

REQUEST FOR CONTRIBUTIONS FOR THE INFORMATION SESSION ON THE IMPACT OF THE COVID-19 PANDEMIC ON THE COPYRIGHT ECOSYSTEM

INTRODUCTION

During the upcoming 42nd Session of the Standing Committee on Copyright and Related Rights (SCCR), an Information Session on the Impact of the Covid-19 Pandemic on the Copyright Ecosystem will take place. In order to provide a clear overview of the “impact on the cultural, creative and educational ecosystem, including copyright, related rights, and limitations and exceptions”, the Secretariat kindly invites Member States and Observers to share existing examples of situations that arose and actions that were taken and/or interventions that were made during the Covid-19 pandemic with respect to the industries or institutions that are being considered in the Information Session. We ask you to describe these situations or actions by providing the information requested below. If you are able to give us some elements of your response before March 15, it could help our researchers who are preparing the overview. In addition, all contributions received by the eve of the Information Session will be uploaded (with your permission) onto the WIPO web site.

Please send this form by email to the following address: copyright.mail@wipo.int with the subject: “Information Session”.

INFORMATION REQUEST

1. Full name of the entity or individual submitting the response.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization based in Washington D.C., representing the copyright interests of over 1.8 million individual creators and over 13,000 organizations in the United States, across the spectrum of copyright disciplines. The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright, and to protecting the rights of creators and innovators. The individual creators and organizations that we represent rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy. For more information see copyrightalliance.org.

2. Contact person with email address and telephone number for questions or clarifications about the submission.

Rachel Kim, Copyright Counsel; rkim@copyrightalliance.org; (202) 470-5068 and (202) 355-5972

3. Would you accept having your response made public (e.g. posted on the WIPO website)?

Yes

No

4. Do you accept having the information contained in your responses mentioned in studies and presentations for the Information Session?

Yes

No

5. **Brief** description of example, measures or interventions that took place (up to 200 words).

(Explanation: Please briefly explain the situation and why it is of interest for the Information Session. Examples could include policies put in place or other measures aimed at increasing the resilience of an industry or institution, or to assist the people they serve.)

We thank the World Intellectual Property Organization and the SCCR for the opportunity to submit our observations to the Information Session of the impact of COVID-19 on creators across the copyright disciplines. COVID-19 has seriously impacted the U.S. economy, particularly for American creators and copyright owners. Not only had the U.S. GDP annual rate turned negative for the first time in six years due to the economic impact of the pandemic,¹ but jobless claims for the three months prior to the survey had also risen to more than 36 million.²

Under these unsettling circumstances, the Copyright Alliance designed and disseminated a Creator COVID-19 Survey to better understand the professional and economic conditions of our creator members and creators at large across the country. Using a tool called Survey Monkey, we received 649 responses across a span of 25 days. It was conducted from May 19 to June 12, 2020, and consisted of 24 questions, including open-ended questions, regarding how COVID-19 has impacted creator careers and livelihoods. A full summary of the survey results is also available for viewing [here](#).

A number of Copyright Alliance member organizations also provided a plethora of information, resources, and financial support for creative professionals, students, educators, and the general public, particularly when everyday life halted at the start of the pandemic. These initiatives included free access to movies and TV shows, theater performances, video games, software tools, audiobooks, textbooks, journals and other information resources, and distance learning tools, to name just a few. Various movie and television studios, music organizations, and labor organizations within the creative sectors also provided a COVID-19 Relief Fund for musicians, actors, and audiovisual production workers. Guilds and organizations representing professional creators hosted multiple webinars and professional development training courses online.

We continued to apprise the creative community of these initiatives, as seen in this blog post [here](#). Additionally, we compiled and published resource pages to our website for [creative professionals](#) and for the [general public](#), directing readers to all the free tools, copyrighted works, financial aid programs, and other helpful materials provided by the entire creative community. We also published blog posts (such as this [post](#)) educating creators and the general public on certain developments that threatened to undercut the rights and interests of creators and copyright owners during the pandemic, despite the creative community's endeavors to meet the public's needs during unprecedented times.

6.

¹ "An In-Depth Look at COVID-19's Early Effects on Consumer Spending and GDP." House References, The United States Government, April 29, 2020; www.whitehouse.gov/articles/depth-look-covid-19s-early-effects-consumer-spending-gdp/.

² "Rolling Shock' as Job Losses Mount Even with Re-openings." The New York Times, May 14, 2020; www.nytimes.com/2020/05/14/business/economy/coronavirus-unemployment-claims.html.

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Territory where it took place (continent, country, and city or region).

The Creator COVID-19 Survey garnered responses from participants across the United States.

7. Relevant sector or sectors.

Visual Arts, Music, Publishing

7.1 Additional observation or sector not listed above:

Since the Creator COVID-19 Survey solicited responses from creators from across the spectrum of copyright disciplines, the results cover all creative sectors. However, the majority of survey participants were photographers (33%), recording artists/performers (20%), authors (4.31%), illustrators/graphic designers (4.16%), music producers/audio engineers (4.16%), and songwriters/composers (4.01%).

8. Please provide the key lessons from this example.

Overall, our survey results showed that the COVID-19 pandemic severely impacted U.S. creators' incomes and their ability to work, engage in new projects, or license preexisting work. Creators and copyright owners' incomes were disproportionately affected because of the inability to secure jobs due to stay-at-home orders, social distancing requirements, and other COVID-19 related restrictions. Respondents also shared personal experiences of having a difficult time finding government assistance and other economic and professional help for their situations.

The survey results reveal four key trends regarding creators as a result of the pandemic, illustrating just how severely impacted this group has been from a career and financial perspective (both now and in the future).

1. **Creators were losing income.** At the time of the survey, 88% of the respondents' work income had declined, which is considerably higher than the national average of 43%.³ The highest share of respondents, approximately one third, had lost all of their income. 21% had lost 90% of their income. Overall, 83% of creators had lost more than half of their income. Because creators often have multiple jobs, many lost incomes in various areas. The top three areas where creators lost income were **physical/digital work or copies of their work** (44%), **photoshoots** (39%), and **live performances** (35%).

While major sources of income for creators before the pandemic involved selling their own work or art, many revealed that they lost their income due to restriction policies during COVID-19. Those impacted include creators with jobs involving in-person contact.

2. **The majority of creators faced challenges and difficulties with securing jobs.** 483 responses for open-ended questions suggested that one of the challenges is to secure jobs. Most of them expressed their difficulties and frustration by stating that their ability to earn an income or to secure work is being heavily impacted. Due to social distancing requirements during the pandemic, creators do not have access to studios, exhibitions, galleries, concerts, and theaters where they usually create and sell their works. Limited access to working places has resulted in losing jobs and income. Approximately half (46%) of creators have applied, or attempted to apply, for regular unemployment. Among survey comments received was the following from an

³ "Poll: 43 percent of Americans have lost jobs or wages due to coronavirus outbreak." The Hill, April 21, 2020; <https://thehill.com/homenews/state-watch/493913-poll-43-percent-of-americans-have-lost-jobs-or-wages-due-to-coronavirus>.

event photographer: “With weddings and concerts/large events being canceled, I no longer have the ability to work.” Another creator revealed: “As an architectural photographer, clients are reluctant to allow my company into their residence or business; as a teacher, students are reluctant to attend workshops or seminars; as a photographic artist, the studio and wet lab I use to create fine art and to create analog prints has closed down.”

3. **Creators felt uncertain about the future.** 45% of respondents felt unsure about how soon they expected to return to a normal work schedule once states begin to reopen and social distancing restrictions are loosened. Creators also had no idea when clients would have new products to shoot, what budget clients would have to hire them with, when postponed assignments would be rescheduled, when music gigs would be rescheduled, or if the virus will still be threatening at that point. 20% of creators did not expect to immediately return to normal career schedules.
4. **Creators sought more information about financial support.** Approximately 40% of the creators surveyed had applied, or attempted to apply, for Pandemic Unemployment Assistance (PUA) for independent contractors and freelancers. Among them, 48% were approved for the application, but some creators were confused and found conflicting information during the application process. Many creators were not familiar with the existing U.S. federal relief programs and looked forward to receiving more help and information about programs they might be eligible for.

9. Please provide links to relevant documents or other sources that could provide further information about this example.

A further explanation of the survey can be found [here](#). Additionally, as mentioned previously, in light of the COVID-19 pandemic and the struggles it has created for creators, our website features a [resource page](#) from the creative community to ease the impact of the coronavirus and another [resource page](#) listing economic and professional initiatives to assist creators. We also kept the creative community and general public apprised of these resources in our multiple blog posts, such as this [post](#).

10. Please provide any additional comment you might have.

Once again, we thank the World Intellectual Property Organization and the SCCR for the opportunity to submit information about the impact of the COVID-19 pandemic on the cultural, creative, and educational ecosystem. It would be our pleasure to provide any additional information or resources as the SCCR studies this important issue.

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