

Tehila Rozencwaig Feldman

Tehila Rozencwaig-Feldman is a fourth year Ph.D. Student in the Law Faculty at Bar Ilan University, Israel. She holds a LL.M. (summa cum laude) and LL.B. (magna cum laude) from the Radzyner Law School at the Interdisciplinary Center Herzliya. Her fields of interest are all aspects of intellectual property law, especially copyright law and the combining of theoretical insights with empirical study. Her dissertation "When Two Become One: Reexamining the Doctrine of Joint Authorship" focuses on the joint authorship doctrine in copyright law. One of the most interesting aspects of her theoretical discussion is examining how different fields of law (property law, criminal law, tort law and patent law) address collaborative activities. Tehila's final goal is to provide a new perspective to collaborative activities based on theoretical and empirical results and to explore how we can distill insights beneficial to joint authorships from this examination.

When Two Become One: Re-Examining the Doctrine of Joint Authorship

To what extent does the joint authorship doctrine fulfill its objectives? In the last decades the importance and prevalence of the joint authorship doctrine has increased due to the Internet evolution and globalization processes, which have spawned technological platforms as well as quick and extensive capabilities for sharing content and information between various creators globally. Today, many types of works, such as songs, movies, software, and computer games are created through joint authorship, involving several creators working collaboratively. Nevertheless, the current copyright law regimes relate to this complex and fascinating phenomenon in a limited manner, leading to an inconsistent interpretation of the doctrine's tests by the court.

The joint authorship doctrine relies on one main collaborative model ("all or nothing") according to which only similar contributions to a work of authorship grant recognition as joint authors. This ignores other types of contributions, such as the contribution of ideas or the participation in mass collaborative works such as 'Wikipedia'. Despite the extensive legal literature on the subject and the frequent and thorough discussions on how to comprehensively modify the joint authorship doctrine, no broad consensus has been achieved to date as to how to address these challenges.

In this research I wish to introduce a new approach to addressing joint authorship, employing theoretical and empirical tools, in an attempt to better address the joint authors' expectations from the collaborative process. The theoretical discussion will examine how different fields of law (Property law, criminal law, tort law and patent law) address collaborative activities and explore how we can distill insights beneficial to joint authorships from this examination.. The empirical part will explore people's perceptions regarding joint authorship, using qualitative and quantitative tools.

In summary, this research aspires to propose a new innovative model in order to promote a distinctive and feasible way to allocate joint authorship rights, namely preserving the incentive of joint authors to create collaborative work and at the same time better reward joint authors.