

Reshaping EU Copyright Law to Support Creativity Online

Creative Reuse

This book offers an alternate trajectory for EU copyright law. Building on cultural norms in creative communities to reuse, recreate and share, the book proposes a more holistic approach to reconcile conflicting copyright interests. Drawing upon Niklas Luhmann's system theory, John Dewey's theory of art and feminist data theory, it advocates access to, and care within, creative communicative spaces, such as social media platforms or artificial intelligence (AI) data infrastructures, to safeguard creativity and cultural production online. Following a comprehensive assessment of current EU copyright law and related regulation, it proposes a rebuttable presumption of artistic communication to account for the nature of communication between authors, users and the public that safeguards creative reuse. The book isolates the question of remuneration, particularly in AI context, as one of collective socio-cultural value to address wider harms through a cultural commons existing on the border of the EU copyright system. Reflecting on traditional copyright concepts such as authorship, consent and remuneration alongside more novel legal structures like a right of collective informational self-determination, Reshaping EU Copyright Law to Support Creativity Online provides a foundation to reshape how the EU copyright system and its regulatory neighbours adequately respond to new forms of creativity, dissemination, and its use.

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Building on cultural norms in creative communities to reuse, recreate and share, the book proposes a more holistic approach to reconcile conflicting copyright interests. It advocates access to creative communicative spaces, namely social media platforms, as a necessary pre-condition for creativity online, for both authors and users that create - 'creators'. What follows is a comprehensive assessment of the current regulatory approach to safeguarding creativity both within and outside EU copyright law.

The book proposes a right to creative reuse for creators, supported by fundamental rights, that platforms must safeguard, and examines whether this standard is met by EU legislation and European Court of Justice jurisprudence.

Reflecting on traditional copyright concepts such as authorship, consent and remuneration, Reshaping EU Copyright Law to Support Creativity Online provides a foundation to reshape the EU copyright system to adequately respond to new forms of creativity, namely sharing user-generated content on social media platforms and artificial intelligence-generated content


121,50 €

121,50 € (zzgl. MwSt.)

vorbestellbar, Erscheinungstermin ca. Februar 2027

Artikelnummer: 9781509989317

Medium: Buch

ISBN: 978-1-5099-8931-7

Verlag: Bloomsbury Academic

Erscheinungstermin: 18.02.2027

Sprache(n): Englisch

Auflage: Erscheinungsjahr 2027

Produktform: Gebunden

Gewicht: 503 g

Seiten: 224

Format (B x H): 156 x 234 mm
