

The position of Joost Smiers on Copyright

Copyrights are becoming one of the most important commercial products of the 21st century, in a context of mergers of information and cultural conglomerates in a so-called new economy. Industrial synergies are fostered by a rationale of oligopolistic control of copyrighted material, and enforce a globalized marketing promoting a few stars (to maximize returns on investments) while pushing alternatives out of consumers' mental maps (non-marketed artists hardly find publics) and therefore harming cultural diversity (which is essential to democracy).

Yet home-made piracy somehow democratizes the use of artistic material, bypassing oligopolies, and many artists create through sampling of earlier works. Inspiration from earlier artists is unavoidable anyway, notwithstanding the romantic myth of a pure originality of the individual author, which never existed in reality. Freezing the creative process, as copyright does, harms this very process and thus hinders the development of creativity.

Artists have long created without copyrights, and most artists cannot make any decent living from their author's rights anyway. The expansion of copyrights rather favors investors. It also ignores collective rights, linked to folklore and still essential in non-western cultures of developing countries, therefore disadvantaged by copyrights and TRIPs.

The privatization of creative commons is making the public domain lose ground. Copyrights privilege monologues over dialogues, and corporate control over freedom of expression and information. Cultural artefacts, as a cultural heritage fostering human communication and creativity, should re-enter public domain.

Copyrights should be abolished. Alternative remuneration could be given to artists from both western and third-world countries though a tax levied on uses of artistic materials (disconnecting quantities sold by an artist from remuneration, thus countering the superstar phenomenon). The value of art would be discussed in cultural terms and degrees rather than juridical terms (with a dichotomy of creation vs. plagiarism).

(Short summary by Sacha Kagan,
based on articles by Joost Smiers
and on his book *Arts under pressure*)