

### Identifying Information

Name:	Lunney, Glynn
School:	Texas A&M University School of Law

### Paper Information

Title:	Copyright's L Curve Problem
Abstract:	<p>Copyright has a problem. The demand curve in markets for copyrighted works most closely resembles the letter "L." In most of these markets, a relatively handful of works command virtually all the demand – copyright's tall peak, and there is a relatively short tail of marginal works that command virtually no demand at all. This reality directly challenges the central, conventional justifications for copyright. The L curve means that copyright does almost nothing to provide additional incentives for works at the margins of profitability – those in the short tail. It also means that copyright does very little to improve the circumstance of the marginal, and proverbially starving, artist or author – also in the short tail. Instead, copyright lavishes riches on the most popular artists and authors -- those who fall within copyright's tall peak. Given an L-shaped demand curve, we can justify copyright on neither instrumental nor moral desert grounds. Rather than help works and authors in the short tail, copyright enriches only those very few authors and works that fall in copyright's tall peak. This article explores how we should reshape copyright to serve its constitutional purposes in the light of copyright's L curve.</p>