

Realigning economic rights with exploitation

The control of authors on the
circulation of works in the public
sphere

Methodology and Outline

- A tabula rasa method
 - As if we could start from scratch
- Outline
 - Exploitation as the compass for economic rights
 - Economic rights having become estranged from exploitation
 - Reconnection to the function of copyright, defined as circulation of works in the public sphere

Exploitation as an end

- Function of copyright
 - A control over exploitation
 - Exploitation is not an purely economic notion
 - Associating creators to the circulation of works in the public sphere
- Relevant means of exploitation
 - Open categories

Public sphere

- Kant and the ex post Habermas wrapping
 - Authors – *publishers* – reading public
- The tenets of the public sphere epistemology

Non-market dimension

Public dimension
public/private

Communicative dimension
using the work as a work

New means of exploitation

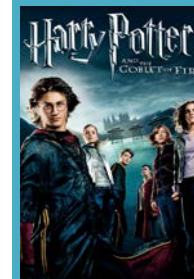
Marketing a
good for
permanent use



Providing a
service or
experience



Exploiting a
derivative work



Consequences

- Exclusion of private copying from scope of copyright (not a compensated exception anymore)
- Remuneration of authors
- Collective management
- Neighbouring rights
- Test cases
 - Text and data mining
 - Hyperlinking
 - Internet intermediaries and platforms
 - Digital resale