

***Artists' Copyright: An Empirical Analysis of Ex Ante & Ex Post Justifications for Copyright***

There is currently no empirical evidence that strong copyright laws lead to more creative output. This falsified assumption undermines both the *ex ante* and *ex post* incentive theory justifications for copyright. This project offers a supply-side empirical analysis of the incentive theory of copyright as a complement to the theoretical work in this area, and aims to determine whether the copyright laws motivate artists by asking three questions: (1) Do artists know their rights under the copyright laws, and if so, are they motivated by them? (2) To the extent they are aware of their rights, are artists willing to complain and/or take the necessary steps to combat misuse and infringement? And finally, (3) how likely do artists think their rights are to be respected (both by other artists, and by companies and consumers) and enforced? The project seeks to answer the question “Are the copyright laws working?” not by looking to output or intermediary revenues – measures that tell us, at best, whether the copyright laws are supporting existing distributors’ business models – but rather by seeking artists’ interpretation of, and production under, the regime that is purported to incentivize them. The results of this project will inform both jurisprudence and legislation by recognizing that unlike, e.g., securities law, actors in the creative space cannot be assumed to have consistent nor sophisticated understanding of the law. The survey will highlight not only the diversity among creators – thereby questioning the wisdom of a one-size-fits-all regime – but also the divergence between creators and intermediaries in the copyright space.