Regulation and Oversight of Collective Management of Copyright
(short presentation abstract)

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Collective management of copyright holds great promise for the digital age. But collective management organizations come with inherent dangers, including a tendency to behave anticompetitively, opportunities for self-dealing, and conflicts of interest—and CMOs have a notorious reputation for garden variety mismanagement and corruption. These problems have been well-chronicled in the popular press and, to a lesser degree, in legal scholarship. But legal scholars have not comprehensively studied how governments around the world regulate and conduct oversight of collective management organizations. In this paper, I begin in Part I by presenting an overview and taxonomy of the vastly heterogeneous regulatory structures that governments around the world employ, with a particular focus on how regulatory challenges relating to CMOs differ between the developing world and the developed world. This study is designed to inform the primary question of the paper, which is what a model regulatory regime might look like. In Part II, I assess the efficacy of various regulatory mechanisms and reform proposals by looking at whether and how well they are targeted toward remedying the problems identified above, and I explore what other goals a regulatory regime might seek to achieve. In Part III, I draw on administrative law theory and economic analysis as well as the analysis set forth in Parts I and II to propose the basic outlines of a model regulatory regime.