



- **About the oor project (2010-2013)**

'Of Authorship and Originality' is a collaborative research project funded by the joint research programme of HERA, the Humanities in the European Research Area. It is a multi-disciplinary collaboration bringing together principal investigators and post-doctoral researchers of the Institute for Information Law (University of Amsterdam, The Netherlands), Infomedia (University of Bergen, Norway) and the Centre for Intellectual Property and Information Law (University of Cambridge, United Kingdom). The project queries how insights from literary theory, music studies, film/visual studies and other Humanities' disciplines can help articulate copyright norms that enable sustainable creative practices in the digital environment. Our focus will be on two interrelated, key concepts in copyright law: the author and the work.

- **The Individual Projects**

### **Authorship in Collective Arts**

Department of Information Science and Media Studies (Infomedia)  
University of Bergen  
Prof. Jostein Gripsrud, principal investigator  
Dr. Erlend Lavik, post-doc researcher



This project's theoretical challenge lies in finding a way to modify the traditional Romanticist notion of authorship that still inform today's copyright laws, particularly in view of the characteristics of collaborative production of artworks in different media and genres, without giving up on the idea that creators or authors of such works must retain a right to certain forms of control of the subsequent use of their works. In collaboration with our partners in the field of law, we wish to identify ways in which a renewed understanding could and should impact on the making and the interpretation of copyright law. While exploring theoretical contributions in several disciplines, our empirical focus will be creative processes in audiovisual production and popular music. Both cultural forms are heavily dependent on digital technologies and are thoroughly marked by collaborative forms of production. The Bergen project will study these two media and genres using well-proven ethnographic methodologies (participant observation and semi-structured interviews).

### **Multiplicity of Authors**

Centre for Intellectual Property and Information Law (CIPIL)  
Faculty of Law, University of Cambridge  
Prof. Lionel Bently, principal investigator  
Dr. Laura Biron & Dr. Elena Cooper, post-doc researchers



At present, by and large, national rules on authorship and copyright ownership are still based on the author as an individual autonomous agent operating in isolation. Within the overall theme of the research proposal on creative collaboration in the digital environment and copyright's response to facilitate such creative expression (or rather lack of it), the project by CIPIL will focus on problems of multiple authorship. Central in this stream are the relations between contributors: how roles are perceived within creative communities, and

the status that copyright law attaches to the various roles, notably the allocation of authorial control both as regards economic rights and immaterial interests (the 'moral rights' of the author). Drawing upon the authorship theories explored in the initial phase of the CRP, and incorporating the results of the case studies by the Infomedia, the CIPIL project will re-evaluate notions of co-authorship and develop approaches that are conducive to collaborative creative production.

### **The Work as Creative Expression**

Institute for Information Law ([IVIR](#))

Faculty of Law, University of Amsterdam

[Dr. Mireille van Eechoud](#) principal investigator & overall project leader

[Dr. Stef van Gompel](#), post-doc researcher

[Prof. dr Bernt Hugenholtz](#), advisor



This project queries the continued viability of the 'original work of authorship' as a legal object. From an economic perspective, the delineation of copyright subject-matter is ofcourse necessary in order to make it a marketable entity. Copyright law thus has a natural tendency to view creative expression as a 'thing', to which rights are attached. At the same time, the law in many jurisdictions now seems to have evolved to the point where 'original' and 'creative' seem to be synonymous terms, both meaning little more than 'not directly copied' or 'resulting from a modicum of freedom of choice'. In this stream the focus is on insights humanities scholarship can provide to critically rethink the concept of 'work of authorship'. We are particularly interested in how it may inform a copyright policy that better facilitates the needs of creators to engage with existing works and materials without having to seek prior authorisation. Such a rethink also needs to consider the current harmonised right of reproduction, which is essentially a very broad technical concept, lacking normative meaning. We are also particularly interested in how copyright theory can better recognise art forms and practices where the creative value is in the processes as much (or even more so) as in the final product or artefact.

### **- About HERA**

From the HERA Joint Research Programme (HERA JRP) 2009 Call for Outline Proposals 2009: 'Humanities in the European Research Area (HERA) is a partnership of a growing number of (inter)national Humanities funding agencies across Europe. The main objective of HERA is to firmly establish the Humanities in the European Research Area and to seriously engage the Humanities in the Framework Programmes of the European Commission. HERA JRP partners have launched a joint call for trans-national Collaborative Research Projects (CRPs) in two humanities research areas: "Cultural Dynamics" and "Creativity and Innovation". [...] In recent years, creativity has come to be linked almost formulaically in a new conjunction, "creativity and innovation", which is proposed as a key driver of the economy...the very centrality of the conjunction offers arts and humanities research the opportunity for real interdisciplinarity, engaging with the ways in which the terms of creativity are being revalued by science, technology and the wider economy and bringing our own research to a better understanding of what it means to link creativity to innovation – culturally, socially and economically. It is the aim of this programme to seize this opportunity.'