

## **UHLC professor Gebru says copyright law struggles to protect group creativity**

**Aug. 14, 2024** — Memes, dance crazes, hackathons and traditional cultural expression are increasingly important to how we express ourselves. Despite their popularity and impact, these collaborative creative efforts face significant challenges in gaining protection and enforcement under current copyright law.

“Solo and team authorship(s) are covered, but copyright law fails in the third category – communal authorship,” said University of Houston Law Center Assistant Professor Aman Gebru.

In his paper [“Communal Authorship,”](#) Gebru explores the legal challenges and raises critical questions about copyright law's ability to adapt to these evolving forms of creativity.

Forms of communal creativity often involve contributions from countless individuals, complicating traditional notions of ownership and copyright.

“Now we’ve come to learn that usually, creators are standing on the shoulders of giants, which is to say you build on what you’ve read before, what you’ve consumed before. We’ve ignored that for a while and just said, ‘It’s a single person or a single company that owns the copyright because they created it, and they deserve to get all the benefits.’ But now, especially because of technological advancements, we’re seeing instances where a single unit of expression, like a book or a photo or a musical work, is actually the result of hundreds or thousands of people contributing. It’s not easy to define the thing because it’s constantly changing,” Gebru said.

“Memes are the perfect of examples because there are usually hundreds of thousands of variations of a meme, especially if it’s a viral one.”

Communal authorship challenges the very core of copyright law because it has relied on a fictitious notion of a solo author since its inception and implementation in the 18th Century, explained Gebru.

“We have complicated this universe of rights, given that the subject matter of what’s protected has always been expanding. Then technology comes in, first the printing press, then computers and now artificial intelligence, all these advancements keep disrupting the system. Every now and then we have to update how the rights are acquired and how they are enforced. It’s definitely more challenging.”

Gebru said all is not lost: “In the past, it was really hard to trace authors or owners of the copyright, but now you have the internet making it easier.”

His fascination with copyright law was sparked during law school. “I took a course in intellectual property law, this area of law we decided to use to govern the creative industries. I was drawn to it because I love music, movies, and books. It was so fascinating to me that we have created this theory for why people need to own expressions and inventions. It’s one of the most creative areas of law. It’s one of those advanced areas where you have to go through multiple

steps of logical analysis before you can agree with this idea of owning something you can't touch or feel."

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**University of Houston Law Center media contacts:** Carrie Anna Criado, UH Law Center Assistant Dean of Communications and Marketing, 713-743-2184, [cacriado@central.uh.edu](mailto:cacriado@central.uh.edu); Bonnie Buffaloe, Communications Manager, 713-743-9137, [blbuffaloe@uh.edu](mailto:blbuffaloe@uh.edu).

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