

Does Law Inspire Creativity?

An Empirical Analysis of Copyright's Bounty

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ABSTRACT

In this study, we use statistical analysis to evaluate whether changes in copyright law influence the number of new works created. Relying upon U.S. copyright registrations from 1870 through 2006 as a proxy for the number of works created, we considered how four variables, population, the economy, law changes both legislative and judicial, and technology influenced new copyright registrations. Our findings demonstrate that the historic growth in new copyrighted works is largely a function of non-copyright related changes including population and economic growth. Despite the logic of the theory that increasing copyright protection will increase the number of copyrighted works, the data show no such correlation. As such, our study provides new insight into the relationship between changes in copyright law and human creativity in general and confirms the work of Landes and Posner with regard to changes to the length of copyright protection in particular. The only consistently statistically significant law changes are those that directly affect the registration process – increases in the registration fee, Congress's decision to eliminate any requirement for registration of foreign works, and the availability of group registration for serials. These observations are not only true for overall registrations, but for individual categories of copyrighted works including books, visual arts, performing arts, sound recordings, and motion pictures. Beyond registration related law changes, there is some evidence to suggest that more recent increases in copyright protection may actually decrease the number of new works created. Overall, these findings cast serious doubt on the proposition that increasing copyright protection increases the number of copyrighted works available to the public.