

# **Creative Development: Can Copyright Foster Content Industries in the Global South?**

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## **ABSTRACT**

Standard narratives of IP & Development often focus on patent law to the exclusion of other IP rights. When copyright does appear in development debates, it typically features as a negative influence, an obstacle to access to knowledge rather than a source of positive incentives. However, in recent years, scholarly attention has focused on the emerging content industries of the Global South. The question therefore arises: what role does copyright play in fostering such home-grown culture industries?

Commentators who entertain this question have a tendency to project upon the development context preset narratives informed by ideological debates in the developed world. Copyright proponents emphasize how piracy harms emerging content industries and intimate that a dollop of copyright could magically transform Africa's music industry into Nashville, USA. Copyright skeptics highlight the ability of emerging content industries to tap into alternative revenue sources as proof that copyright incentives are no longer needed.

In fact, neither of these opposing narratives is persuasive. Drawing on case studies of several emerging content industries, this paper offers a more nuanced appraisal. It argues that copyright can play a positive role in fostering creative development; yet it is neither a necessary nor sufficient condition. In many cases, highly contextual factors such as institutional capacity, technological and economic conditions, and transnational identities matter more than the substantive law on the books. Moreover, copyright is only one of several relevant policy variables to consider. This paper explores how such a holistic appraisal of contextual factors provides the basis for a development-friendly approach to copyright law.