941-81 using 'College and University Library Statistics', published by College and Research Libraries (data covered the period 1941-53) and the Bowker Annual 1970-82 (data covered the period 1959-81). No data was available for 1934-58.

PhD estmiates were derived from US Statistical abstracts. Data on the number of photocopiers appear to have been obtained from Xerox - possibly from their annual reports. The author does not state a specific source for this data.

Data Type: Primary and Secondary data

Secondary Data Sources:
- US Statistical Abstracts
- College and Research Libraries
- Bowker Annual
- Xerox

Data Collection Methods:
- Survey Research (quantitative; e.g. sales/income reporting)

Data Analysis Methods:
- Quantitative content analysis (e.g. text or data mining)

Industry(ies):
- Publishing of books, periodicals and other publishing

Country(ies):
- United States

Cross Country Study?: No

Comparative Study?: Yes

Literature review?:

Government or policy study?:

Time Period(s) of Collection:
- Not stated.

Funder(s):
- Center for Research in Government

Analysis – I. Fundamental issues about the copyright incentive

1. Relationship between protection (subject matter/term/scope) and supply/economic development/growth/welfare (**163**)
   – Some of the best work here uses historical counterfactuals. Piracy literature. Empirical non-IP work (recipes, jokes, formats, fashion).

2. Relationship between creative process and protection. What motivates creators (e.g. attribution, control, remuneration, time allocation)? What is the link between legal rules & the kind goods produced (e.g. adaptation, sampling, co-authorship, user creation)? (**65**)
   – Earnings lit. Are creators users & users creators (communication theories)?

3. Harmony of interest assumption between authors & publishers (contracts, creators vs investors, collective bargaining, licensing) (**21**)
   – Contracts, two sided markets, collecting society theory.

4. Effects of protection on industry structure (e.g. oligopolies, competition, superstars, business models, technology adoption) (**118**)

5. Understanding consumption/use (e.g. determinants of unlawful behaviour, user-generated content, social media) (**252**)

Policy – II. Evidence-based copyright policy

A. Nature and Scope of exclusive rights (**100**)

B. Exceptions (innovation/public policy aims; open-ended/closed list; commercial/non-commercial purposes) (**42**)

C. Mass digitisation/orphan works (non-use, extended collective licensing) (**15**)

D. Licensing and Business models (collecting societies, meta data, exchanges/hubs, windowing, crossborder availability) (**137**)

E. Fair remuneration (levies, copyright contracts) (**45**)

F. Enforcement (quantifying infringement, criminal sanctions, intermediary liability, graduated response, litigation & court data, commercial VS non-commercial, education & awareness) (**236**)

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Methodology

Guidelines for the cataloguing of copyright evidence where developed following a CREATe workshop on 20 October 2014, attended by Sayantan Ghosal (Dpt of Economics, University of Glasgow), Georg v Graevenitz (Queen Mary University of London & CREATe Fellow in Innovation Economics), Morten Hviid (Centre for Competition Policy, University of East Anglia) and Ruth Towse (Bournemouth University & CREATe Fellow in Cultural Economics). Further consultations have taken place with Chris Buccafusco (New York University), Smita Kheria (University of Edinburgh), Joost Poort (Institute for Information Law, University of Amsterdam & CREATe Fellow in Economics of copyright and media industries) and Steven Watson (Lancaster University).

The initial selection of 500 studies was drawn from four sources:

1. A scoping review of the "piracy" literature commissioned by CREATe from Watson, Fleming and Zizzo, published in 2014. This used a review technique from the medical sciences to identify more than 50,000 academic sources that were potentially relevant for assessing unlawful file sharing, covering music, film, television, video games, software and books. During the review process, the sources were narrowed down to 206 articles which examined human behaviour.
2. Working papers and pre-prints published in the SSRN e-journal Intellectual Property: Empirical Studies (edited by Christopher J. Buccafusco and David L. Schwartz). 710 papers published between November 1996 and July 2015 were narrowed down to 132 studies relevant to copyright law. These were further reviewed by the core editorial team of the Wiki (Koutmeridis, Erickson, Kretschmer) if they contained "sufficient empirical material" that warranted coding. "Sufficient empirical material" could be quantitative or qualitative. Our working definition excluded anecdotal or journalistic treatment, though single case studies were acceptable if the methodology was articulated and justified. A total of 103 studies were selected and catalogued from this SSRN source.
3. Expert literature reviews conducted by Handke (2011), Kretschmer (2012) and Keria (2013) to fill some of the gaps left by the "piracy" review, in particular relating to creator perspectives. A total of 81 studies will be catalogued under this method.
4. 50 governmental reports on intellectual property/copyright policy, proposed by CREATe doctoral candidates Kenny Barr and Megan Blakely, and reviewed by the core editorial team of the Wiki (Koutmeridis, Erickson, Kretschmer).

The initial selection of studies was pragmatic. The aim was to set a standard of review, and allocate limited resources for coding. The Wiki format is designed to enable user participation, and any gaps in the evidence should be filled by interested parties who may submit studies as candidates for coding, and/or volunteer to code these according to the template developed by the team.

An editorial review process will be devised that will be open, yet robust enough to prevent capturing of the Wiki platform by any specific interests. For this purpose, an editorial board will be constituted, following the public launch of the Wiki, on 2 September 2015, as part of the 10th Annual Conference of the European Policy for Intellectual Property Association (EPIP 2015).

This page was last modified on 25 August 2015, at 14:42.

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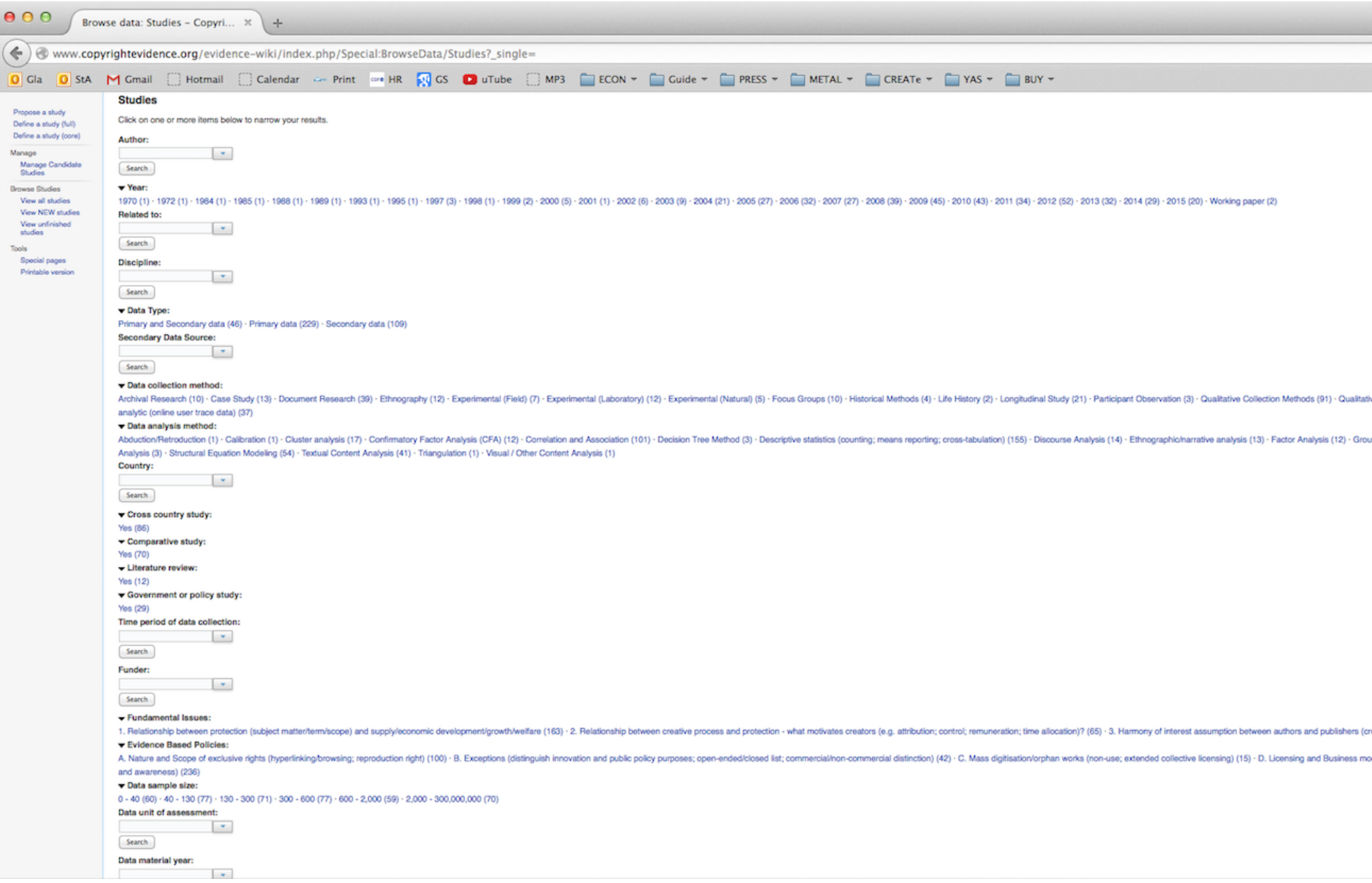
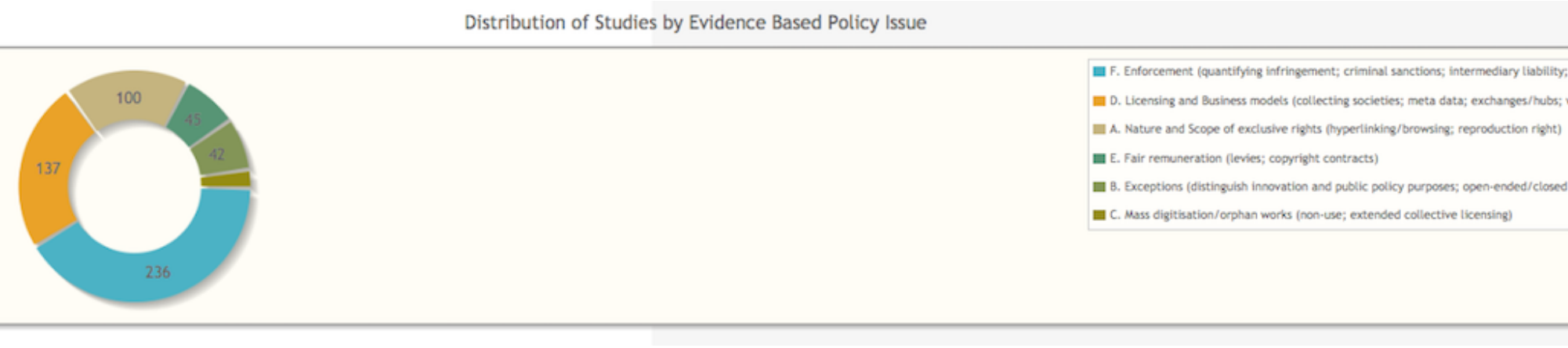
How to Use the Copyright Evidence Wiki

- Research
- Policy
- Industry

Use the Copyright Evidence Wiki for **Research**



Use the Copyright Evidence Wiki for **Policy**



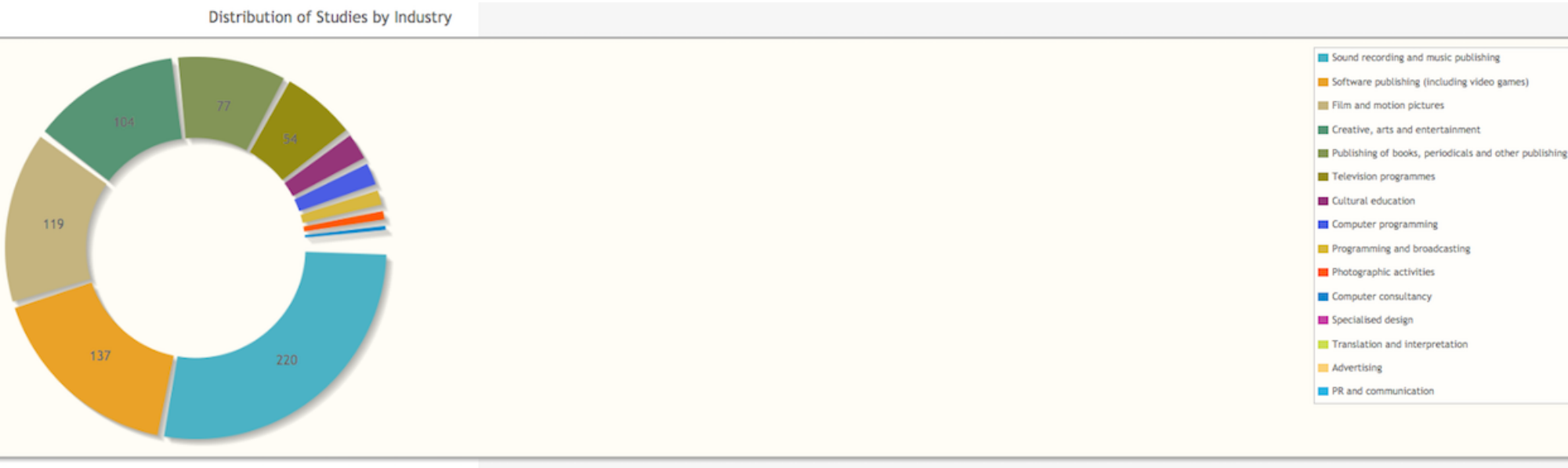
– Browse by funder. For instance, compare results from studies funded by governments VS companies.

– Browse by country. Cross-country comparisons are available too.

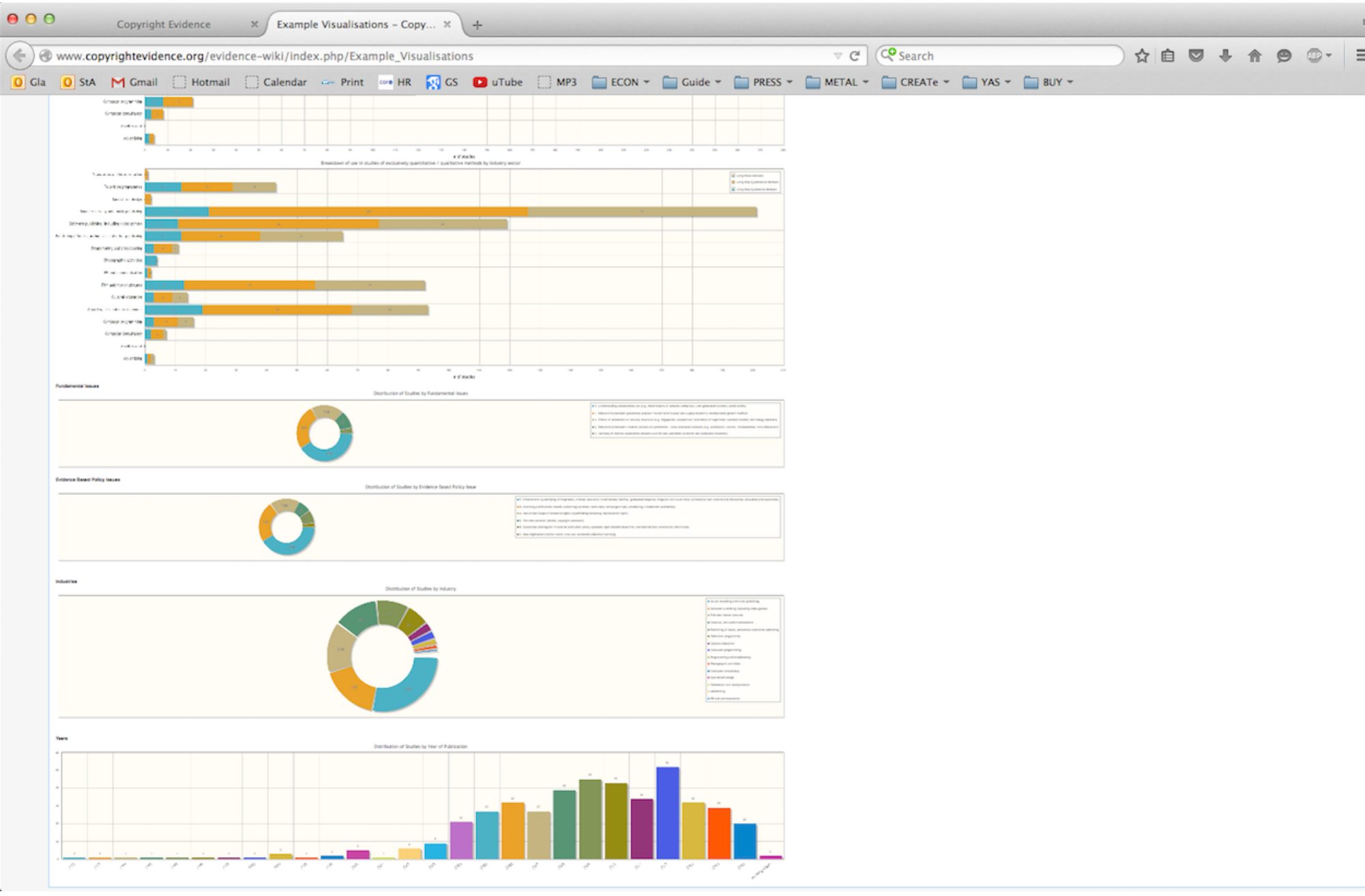
Use the Copyright Evidence Wiki for **Industry**

– Heterogeneity across industries. The same results do not hold for all sectors. Specific analysis and focused policies are required.

– Firms invest greatly in R&D. Knowledge exchange across research, industry and firm/public policy.



Copyright Evidence Wiki: **Visualisations**



Contribute

- **Contribute (create, edit, share your ideas)**
  – have your say, influence your field,
  – affect policy in the UK and abroad,
  – contribute to CREATe, spread the word.

- **Paid Opportunities available (RAs, interns, etc)!**

- **Big thanks to:**
  – **Our amazing RAs**: Fabiola Alvarez Lorenzo, Kenneth Barr, Megan Rae Blakely, Christoforos Bouzanis, Seemanti Ghosh, Jaakko Miettinen, Victoria Stobo & Andrea Wallace.

How can I contribute?

THANK YOU FOR YOUR PATIENCE!

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