

# ***The Economy of Cultural Accountability, or the Economic Role of Moral Rights in the YouTube Age***

*Sidne K. Gard & Elizabeth Townsend Gard*

School of the Art Institute of Chicago; Tulane University Law School

In some ways, moral rights always seemed a bit lofty, particularly in the U.S. Only fine arts receive additional protection, and in some cases, only art work that has achieved a certain stature. Around the world, moral rights are obviously more broad, but again, it is often pitched as something distinct from economic rights that protects the reputation and attribution of an artist as an artist.

We want to revisit the subject and posit systems like YouTube, TikTok, and other social media platforms have merged the sensibilities of moral rights and economic incentives by the creators themselves. Some might argue that moral rights – particularly the right to be named as the creator – has become paramount to achieving economic benefits that copyright bestows. The creators themselves understand this. We will tell some of the stories of the content creators regulating cultural accountability. And it comes in a number of forms. Moral rights are alive and well on the Internet because to monetize one's work requires others to know you created that work, and the communities on the Internet understand this very fundamental connection. Moral rights—particularly attribution— have become a tool of economic rights, while also remaining its own sensibility of fairness.

And so, we want to look at examples of policing of attribution on YouTube. But we also want to revisit and trace the arguments of moral rights, with a particular focus on the legislative history of the Berne Convention Implementation Act and VARA. How has our world changed in the face of content creators and those that defend and investigate their honor and attribution? How much do the worries of the 1980s remain with us? In short, what do concepts like attribution and integrity look like in 2025?