

Description for the general public

The project's overall objective is to analyse a mutual 'connexion' between both copyright and aesthetics in regard to the work idea. In both these cases, the work structure provides a basic element for further scientific constructions and theoretical models. Studying a history and evolution of particular normative regulations it is to notice that the aesthetics (still) have great and commonly not often recognizable impact on the interpretation of protection subject matter in copyright. In the copyright's legal doctrine has not been yet comprehensive elaborated, how 'deep' the normative protection steps in, ie. for what moment a work, within the meanings of aesthetics, evolves into a work, within the meaning of copyright. Moreover, the current legal interpretation face difficult questions about the legal qualification of modern forms of artistic expression in regard to the technological changes, such as in relation to computer programs and digital content. Analysing the aesthetical and legal theories will allow to answer a mind-boggling question whether copyright legal framework is (non)adapted to the needs of modern information society. The project will also verify a currently prevalent standpoint that the copyright regime is actually in a phase of excessive protection, ie. in a phase of granting exclusive rights in separation from its initial aesthetical and axiological assumptions (a phase of idea monopolisation).

The project's main objective is a comprehensive analysis on what constitutes a copyright protection subject and how it is structured. This issue raises serious uncertainties if considering current jurisprudence in Poland and abroad that tends to grant exclusive right in regard to minor results of human creativeness. The process of progressive lowering a minimal threshold of creativity leads in a consequence to devaluation of copyright protection, but also it is connected with a risk of potential infringements of someone's exclusive rights in almost every aspect of nowadays live. In the age of information society and enormous demands to access the information contents, such danger, in conjunction with law social legal awareness, triggers important debate about the meaningfulness (or lack of meaningfulness) of the copyright legal system. The research project will also face with fundamentals questions about the justification of copyright framework by searching for answers in its initial aesthetical and philosophical assumptions.

The initial research in this project pointed out a bothering copyright problem of new technologies. In regard to the proposals presented as a part of Digital Single Market agenda introduced by the European Commission, it seems of great and urgent importance to deal with questions if and to what extend new, modern forms of work dissemination over the Internet actually enable access the content and information. Can we speak freely about copyright that is a result of carefully conducted balance of interests of society and rightholders? Or is it necessary a revision of it, considering changing business models of rightholders and society's needs to access the content? The research will also face an important discussion between supporters and opponents of copyright regime, whether in the age of modern technologies a current shape of copyright legal framework does or does not misrepresent its initial assumptions.