



Economic Support for News

## Modernizing Copyright Law

How can copyright law be modernized in a way that benefits independent, competitive journalism and an open internet? -

### CNTI's Assessment

Copyright laws must be modernized for the digital age. The methods of creating, citing and utilizing creative works have changed dramatically since current laws were written. The definition of "publisher" becomes nebulous when anyone with an internet connection can create and share their work. It is challenging to propose and debate modernization strategies without fully understanding who and what would be affected or how these challenges vary by country, which may harm journalists' ability to participate in that process. More informed and comprehensive discussions among publishers, technology companies and policymakers are needed to structure new laws in a way that protects journalistic work while also recognizing the ways the public accesses and interacts with creative works in our digital societies.

### The Issue

**Modernizing copyright law and fair use doctrine for the global digital age is increasingly central to an open internet and competitive news environment and raises a slew of new challenges.** How will policy differentiate between snippets of licensed content in a citizen's post or email, a news story, a freelancer's news column, a search result, a news feed and more? What elements of building a [generative AI](#) tool fall under fair use? How should societies define original work created in a global, digital environment? Rapid technological developments reflect how important it is that copyright policy is forward-looking.

### What Makes It Complex

- I. A "fair use" doctrine has not been fully integrated into international law.
- II. Copyright restrictions may have unintended negative consequences for independent news consumption.
- III. Determining who and what falls under copyright protection or fair use is complicated and could have lasting implications for fair use protections for journalists and the public.
- IV. Existing news and technology business models currently clash over copyright.
- V. New digital technologies (e.g., [generative AI](#) or [the metaverse](#)) are not adequately accounted for in current debates about ways to modernize law.



Find the full issue primer, current legislation, events, and changemakers online  
<https://go.innovating.news/uxVlvf>

## State of Research

While protections of creative work will be critical to fulfill the mission of a free and robust press, research also cautions against the effects of copyright protection that is too strong—including [press censorship](#) as well as the restriction of [competition](#), innovation and public [access](#) to information.

In addition to global and comparative research in this area, it would be valuable for future work to explore how digital journalists [understand](#) and navigate complex and often opaque copyright regulations, the effects of enhanced copyright regulation on news audience behaviors and the implications of such provisions for smaller and/or down-market publishers and freelance news creators.

### Notable studies

[Weaponizing privacy and copyright law for censorship](#) - Centre for International Governance Innovation (2023)

*CNTI's Takeaway:* This work illustrates the importance of establishing copyright frameworks that include safeguards against abuse, clearly determining what qualifies as public interest media and ensuring countries assess and mitigate the risks their policies may pose if adapted to other contexts.

## State of Legislation

While it is critical to update current laws, both indirect and direct copyright legislation carry risks to an independent press, citizen journalism and other elements of an open internet. Specifically, research finds important deficiencies in current approaches, notes a lack of clarity in defining what constitutes copyright protection and raises questions about the effectiveness of these laws in reducing online copyright infringement. Further, little has been done yet to effectively address the rise of new technologies, such as generative AI, in online content creation and distribution.

### Notable legislation



**United States:** In 2021, the U.S. Copyright Office's [review](#) of copyright protections for news publishers in relation to news aggregation services [concluded](#) that the challenges facing journalism funding do not appear to be solved by copyright reforms. In March 2023, the Copyright Office announced a new [initiative](#) to study the impact of AI on the copyright system along with new copyright registration [guidance](#). The reintroduced Journalism Competition and Preservation Act (JCPA) could also influence copyright law for some forms of linking.



**South Africa:** Beginning in 2015, South Africa's government began to introduce attempts at copyright reform via the Copyright Amendment Bill and the Performers' Protection Amendment Bill, which included the introduction of fair use doctrine. After a significant amount of outside [pressure](#) from the U.S. and EU cultural industries, South African President Cyril Ramaphosa postponed the legislation in June 2020, citing constitutional concerns.



The Center for News, Technology & Innovation (CNTI), an independent global policy research center, seeks to encourage independent, sustainable media, maintain an open internet and foster informed public policy conversations.