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碩士學位論文

A Research on Awareness of
Intellectual Property Rights in Creative Industry
- focused on copyrights

창의 산업에서 지적 재산권 인식에 관한 연구 :
저작권을 중심으로

濟州大學校 大學院

視角融合디자인學協同科程

Latinyte Agne

2019 年 6 月

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2019 年 6 月



A Research on Awareness of Intellectual Property Rights in Creative Industry - focused on copyrights

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(Supervised by Professor Ho Jin Bang)

A thesis submitted in partial fulfillment of the requirements for the degree of
Master of [Visual Communication Convergence Design]

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This thesis has been examined and approved.

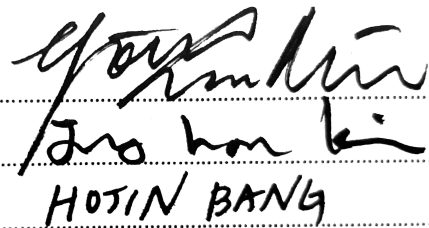
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ABSTRACT

A Research on Awareness of Intellectual Property Rights in Creative Industry - focused on copyrights

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(supervised by professor Hojin Bang)

The main purpose of this study is to raise awareness of current imbalanced situation of creative market where primary market players (artists) are still underpaid despite the rising popularity of the field and overall economical development. The market imbalance problems are summarized to rise from 4 factors: oversupply, intermediates, power game and absence of artists middle-class. The imbalance could be solved by rebalancing power between intermediates, and stable middle-class formation that would also result in balancing oversupply. The idea of this study is that for middle-class formation a steady income from copyrights (royalties) is in need thus allowing an artist (especially if he works freelance) to survive between the projects. Small firms of collaborating artists could be another solution for better protection of artist economical rights and securing fair trade copyright agreements. But in the end of the day suggested solutions hit a dead end because of the lack of knowledge about copyright policies in legal field.

Two surveys were conducted to overview the current market problem and define key reasons for the lack of knowledge about copyrights. The first survey was among working artist divided by their demographical profile. The second survey was conducted among South Korean design students. Therefore this study in addition aims to offer more thoroughful view about copyright policy situation in South Korea as a case example.

As the survey results showed a huge gap in copyright policy education, measures to improve current system were suggested. First, a targeted promotion and public education to raise the awareness of copyright policies. Second, easing the access to available copyright legal sources. Third, update solutions for the existing policies. The thoughtful analysis of existing problem, causes and possible solutions could be a good basis ground for the further researches to be made.

1. INTRODUCTION

1.1. Research background

The creative and culture related industries have been accounted as fastest-growing parts in the UK economy. With 6,4% growth between 1997 and 2006, compared to the figure of 3% growth for the rest of economy creative industries are one of the leads in nowadays economy (Department of Culture, Media and Sports, 2009). No wonder that with the new age of technology and digitalization it became one of the most prosperous and interesting parts of the industry. And same tendencies of growth of these industries and the importance of cultural content is not only limited to UK. It's a global tendency that takes effect in all developed countries.

However even with the creative industries flourishing and growing, the main players, the creative content creators, seem not to be that well off. 2007 CBS study that was conducted on Dutch artists indicates that 49% of visual artists earn less than 10.000 euro per year an income that is considered below Denmark's national poverty level (13.908 euro per year, ~1.159 euro per month). Excluding 50% of the taxes that danish citizens have to pay that leaves a sole artist with around 400 euro income per month when in comparison to country's national average salary after taxes being above 3000 euro (Copenhagen Business School, 2007).

One more example could be based this study author's personal experience working as a designer in South Korea for the past five years and being a part of creative business industries for more than a decade. An average salary of a designer in a middle-sized firm in South Korea is between 18~25.000\$ per year. One more thing to note is that in most work-for-hire (being employed by a company, an in-house designer) cases all visual products made by the designer are straight copyrighted and licensed by the firm and rarely bonus additional income for royalties are paid. A little better situation is with freelancers, who work somewhat more directly with the client and sometimes can get up to 100 \$ hourly range plus set his own copyright and royalty conditions in each separate project contract. Hypothetically, if a freelance designer would always have a full 40 hours work week for that hourly range, his yearly salary would be almost 200.000\$ income per year. That's an 8 times

difference gap between direct work and a work through intermediaries (being under employment of a third party).

Many most recent cultural economy scholars agree that “up till now, there has not been a consensus on what constitutes a successful cultural economy” (Li, 2007). Despite the decades of research and suggestions most recent studies still indicate the same problems – low income of artists and lack of bargaining power with intermediates. Moreover existing legal policies seems to be out-of-date because they haven’t changed much when digitalization era started 30 years ago and still fail to balance the power between creative market players.

Towse (2004) thinks that “mainstream” of cultural economics still by large ignores copyrights and its role in the arts and cultural sector. By the mid 1970s with the development of copying technology started a big change of market for information goods. Policy makers tried to keep up with the changes but got lost in the transition of what copyright does for the artists rather than the industries which they supply content.

Benjamin Woo (2015) also recognizes problems in current copyright policies by saying that while 83% of his surveyed comic artists have a partial share of copyrights for their work, only 45% have ever received any royalty payments for their work. When copyrights is the only legal matter to protect creators and their product, in this study the author wants to note that a low number in statistics indicate two major issues, one is that artists for some reasons don’t fully use the copyright for their own benefits and another one is that even while using it in the end it does not provide needed support and protection.

Though most of the existing cultural economy researches on artist labour and power game in creative industries by scholars like R. Towse, R. Caves, H. Abbing, D. Throsby and others do indicate the problem and policy changes are among the top suggested solutions, however researcher suggested a workable new policy model that would satisfy majority players of the market.

Previous studies mostly relied on struggling artists point of view trying to suggest policies or solutions for relieving their financial situation. Meanwhile, in this study focus will be on the fact that the growing market is a powerful self-fix mechanism where instead of aid to a losing side a well balanced policies (rules of the game) would naturally result in balance, bigger growth and development.

1.2 Aims and objectives

This study offers a critical evaluation towards the current disbalanced creative industry market situation. Therefore, this research will try to improve levels of understanding of different creative market stakeholders' perspectives and their involvement in creative industries development. Moreover focus on their actions that currently results in disbalanced market.

So, the first objective of this study will be to identify creative industry market characteristics and its major stakeholders, as well as describe differences and functions of these major players. Following an evaluation of existing legal copyright policies used while working with creative content, worldwide and domestic. This study aims to determine its benefits or disadvantages to either party involved. Thus this detailed overview of in-field usage of the policies will lead to uncover copyright related problems in the market.

Second objective of the study is defining key factors which influence current distorted market condition and possible means that could fix it.

The final objective is suggesting a suitable solution related to copyright policies that might positively influence the market. By using statistical data, survey and in-depth interview opinion views this study will try to find a possible gold-middle-point how future sustainable policy changes could improve market operation which will result in both, satisfaction and growth.

In this study statistical survey data and in-depth interview insights is used to evaluate current market condition and awareness of copyright policies. Domestic research will be made in South Korea analysing acting copyright policies and how much they are regarded in actual market trade, work contracts and society education.

Therefore, this research intends to examine an area that is still under-researched within the context of artists' labour. This is not to say that extensive work has not already been done on communities and stakeholders' involvement in the context of creative industries, and indeed much of the discussion and problems are drawn from the culture economy literature, but it rather analyses an area for improvement instead of attempting to determine the gaps of knowledge in between the communities in the context of copyright policies and suggest a sustainable possible policy changes to eliminate the existing discrepancy for the future market improvements.

1.3 Methodology

In order to accomplish the objectives mentioned above, this study will carry out secondary desk research ranging from lots of articles and books related to cultural and creative industries, artists' labour market, copyrights and royalties, plus overview some statistics from the UK Department of Culture, Media and Sports (DCMS), Copenhagen Business School (CBS), DACS Royalties Report and others. They will provide useful and valuable information to compare in this research.

Following analysis of literature review of current market condition and its players, measurement survey items will be constructed to distribute among relevant respondents. Respondents will be carefully selected to fit in one of the two compare study research groups, creative content suppliers (artists), further on referred as outsourcees, will be divided by their location and origin, when one group is English speakers, who have received their education outside Korea and work basis are distributed around several countries, and another one Korean speakers, who's work field are mainly based only in Korea. Respondents for focus group in-depth interview will be selected from another relevant group for this study, students who are still preparing to work as creative content producers.

Survey questions will be designed to identify financial situation, attitude, education, work conditions, perception of copyright and royalties of both parties. Then the results will be compared and evaluated with preview researches and government provided statistical data in order to find a more suitable policy changes towards a win-win outcome.

2. CONCEPTS

2.1 Cultural and Creative Industry Characteristics

In the UK, the Department of Culture, Media and Sports (DCMS) have defined creative industries as those industries that are based on individual creativity, skills and talent, and also those who have a potential to create wealth and jobs through the use and development of intellectual property.

Creativity is central to the cultural or creative industries. Just as firms in manufacturing have outlays on research and development, so firms in the cultural industries search for new ideas and talented workers – artists – to create and supply them. (Towse 2001)

If you look at the EU cultural and creative sector distribution table (figure 1) there are many fields that can be covered by these terms. Starting as simple as visual content makers such as painters, designers, photographers up to more complex multimedia industries that contain film-makers, producers, singers, performers. Even cultural education can be included in these sectors covering all art or music teachers as well as jobs connected to information technologies such as computer game developers or mobile software programmers.

Such a wide coverage instantly creates a problem where specifying and executing a detailed qualitative research over cultural and creative industries' market becomes a difficult task.

Moreover the major growth inside creative and cultural industries itself is said to be mostly driven by software, computer games and electronic publishing with for example a total of 8% growth per year in the United Kingdom. Though one can argue that information technologies and digital content has not much to do with art strong disagreement rises in realization that barely no product can be made in this field without a creative input.

This paper aims to specify research field and subjects will stick to only two qualifying criterias. First, since this research is about financial situation of creative content producers (creators or, in a wider meaning, artists), the focus will lay only in people who gain financial profit of making a creative content. Whether it is a painting, a package design

or computer game program code line, if it is created and can be sold let's assume that the creator of that product is an active player in cultural and creative industries' market. This criteria eliminates people who work with cultural or creative contents but do not produce any products. That leaves teachers, management staff and intermediates who reuse or re-sell creative content out of primary study subject. Second criteria to narrow the research field is cultural contents creator's own perception of himself. Rare computer programmer or, for example, newspaper article editor would consider himself as an artist and would dare to apply for government substitutes for creative work development. Although it is hard to determine how writing a book makes you more of an artist than writing an article for a magazine but this study will also talk about history-driven misconception of high arts and lesser arts later on in chapter 3.

<Figure 1> EU cultural and creative sector

Circles	Sectors	Sub-sectors	Characteristics
Core art fields	Visual arts Performing arts Heritage	Crafts Painting Sculpture Photography	Non-industrial activities Copyright may apply but is not always exercised
Cultural industries	Film and video TV and radio Videogames Music Books and press	Recorded and live music, collecting societies Book and magazine publishing	Industrial sectors aimed at massive reproduction Copyright is important
Creative industries and activities	Design Architecture Advertisement	Fashion design Graphic design Interior design Product design	Sectors described as "non-cultural" although they employ people with creative skills, that is people trained in art
Related industries	Manufacture		

Source KEA 2006

2.2 primary and secondary market players

The classical picture of cultural sector consists of a few, very large, employers “at the top,” and a mass of small firms and freelancers below. For example, to illustrate this distribution in the market, over a half of cultural and creative sectors workers in London are self-employed, compared with 12% across all other UK industries combined. To put it simply, as Verhage (2009) describes participants in the visual art market, this market consists of creative content producers, who are considered the primary market and distributors, along with consumers, being in the secondary market (Oakley 2009). That kind of division can be applied to all cultural and creative sector.

Distributors in the secondary market can be also identified as intermediaries. Intermediaries are so called agents and gatekeepers. The role of agent is described as a person who is bargaining for the artist and making steady flow of incoming work and steady income of funds, also providing development for the artist itself and promotion campaign for the public (Li 2007). It would seem like an “angel guardian” role on behalf of all the artists but there is just one problem. Agents services are not for free and due to their success of intermediation the cost exceeds many logical boundaries. An intermediate getting a royalty cut out bigger than the creator of the product itself is not a wealthy practice. However, intermediaries do fail to balance out the market and in the second part of chapter 3 current rising market problems will be described. One thing that actually connects all these players in creative industry is the fact that they are all getting financial gains from the creative content products.

If you look at artists working patterns it reveals that the primary market is also divided in three spheres (Markusen et Al 2006). Most self-employed artists lie in commercial sector which is driven by for-profit organizations who hire artists. Not-profit-sector is majorly financed by governmental financial grants and aids and the profit here comes from direct interaction with the public (selling artworks at art galleries etc.). The last, community sector, contains all free-work artists who barely cares about financial gain but only for art for art’s sake. Even though many artists agreed that they crossover through all the spheres but it is worth mentioning that strangely and surprisingly 20% of the artists do no work in commercial sector.

2.3 policies: copyright, patents, royalties, work-for-hire, fair-use, droit-de-suite

Fields of “traditional” creative and performing arts (visual arts, literature, music, dance, opera, drama) and cultural industries (film, radio, television, sound recording, multimedia, design) are found in most developed countries. In most of those countries cultural occurrences are supported by some form of government intervention.

Starting from 1886 Berne Convention most of the world’s developed countries now belong to some global agreements that unifies copyright protection policies. Such as The World Intellectual Property Organization (WIPO) under UN; or World Trade Organization’s (WTO) act of TRIPS (Trade-related Intellectual properties) it is safe to say that countries who have any kind of trade agreements have also agreed to similar policies of copyright protection for the both country’s authors. So it is safe to say that policies described below applies to the biggest part of this research subjects.

At the moment WIPO has 192 member states and administers 26 intellectual property related treaties among them. Bellow is the main concepts in intellectual property protection policies and rights.

Copyright

One of the main legal occurrences that protect creative content is copyright law. To put it simply, copyright law protects authors and performers by establishing statutory property rights that enable them to control the exploitation of their works, granting them the exclusive right to authorize their use.

In most developed countries copyright lasts for 70 years after the author’s death (50 years after first fixation in case of film and sound recordings) and, as long as the work continues to be sold over that period the author or the heirs receive royalty income.

Copyright gives authors two types of rights. First, the economic right, to control the exploitation of their works in the market; and second, the “moral” right, ensuring that authors are identified as the creators and their reputation or integrity of their work is protected.

A couple of other features of copyright should be defined in the context of artists' labour markets. Copyright only protects expressions but not the ideas (different than patents). Another copyright doctrine is called "work-for-hire" (more about it later in this chapter), according to which copyright is transferred to the employer if the employee was directed to do the work. So based on how labour market is organized, the ones who work-not under full-time employment (freelancers) makes copyright more significant factor.

Most of the creators have to have their work marketed by "publishers" (record, film, TV, publishing companies, art galleries and similar firms) to be able to gain any profit out of their creation. The typical contract between these two parties is a royalty contract, which may or may not include additional payment agreement based on revenue on sales. The most common sharing sales policy of sales revenue is a fixed percentage rate of 10~15%. Once the contract is signed artist have less control power over exploitation of his work.

One of the extinguish features of copyright is that it only protects the form of expression of the ideas, and not the ideas themselves. It does sometimes create some disputes because along with economic right to sell an artwork copyright it also grants the moral right of paternity which results in prevention of damaging creator's reputation by modifying the original creation. But there are no percentage or clear guidelines when the work is considered derivative and how much transformation should be made to create a new work. Seven changes or 15% of a whole is barely a myths not backed-up by official law but strangely they still use it to explain copyright in some art classes in universities. (Verhage 2009)

The author might license, assign or sell his rights outright or in part or transfer them to a second party, or an agent. All such transactions are made through contracts. Only author's moral right in the work may not be sold or transferred and always remain within the author himself.

Patent

Patent is a type of copyright used mostly for technical inventions. Patent law requires proof of novelty, while copyright law does not require any proven artistic merit. Patents can be bought and reused in other inventions, industrial designs or for the sake to develop a new product.

Fair-use

Fair use - the use of copyrighted material without the author's consent and without payment. It's kind of a defence against copyright infringement. A too strong copyright regime that would tolerate little fair use would raise transaction costs and copyright-based earnings thus slowing down overall cultural development. So most of the common fair use is applied in using work for education purposes. For example by default schools are rarely accused of copyright violations if a work has been used for the sake of educational purposes. Nevertheless if the work is further used outside the school and not for purely educational purposes copyright laws do apply.

Work-for-hire

Work-for-hire doctrine, that was mentioned before, says that the party best able to bear the risk and exploit the market should have the copyright. However publishers frequently deal with the problem by demanding the author to sign away all the rights for uses known and unknown. It suppose to maximize public access and lower transaction costs but in result in copyright law only working for the benefit of firms rather than protection of authors. Would abolition of the work-for-hire doctrine increase freelance creators' ability to make money remains in question in most cultural economics scholars works.

Droit-de-suite

Droit-de-suite – is an artist's resale right. Having a claim on resale prices of the past works should give a guarantee for the artist to benefit from the future value of his own creation. But it is very complicated to follow, and also would raise transaction costs due high tracing costs and though the buyer acquires the artwork the copyright remains with the author so the work itself cannot be commercially exploited and the author is not restrained from making copies or reproductions in the future of the work himself.

Even though copyright law has its intended and unintended effects on cultural industries still copyright law is the most important legal matter to determine relation between creative or performing artists and the firms (clients) who later reproduce and distribute cultural content.

Some scholars strongly believe that with the start of digitalization era copyright law has been unmodified and out of date to fit the current situation for the past 35 years. Since copyright really is one of the main means to get profit out of creative content as well as to protect exploitation of creative content producers a thoughtful research of current market conditions and government policy changes are crying for attention.

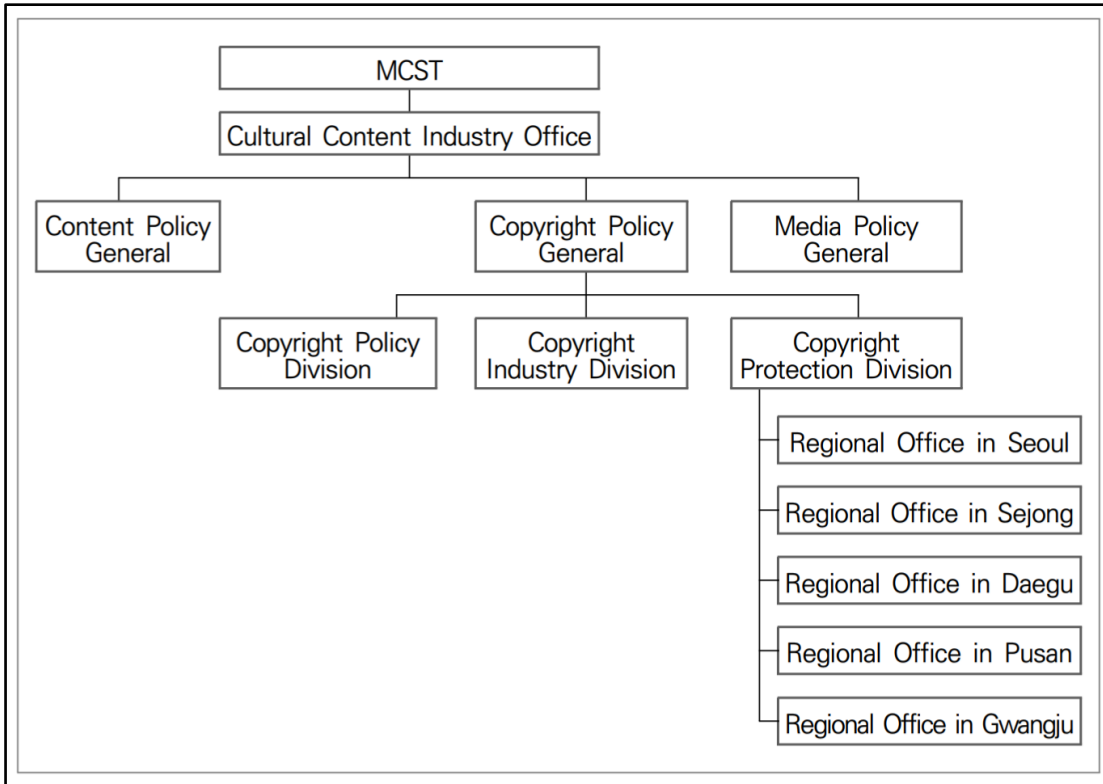
2.4 copyright execution in South Korea

In South Korea the government ministry in charge copyright policies is the Ministry of Culture, Sports and Tourism (further on referred to as “MCST”). The MCST has established copyright policies and implemented a wide range of activities related to copyright protection since 1987. The MCST currently has three copyright-related divisions (Copyright Policy Division, Copyright Protection Division, Copyright Industry Division) and Culture and Trade Team. The Copyright Protection Division also has 5 regional offices in major cities of Korea (Seoul, Busan, Sejong, Gwangju and Daegu). In regional offices special judicial police officers are assigned, whose major responsibility is to find and stop illegal copyright infringements. The MCST may also establish and enforce the use of following basic policies to create an environment conducive to the protection of the fair use of works: policies for education and publicity to spread awareness of copyrights; policies for the right management information and technological protection measures of works.

The Korea Copyright Commission (further referred to as “KCC”) based on article 112 of the Copyright Act of Korea is one of the key public organizations in Korea dedicated to copyright-related affairs. It plays a main role in the protection, promotion of the legitimate use of works, and the development of the copyright industry. The KCC is have its roles ranging from deliberating copyright-related issues, mediating copyright disputes, researching policies and legislation on copyright, providing copyright education and public awareness programs, to serving as a copyright registration agency. Furthermore, one of its main missions is to raise public awareness of the importance of the copyright industry, while providing support for the advancement of Korean copyrighted works into the overseas market and protection of their copyright overseas. To get public interest in copyright policies they are not just providing education classes all over the country but also conducting contests for better copyright protection advertisement and awareness suggestions.

The KCC was launched on July 2009 by merging the Copyright Commission(formerly “Copyright Commission for Deliberation and Conciliation”) established in July 1987 and the Computer Programs Protection Commission (formerly “Program Deliberation Commission”) established in December 1987.

<Figure 2> South Korean Ministry of Culture, Sports and Tourism division structure for copyright policy affairs



<Figure 3> South Korean Ministry of Culture, Sports and Tourism division structure explanation for copyright policy affairs

Division	Main task
Copyright policy division	<ul style="list-style-type: none"> Improving copyright-related laws and institutional systems; Supervising the Korea Copyright Commission; Promoting copyright education and public awareness campaigns; Enhancing copyright protection overseas
Copyright industry division	<ul style="list-style-type: none"> Laying the foundation for transaction of copyright (registration and authentication); Standardising copyright protection and management technologies;

	<ul style="list-style-type: none"> · Guiding and supervising copyright management organizations and copyright brokerage organizations; · Managing copyright statutory license and copyright donation systems
Copyright protection division (including five regional offices)	<ul style="list-style-type: none"> · Crackdown on distribution of illegal reproduction online / offline; · Support for the operation of the Korean Copyright Protection Agency; · Ordering suspension of online transmission of illegal reproductions or their deletion and imposing fines or taking other appropriate measures; · Support for the development and operation of illegal reproduction tracking and management system

(Introduction to the Korean Copyright System, 2015)

In South Korea the Copyright Act specifies nine types of works, who fall under copyright protection policies. Namely: literary works, musical works, theatrical works, artistic works, architectural works, photographic works, cinematographic works, diagrammatic works, and computer program works. As for designs and idea patents it is disputable to consider it “artistic work” or whether it falls under the same copyright protection policies since it is not mentioned above previous 9 types of protected works. The copyright policies main goal is to fight against infringement and illegal use of artistic / creative work. Nevertheless the Copyright Act is kind of vague when it comes to describe what exactly is infringement and levels of it. In the end it all sums up in the author's moral damage rather than economical loses.

One more thing to note about Korean copyright policies system is as it is visible in the table of divisions and their functions, copyright protection in South Korea could be seen as a part of a huge governmental bureaucratic system. Divisions not only have their own responsibilities but are also in supervision and consult for other divisions. On paper this system might look well planned while in reality practice the need of protection, disputes over rights, infringement and economical exploitation get lost in the system. Moreover, the system is constructed more in favour in catching online infringement rather than developing more stable protection of author's economical rights, the fair transfer of rights and easy access and registration of creative work for users.

2.5 Key dimensions in design copyright

Copyright is supposed to be secured automatically when the work is created and there are no requirement for fixation or formalities as registration, presentation of a specimen of copy or deposit. That means every creative work, a piece of art, a scribble on the side of the paper automatically becomes artist's own creation with all the copyrights included as soon as the work is done and no further registration or prove is needed. Although copyright is secured automatically when the work is created, and therefore its registration is not the requirement for protection, the Copyright Act provides legal benefits for registering a work. As for now copyright registration is different by each country, for example in South Korea it is handled by the Korea Copyright Commission.

Copyright consists of moral rights and economic rights. The second one is one of the most important parts for creative industry players. Economic rights may be transferred and it can be passed in whole or in part. Author's moral rights shall always belong exclusively to the author and thus, they are neither transferred to nor inherited by another person but in many cases by transferring economical right the author gets erased in the process. Such as in design industry rather customer knows who exactly is the author of advertisement poster or product package design.

Further are the rights that are being protected by the Copyright Act:

- Economic Rights - rights for income generated by the protected artwork.
- Right of Reproduction - right to copy and resell artwork copies
- Right of Public Performance - right to show an artwork in public (similar to exhibition)
- Right of Public Transmission - right to broadcast an artwork
- Right of Exhibition - right to exhibit an artwork and gain commercial gain from it
- Right of Distribution - right to distribute and sell artwork or its copies (similar to reproduction)
- Right of Rental - right to rent an artwork for usage for a limited time
- Right of the Production of Derivative Work - right to make similar artwork or a new artwork directly connected to the original.

As mentioned before any creative work should be by default automatically protected by following each right in the list. In case of creative industries, especially such as design field, where boundaries between what should be considered an artwork, what rights belong to the creator and what rights automatically are assigned to the company who ordered a product (as if in work-for-hire case) the boundaries of copyright policies gets blurred and copyright protection often fail to protect the authors rather than only the artwork itself. Therefore copyright policies should focus not only on trying to define and catch copyright infringement but also force fair use and trade of copyrights between the authors and the clients.

3. LITERATURE REVIEW

3.1 history: perception of art, creative work and artists, free-labour issue

This chapter analyses existing studies of cultural economics by R. Towse, R. Caves, D. Throsby and others, and try to summarize theories for existing market problems and suggested solutions.

Cultural economics deals with analysis of cultural production and the supply of creativity in artists' labour markets. A successful artist can be described as an artist who is able to earn a living from his artistic activities while being recognised by the public. But many studies have shown that there are way more struggling artists compare to other industries despite the fact that nowadays cultural and creative industry is one of the fastest growing.

Cultural economy studies can be divided into three major historical waves.

1966 "Performing Arts: the Economic Dilemma" by William Baumol and William Bowen was one of the first cultural economics work to notice difference and problems in culture market sector. 35 years later we are still only beginning to understand the complexity of markets related to arts, heritage and culture (Towse 2001).

Copyright law was first enacted in 1709, England, with the Statute of Anne. It gave the right to authors (those who create works of art) to exclude others from copying their work without permission. First cultural economists, Plant in 1934 and Hurt and Schuchman (1966), Breyer (1970) questioned the need of copyright law at all. A negative view that "copyright is a tax on readers for the purpose of giving a bounty to authors" was quite common in those days. Later scholars tried to find the balance of fixed costs of expressions (creating an artwork) and the marginal cost of making copies. But technical evolution lead to the need of third approach since making copies and commercial exploitation of an artwork became so much easier and cost balance of 70s no longer seems fair.

Being less financially responsible towards artists is an issue that has risen through long history of false presumptions about art itself. Raymond Williams (1958) marks that while the word "art" had originally simply meant just a skill, over time it became associated with a special and unique sort of skill, some kind of an imaginative or creative skill with

particular virtues. Artists also have often played it both ways, with indeed needing to be paid for their work, while on the same time simultaneously implying that art is something above daily material needs and measures.

Artistic work often is portrayed as fun, pleasure or vacation, but never as a labour (Abrams, 1958). As if work that is performed with pleasure is not worth the payment.

Throsby (1994) says that majority of workers are assumed to have a positive preference for leisure and a negative preference for time spent working that supports previously described general view of creative work as lesser (Throsby, 1994). So logical assumption of these statements should be that the enthusiasm over the work stripped away worker rights, benefits, bonus and so on. Volunteerism and unpaid internships was also introduced to the market that creates even bigger oversupply and less responsibilities for rewarding the work.

On top of these existing problems the art itself is also divided into high arts and pop-culture. With pop-culture being less worthy but much more well-selling and commercial when high arts are mostly supported by the government considered it has high future-heritage value but lacks commercial power at current day.

Moreover, there is also widely accepted and nourished static and stereotypical public opinion frame that all art should be for art's sake and it is the government's duty to invest, support and contribute to cultural development. On the contrary nowadays art proved more than once that it is fully capable of being commercial and profitable thus resulting to be one of the main selling products in cultural and creative industries which are at its peak. To add, profit-driven market is way better natural incentive for cultural development rather than government initiated support policies. As a prove is the fact is that almost no artist in UK or USA can survive without any commercial work. So even artificially creating a higher art non-commercial sector which is supported purely by the government does not save the artists rather just disbalance the market.

3.2 recent studies

As mentioned before there were three waves of cultural economy studies since the copyright law was invented. R. Towse, R. Caves, J. Jeffri, W. Landes, D. Throsby belongs to the third wave of scholars.

Ruth Towse is a former singer who changed her career to cultural economist. Her research includes data and observations from more than 10 years of research. Her study focus on significant transition to digital era and problems of slow changing law policy towards cultural market. She is also one of the biggest activists in the field. One of the main Towse's research statements is that cultural economics as a science itself got stuck in mid 1970s (Towse, 2004). It should help develop new policies but policy makers got lost in the transition of what copyright does for the artists rather than the industries which they supply content during all the historical and technological changes. New policies are taking slow to be made and take action and many research are still in need to be done. Many most recent scholars agree that "Up till now, there has not been a consensus on what constitutes a successful cultural economy."(Li 2007) Despite the decades of research and suggestions most recent studies still indicate the same problems.

One the most recent articles to find on the topic is by Benjamin Woo (2015). He researches comics as a part of media industry and a site of creative labor. Below are the most notable and scandalous cases of copyright abuse and artist exploitation extracted from his study.

Superman's case.

In 1938, Jerry Siegel and Joe Shuster sold a character they've created for 130\$ and promise of future recounting his adventures in the pages of Action Comics. They both died in the nineties with more than 50 years passed since their creation was first published and without participating in any of the material rewards their creation have generated through that time.

Marvel

Many might not know but Jack Kirby is original author behind Marvel series. First he worked with Stanley Lee who was co-writer and publisher of small self-founded publishing company. Later when the popularity grew Marvel decided to buy the series from them. Marvel claimed that Jack Kirby's work was lost and withheld until he signed documents relinquishing any claims to ownership. That basically reveals how Marvel stole his creative work by lying and tricking him. He also died in 90ies being so poor that having troubles to shop for daily groceries and never getting any financial reward for his creations.

Kakao friends case.

<http://www.businesskorea.co.kr/english/news/ict/11037-no-royalties-copyright-holder-earns-nothing-hugely-popular-kakaotalk-characters>

People who live in South Korea may all know funny Kakao friends characters with new character design product shops popping all over the country. But if you would ask who is the creator beyond those funny images not many of the users would know. The absurd situation is due to the fact that the creator handed over all copyrights to Daum Kakao when the two parties signed a contract. In 2015 June it was confirmed that Kwon Soon-ho, who designed the major characters of Kakao Friends, does not receive any royalties from Daum Kakao's offline character business using Kakao Friends. With the character-based industry receiving a lot of attention, the fact that Daum Kakao does not recognize a copyright holder's rights was pretty shocking to the industry. On the other hand there was no illegal action involved because the author gave up his rights in the beginning willingly. That indicates a huge problem of the market where power is solely held in clients hands and there are no laws to prevent the exploitation.

Following these cases we should also note that the biggest problem in comic, design and even animation fields are that it requires a lot of artist labour to be executed but in the end when copyrights are transferred to the customer (publisher in this case)

along with the process disappears acknowledgment of the original creator itself. Some artists try to avoid this problem with “performing the identity of marquee signature”, a secret sign in the work that later authorizes the franchise that is their own oeuvre. In many other cases of digital era self-publishing proved to be much more of a profit for an artist rather than when relying on industry giants. (Woo 2015)

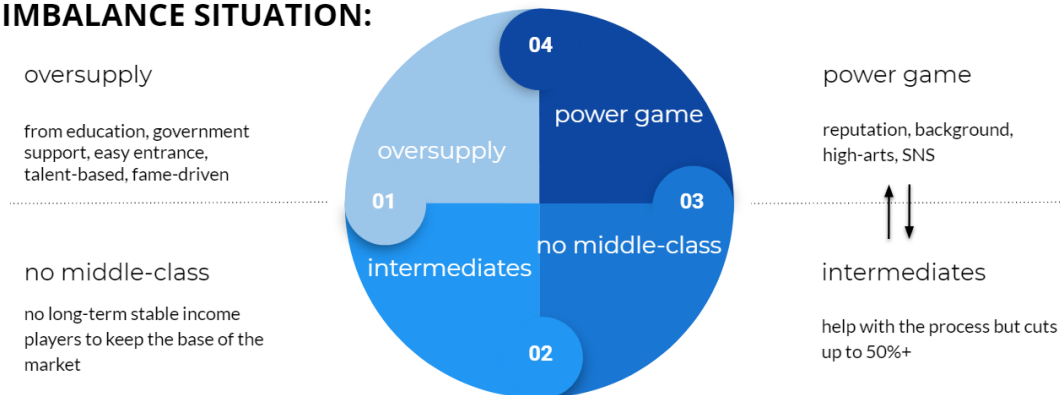
These cases indicate a huge problem that lies not only in the bad financial condition of the artists, exploitation by intermediaries but also in government policies failing to protect and assure fair market conditions on a normal daily basis.

3.3 current market condition

Let's take a closer look to more recent creative market state. There are several major problems in the current market. Technological revolutions altered the pattern of demand for workers, reducing the full-time employment in the cultural sector (Towse 2001). It also resulted in creating easier conditions to enter the market. So it results in oversupply and thus it leads to big power transition to intermediaries and significant meaning of networking and reputation. Thus current artists' labour market has phenomenal super-stars, a crowd of struggling ones and no middle-class to fill in the disproportional gap.

<Figure 4> Creative industry market imbalance situation

CREATIVE INDUSTRY MARKET IMBALANCE SITUATION:



3.3.1 oversupply

The creativity amount of the industry is believed to be based on number of independent actors in the market. In this case independent actors are meant to be individual creators of creative content (for example individual designers or small design firms (Li 2007)). One of the key features that actually separates creative market from others is that creative workers care about their product and some creative products requires a

diverse set of skills. That also leads that most of the products are tend to follow qualitative but not quantitate marketing approach model. However, even if creative product are measured by their qualitative features oversupply in this market is created by excess artist supply (enabled by easy conditions to enter the market) that also results in lower incomes and higher unemployment.

If we believe that creativity is a skill that can be learned then number of prepared art graduates should regulate and decrease factors that create oversupply and result in disbalancing the market. But many believes that creativity has more to do with talent, an in-born feature that can emerge anytime in a lifetime, despite the training, so there are those who actually believe that creative market needs oversupply to improve the chance of “the cream rising to the top” thus maximizing overall social and cultural benefit (Towse, 1996). Interesting fact is that almost every art student or art teacher would agree that after some time of observation you could divide two types of art students. Ones could be called technicians, who develop a high skill in art techniques through hard work but it seem to lack something in creating original ideas. They are perfect at copying but struggle to find and execute their own new and outstanding original idea. The other type of students are these amazing bags of new ideas but sometimes they deal with problems like execution, laziness or skill polishing. Nethertheless, to sum up, both of these types of graduates could be useful and find their fitting place in the market with well balanced policies.

Oakley opposes Towse’s idea about “the cream rising to the top” (believe that for economic growth market needs more supply) and indicates that maybe the main problem in cultural and creative sector is not oversupply but the lack of diversity (Oakley 2009). According to Oakley successful economy is based on how well products are organised. Further on industries are formed by the firms producing similar products. Thus basics of these industries lies in their products and how well differentiated they are. In cultural industries where the biggest giants are publishers, the remaining small or individual players have no other option than to provide a different, better, exclusive, unique products of their own to be able to compete with the giants. Offering a cheaper product can't solve the case because it is hard to compete with the giant players in comparison to the resources each has.

3.3.2 intermediates

Excess artist supply also results in lower incomes and higher unemployment. Towse (1992) suggests a possible solution for the oversupply problem that intermediaries are there to sort out high-quality artists and change short-term excess supply to long-term quality-raising strategy (Towse 1992). As pointed out by Adam Smith (1910), the development of productivity and the requirements of efficiency improvement do lead to the division of labor, essentially breaking down large jobs into many small components based on specific needed skills and size of the market (Adam Smith 1910). However everything does not work as simply as it looks in theory.

So how should intermediates positively influence the market? Li (2007) believes that intermediaries have the power to lower the costs by making a satisfactory match and meanwhile lowering the governance costs as well. The best example would be comparing that individual artist to a custom store and agent to a department store where all individual artist stores are gathered together.

Nevertheless, the problem with intermediaries are that only well established artists have personal agents and others due to competitiveness of the market have to agree to any deals intermediaries offer. So, as Jeffri and Throsby (1994) argue, the majority of visual artists suffer from a lack of power in both primary and secondary markets. While in primary market they suffer from excess supply of work over demand for it, and it follows that due to oversupply of artistic products the competition gets high, prices go low and option for differentiation are slim. On the secondary market the problem is lack of bargaining power because here all the power is in the hands of intermediates.

In basic economy theory oversupply in primary market should be equalized by the low prices. The problem in artistic market is that many of oversupplied artists are so eager to do arts and sell their work that there are always those who agree to sell their work for the low price thus it results in overall low price and low income levels. The willingness of these ready-to-work-for-low-income artists are classified to lie in 5 conditions by Hans Abbing (2002, "Why are artists poor? The exceptional economy of the arts"): 1. winner-take-it-all principle, everyday more and more supply artist are attracted to the field by the success of the few very high income celebrities; 2. a believe that if you don't fit anywhere

else you can always do arts, though this is a serious misperception of art professionalism and it leads to many unprofessionals filling supply sector (same tendencies could be seen in entrepreneurship in start-up business); 3. forsaking of monetary rewards, a believe by society and the artists themselves that non-monetary rewards as satisfactory, fulfillment and status are worth the while even when working on low incomes (in capitalistic society there is some kind of sick understatement of labour work as an activity that should not bring joy, so any work that brings other rewards could be “discounted” in monetary form); 4. inclination to take risks, not empirically proved but presumably that the ones who dwell in artist market are believed to be higher risk takers; 5. information bias, lack of education, research studies and the fact that failures are not spoken about.

Oversupply leads to the need of intermediates and it naturally leads to the shift of power. Self fixing mechanism of the market fails to trigger and fix oversupply due to the 5 conditions mentioned above. So secondary market problems can be summarised in these 7 factors:

1. artists has less or no access to capital or resources (unable to self-invest)
2. artists lack of information on market condition (especially huge disadvantage compared to intermediates like art dealers)
3. artists suffer from insufficient practical preparation to enter and survive in the market
4. “art for art’s sake” (phenomenon described earlier in this chapter as historically transmitted concept view about arts)
5. lack of formal, legal contracts and thoughtful understanding of them
6. lack of reputation
7. lack of legal protection

3.3.3 reputation

Sagot-Duvaurox (2003) notes that when it comes to bargaining power to set the selling prices even though physical properties are important (size, media, date) the status of creator (fame, reputation) also takes a huge part.

Velthuis (Velthuis, Olav (2003), "Visual Arts", in Towse, Ruth, A Handbook of Cultural Economics) argues that place of sale can also influence the price based on aesthetic utility, status motives, consumption rate. He concludes that common pricing models are hardly applicable to pricing art because of lack of criteria to evaluate quality.

Backed up by these scholars it would seem logical that the price should not be relevant to the hours spent on making an art piece, surprisingly artistic work counted by hourly wages are much more often occurring case than in other professions. That concludes that the reason for some artists being poor is the reason that they have more unpaid hours than paid ones or it again sums up all in the fact that they have a lack of bargaining power.

Verhage (2009) concludes in his study about Danish struggling visual artists that artwork pricing is more relevant to status and reputation of the creator than the time and resources spent on the product. Even though reputation is a thing that could be built through time investment, status can be purely a born-in priority feature (though those kind of born-in priority differences exists in other markets as well).

Reputation importance results in making the gap between financial state of artists even bigger creating high-reputation super-stars, a phenomena that leads to even more market problems (such as market appeal in believing that everyone can become one of the super-stars thus resulting in more luck-diggers entering the market and causing oversupply). So we go round and round as the problems rise from one each other.

3.3.4 no middle-class

Finally, Towse (2004) also marks another factor worth to mention that cultural industries suffer from the lack of "middle income" artists who should for fill in as a middle class in creative industry. The middle class should bring significant stability to the market

and help self-fixing mechanisms but now the whole industry suffers from relatively small artists middle class section. Towse (2004) points out that the current middle class, or average artists' royalty earnings are way below the income of "super stars", it might also rise from the lack of bargaining power but let's admit that royalty earning and copyright policies have yet many holes to be fixed. Fair and stable royalty earnings income would help to create a bigger middle class section in creative industry and the existence of it would balance most of other current problems in the market (as oversupply and lack of power).

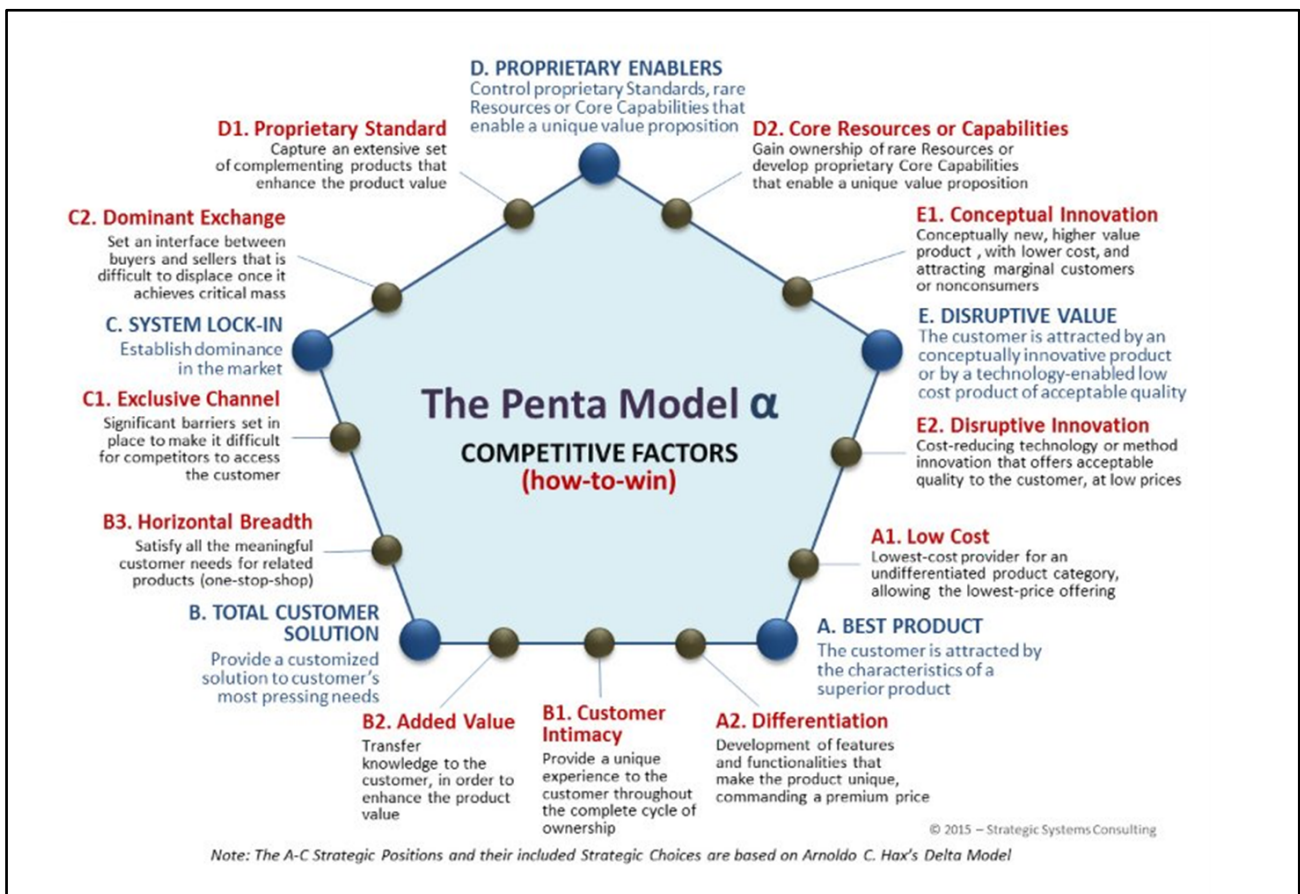
3.4 cultural economy literature proposed solutions: education, government support policies, law regulations

While indicating cultural industry market problems scholars do offer their own set of applicable solutions. There are several reasonable solutions proposed by the scholars in previous research studies worth to analyze.

Differentiation

Oakley (2009) believes that product differentiation could solve the problems by overcoming current oversupply in the market. Product differentiation is a marketing strategy that businesses use to distinguish a product from similar offerings on the market.

<Figure 5> Differentiation option in general market strategy



In cultural industries a differentiation solution like offering a lower price might be digging your own grave, so the focus should be aimed at trying to offer a product that is different and unique in a creative way compared to others. Oakley also points out that conduct and performance might be a valuable differential point like offering services in hard-to-reach locations or cutting on production time.

Governmental support policies

Most of the scholars refer to government making new policies that could control and balance the market. Unfortunately, cultural policy has always tended to play safe (Towse 2001), devote to well-established arts rather than to new ones and thus not making any major changes that are in need.

Different government cultural policies in developed countries strain to fix artist market and give relief to struggling artists. One of the policies, known as “visual art arrangement” (BKR) uses government to buy part of the artworks of the professional artists. There are also ongoing social welfare programs designed to support artist and maintain creative production. A higher art education support from the government keeps the numbers of art universities and provides lower costs of education for students. From economic point of view all these policies have no positive long-term outcome on the artist market because it just keeps maintaining current situation – oversupply at production and importance of status. Thus government interference should not focus on the survival of current artists but on the demand of artworks, and the balance of power in artist market. (What if government supported businesses related in art investments with lighter task policies or grants for executions? It might lead to a lot of exploitation of benefits so it should be well directed by the legislative intervention). Some of more successful government initiated movements towards fixing current artistic market situation are exhibitions, fairs and biennales who tend to educate public sector and give customers ability to better value art and distinguish between “art for art’s sake” and artworks with greater economic use therefore less risk in investment. Another way to stabilize the market is to eliminate status importance in pricing and success. By giving opportunities to expose art more globally it could result that local status of an artist might not be that much of an

active factor in global market. Although popular trends is also a phenomenon that can be viewed globally so it in the end global exposure results just expansion of requirements for getting a status that works not only in local but also in global sector.

Regional municipalities are also government supported market actors who can provide demand with reasonable buyer's costs. But in any capitalism driven business industry public sector should not be the one who dominates above the private sector unless it is essential part of social welfare.(Verhage 2009) Though strangely the view of most European countries is that the private sector cannot produce a socially efficient allocation of artistic production. According Towse copyright was invented to enable artists reap the benefits of their investment and effort. But copyright only grants the right to resale.

There was a huge government initiated attempt to change some forms in work patterns of artistic labour market in UK. In 1987 when UK Prime Minister Margaret Thatcher had criticised the British television industry as one of the last practitioners of vertically integrated producers-broadcasters work system and urged them to create a new system that would be similar to competing, small independent companies for programme producers to facilities houses. Most of the worlds tv channels are working like this right now but then decentralization of the work system led to diminished permanent staff numbers, bigger competition, drop of average earnings and quality of working conditions (Oakley 2009). Nevertheless, nobody argues over after-reform quality improvements. It's sad that bigger competition even though brings more quality to artistic work but results in smaller payments due arisen conditions of oversupply.

Sadly but up till now governmental policies over substitutes to help the artists might have also resulted in creating oversupply and bigger differentiation between higher and lesser arts; more cheap exploitable labour power and intolerance between types of art.

Governmental intermediates

Governmental intermediates was suggested as working solution by Li (2007). A good successful example would be British Design Council. Their job lies in five domains: 1. policy-maintenance and 2. development of national design strategy. 3. innovation, new thinking on the application of the design 4. design for business – program of direct support for UK firms. 5. public-coordinated and biennial national design promotion. To wrap up their job is to educate the public about qualitative design and; support and promote prospective new design waves. There exist similar governmental organizations in other European countries that shows a positive influence result in artistic market. However, in some countries where power of intermediates is held in only one hands it results in inequity and damage to creativity due corruption and self-gain greed.

Education

Verhage (2009) concludes in his solutions for the current artistic market problems that the lack of entrepreneurship skills in education is the biggest underlying program and it should not be only blamed to educational institutions. Special addition education programs for artists could be executed by government initiatives, forums, associations. Though one can argue that most of universities providing art related education have a course for art managers but it is more as a separate specialization because art manager are not the artists themselves who produce the art (as we defined in previous chapter 2.1.). “It is more effective to teach poor people how to catch their fish rather than keep on sending them foods.” So instead of teaching necessary skills art universities contribute in creating more intermediates and suitable field for intermediates to work in.

The second problem that is connected to educational institutions in the art market is again oversupply. Some scholars believe that reducing art university graduates could solve the problem of new producers entering oversupplied market but there are two major opposing factors to prove this idea wrong. First, by the statistics, 60% of artists in the market are not graduates of relative art majors. Second, educational institutions can only be interested in preparing more graduates because they are receiving financing from the government based on the amount of graduates. Sadly there are no research statistics

proving market performance differences between artists who receive higher education and the ones who had not.

Verhage agrees with that oversupply might be also made worse by the financial aid for the poor artists. Even that kind of policy is designed to enchant overall cultural development, Verhage's interviewed artists agreed that financial aids influence little on the will to create new art. Thus eliminating government financial intervenience would leave the market for natural clean-up as less financially successful artists would eventually quit the market or shrink the amount of their produced goods. But also it adds fuel to the controversy that if artists themselves think that creative process is not that much relevant to financial income that also suggests a theory that none artist would change his work to match the demand better. It is also proven by the answers of Verhage's interviewees where most of them claim that they would never change their art to gain better money that concludes in the fact that artistic market is full of producers who are not matching the demand criterias either as Oakley has pointed out in her thoughts about lack in differentiation. The similar tendencies could be seen in start-up business market where government only substitutes the beginning but does not feed on unproductive and unsuccessful business. The statistics claim that up to 94% of start-up fail but none see that as a major market problem just as a natural clean-up who leaves just good qualitative items in the end.

So while developing an economic strategies for successful artistic profession it should be strongly suggested excluding artists who are there just for art's sake because frankly saying it's their own choice to be poor or depend on that small success rate of becoming a superstar. That idea is also strengthened by researcher Janet Summerton (Phyllida Shaw, 2004) who agrees that multiple job-holding is a choice rather than compromise for low-income artists. So in the end two categories of artists should be developed, businessman artists, professionals who strive for getting full living expenses from artistic activities and, hobbyist artists, who, like any other hobbyist, are not concerned on financial revenue but more concerned in artistic outcome, self-satisfaction and impact in society.

A perfect model should be that royalties keep generating basic living costs income flow for the artist who is working on his new projects. Just as a common worker gets fixed salary promise for his future work and monthly income flow further on when he keeps up with successful working results. But proving this model not working properly in current creative industries is easy by analyzing income data from artists' surveys. Also this model might be viewed as a stock market. Where author first invests his time, resources and effort in acquiring an asset (in this case the artwork) and then gains profit by selling parts of it or getting royalties depending on raising value of stock percentage still in charge.

It has become common to measure "economic impact of copyright" on the cultural industries and thereby demonstrate the "necessity" of reforms. And there had been some considerably recent changes to copyright law trying to adjust it to fast changing world but, for example, in 2002 when duration of author's copyright increased from 50 years to 70 but it didn't change the value of copyright itself when it is sold. Thinking that longer term would imply buyers pay a bigger price for the copyright is amazingly a very common misunderstanding in underlying economics. Some other changes include digital network environment allowing authors to officially publish and get rewards from being published online.

Towse (2004) concludes that the biggest disappointment in current copyright law that it protects only fixed expressions thus leaving the creation itself unprotected, because creation is a process, not a product.

Finally, market could be simply normalized by increasing demand but none other than promotion and general marketing strategies are proposed to increase the demand of visual art sector.

4. FIELD RESEARCH

4.1 Survey & data analysis

4.1.1 objectives

The objectives of the survey was originally to confirm or deny theory about current creative industry market problems and challenges artist faces on daily basis. That is 1. Market is more populated by low income freelance single users. 2. Their knowledge about copyrights, contracts, law are vague and often not used to full potential in protecting themselves 3. Any new policies over the issue are accepted positively with awareness of current condition and hope that the market could get better. 4. The problem lies in education system that should prepare young artist for upcoming business challenges.

With preparing survey questions in two languages this study had a chance to differentiate and focus on local (South Korean) and foreign workers in the same field. Thus survey results not only provide overall artist experience but also some demographic insight in the same matter.

4.1.2 process

The survey was distributed among working middle class artist or people who work in creative field and are related directly to the creative process of the product. Thus young artists who are still studying and have other type of financial subsidy (scholarship or help from their parents) are excluded in the first survey; and also veterans who are eligible for retirement but still work in the field for their own personal amusement are excluded from the survey as well. In the end study wants to focus on people who are trying to make a living from the creative work and are in full health and capabilities to fulfill market requirements. The second survey more focuses on students and education to reflect that the situation is mutual between all generations.

4.1.2.1 survey 1: global

The first survey conducted was among 50 participants from various countries who currently work in the creative design industry. This survey was designed more to confirm current imbalanced market situation, review how each country is coping with it and see how possible feature solution could be accepted by the current working creative market society. Thus respondents of this survey are all full-time working and supposed to be already knowledgeable about legal policies in their working field.

4.1.2.1.1 demography

As the survey was prepared in two languages, so the results are expected to reflect some demographical differences. Not only depending on geographic location but also cultural and educational background in designed country.

4.1.2.1.2 questions

1. Age group
2. region of work area (USA, EU, S.Korea)
3. type of artistic field (photo, design, writer, film, music, fine arts, crafts)
4. Do you work full-time or as a freelancer?
5. Monthly artistic income (average yearly income)
6. Hourly wage
7. Hours per week spent on artistic work
8. Do you get royalties?
9. What average royalty % are you getting?
10. What royalty % would you want to get (in account of the other party)
11. What percentage of your yearly income does the royalties take?
12. Do you feel underpaid?
13. Do you sign contracts when you work?
 - a. If no, why?
 - i. the other party doesn't want to
 - ii. I lack knowledge in legal field

iii. cut on taxes

14. Does the contracts include copyright protection?
15. Do you include expiration date of copyright use when you sign a contract?
16. Copyright law lasts for 70 years after the owner's death. What do you think about a policy that would establish a law that after 20 years of usage copyright comes back to the creator?
17. perception on some copyright payments (very low, low, neutral, ok, too good)
 - a. 500\$ for logo design
 - b. 10% royalties of retail price for author per book sale
 - c. 40\$ per 20x20cm size illustration
 - d. 100\$ for each 1s in advertisement video creation
 - e. 15\$ per 1000 music song streams
 - f. 0.25\$ per stock photo download
 - g. 100\$ per one time appearance in a tv show
 - h. 700\$ per one mascot character design pack
 - i. 2\$ for every custom designed t-shirt sale
 - j. 1000\$ per poster design
18. Do you have higher artistic education?
19. Do you think artistic education lacks in training of business skills and legal information?

4.1.2.1.3 results

4.1.2.1.4 sample information

<Table 1.1> (English answers) Questions 01 ~ 05

Age range	Work area	Work field	Employment type	Monthly wage
25 ~ 44	S. Korea	music	freelance	1000~2000
25 ~ 44	EU	design, culture planning	both (50/50)	2000~3500
25 ~ 44	EU	photography, film	both (50/50)	1000~2000
25 ~ 44	EU	photography	full-time	1000~2000
25 ~ 44	S. Korea	design, fine arts	freelance	2000~3500
25 ~ 44	EU	writing	freelance	1000~2000
25 ~ 44	EU	design	full-time	1000~2000
25 ~ 44	EU	make-up	full-time	<1000
25 ~ 44	EU	design	freelance	<1000
25 ~ 44	S. Korea	design, crafts	both (50/50)	1000~2000
25 ~ 44	EU	fine arts	both (50/50)	<1000
25 ~ 44	EU	crafts	both (50/50)	1000~2000
25 ~ 44	EU	film, music	both (50/50)	1000~2000
25 ~ 44	EU	design, fine arts	freelance	<1000
25 ~ 44	USA & Canada	design	both (50/50)	>5000
25 ~ 44	EU	fine arts, crafts	full-time	1000~2000
25 ~ 44	EU	illustration	freelance	<1000
25 ~ 44	EU	photography, music	freelance	<1000
25 ~ 44	EU	writing	freelance	1000~2000
25 ~ 44	EU	performance	freelance	1000~2000
25 ~ 44	EU	design, fine arts	both (50/50)	1000~2000
25 ~ 44	USA & Canada	design	freelance	<1000
25 ~ 44	S. Korea	music, performance	freelance	<1000
45 ~ 64	other (Thailand)	film	freelance	<1000

<Table 1.2> (English answers) Questions 06 ~ 10

Yearly income	Hourly wage	Weekly work hours	Feeling of underpayment	Royalties	Royalty %	Wanted royalty %
10.000~25.000	10~20\$/h	less than 40h	Yes	Yes	2.50%	10
10.000~25.000	>50\$/h	less than 40h	No	No		0
<10.000	10~20\$/h	less than 40h	No	No		5
10.000~25.000	>50\$/h	40 ~ 60 hours	No	No		10
25.000~40.000	50\$/h	less than 40h	No	Yes	10%	30
10.000~25.000	30~40\$/h	less than 40h	Yes	No		50
10.000~25.000	<10\$/h	40 ~ 60 hours	Yes	No		50
<10.000	<10\$/h	40 ~ 60 hours	Yes	No		20
10.000~25.000	10~20\$/h	40 ~ 60 hours	Yes	Yes	3%	10
25.000~40.000	<10\$/h	less than 40h	No	No		50
<10.000	<10\$/h	less than 40h	No	No		15
10.000~25.000	<10\$/h	40 ~ 60 hours	No	Yes	5%	30
10.000~25.000		40 ~ 60 hours	Yes	No		30
10.000~25.000	10~20\$/h	40 ~ 60 hours	Yes	No		30
>60.000	30~40\$/h	40 ~ 60 hours	Yes	No		10
10.000~25.000	10~20\$/h	40 ~ 60 hours	Yes	No		5
<10.000	10~20\$/h	less than 40h	Yes	No		30
<10.000	10~20\$/h	less than 40h	Yes	Yes	3%	0
10.000~25.000	10~20\$/h	less than 40h	No	No		10
10.000~25.000	>50\$/h	less than 40h	No	No		
10.000~25.000	<10\$/h	40 ~ 60 hours	Yes	No		
<10.000	<10\$/h	less than 40h	Yes	No		
<10.000	30~40\$/h	less than 40h	Yes	No		50
<10.000	10~20\$/h	less than 40h	Yes	No		40

<Table 1.3> (English answers) Questions 11 ~ 16

Income from royalties	contracts	reasons for no contracts	copyright protection	expiration date	new copyright law
less than 10%	No	lack of knowledge	No	No	Great idea!
less than 10%	Yes	To cut on taxes	Yes	Sometimes	Debatable.
less than 10%	Yes	To cut on taxes	No	Sometimes	No need
less than 10%	Yes	To cut on taxes	Yes	Yes	Great idea!
up to 30%	Yes	other party doesn't want to	Yes	Sometimes	Great idea!
less than 10%	Yes	lack of knowledge	No	No	Great idea!
	Yes		Yes	No	term could be made flexible.
less than 10%	Yes	To cut on taxes	Yes	No	Great idea!
less than 10%	Yes	To cut on taxes	Yes	Yes	client pays annually for using artwork
less than 10%	No	I don't work with others	Yes	Yes	Great idea!
	Yes	other party doesn't want to	Yes	No	Great idea!
less than 10%	Yes	other party doesn't want to	Yes	Sometimes	Great idea!
	Yes	To cut on taxes	Yes	Sometimes	No need
	Yes	To cut on taxes	No	No	Great idea!
	Yes		Yes	No	Great idea!
less than 10%	Yes	To cut on taxes	Yes	Sometimes	Great idea!
less than 10%	Yes		Yes	Sometimes	should be agreed on the contract
less than 10%	Yes	lack of knowledge	Yes	Yes	Great idea!
less than 10%	Yes	To cut on taxes	No	No	it depends
	No	To cut on taxes	No	No	Great idea!
	No		No		Great idea!
	No		No	No	No need
less than 10%	Yes	To cut on taxes	No	No	Great idea!
	Yes		Yes	No	Great idea!

<Table 1.4> (English answers)

Personal perception on some copyright payments

500\$ for logo	10% book	40\$ per 20x20 cm pic	100\$ for 1s in ad	15\$ per 1000 music streams	0.25\$ per stock photo	100\$ per appearance in TV	700\$ character design	2\$ from every t-shirt sale	1000\$ per poster design
Low	Low	Very low	Low	Low	Low	Low	Low	Low	Low
Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
Neutral	Neutral	Low	Neutral	Neutral	Neutral	Low	Low	Neutral	OK
Neutral	OK	OK	Very low	Neutral	Low	Low	Low	OK	Neutral
Low	Neutral	Very low	OK	Very low	Very low	Low	Neutral	Very low	OK
Low	Very low	Low	Very low	Low	Low	Very low	Neutral	Neutral	OK
Neutral	Very low	Very low	Low	Low	Neutral	Very low	Neutral	Low	OK
OK	Neutral	Low	Neutral	Neutral	Low	Low	Low	Neutral	Neutral
OK	Too good	OK	Too good	Very low	Very low	Very low	Low	Very low	Too good
Neutral	Low	OK	OK	Low	Low	Low	Low	Low	Too good
Too good	OK	Low	Low	Neutral	OK	OK	OK	OK	Too good
OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
Neutral	Low	Neutral	Too good	Neutral	Neutral	OK	Too good	OK	OK
OK	Low	Neutral	OK	Low	Low	Low	OK	Very low	Too good
Low	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
OK	OK	Low	OK	Very low	Very low	Neutral	OK	Very low	OK
OK	Neutral	Very low	Low	Neutral	Neutral	Low	Low	Too good	Too good
Neutral	Neutral	Low	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
OK	Neutral	Low	OK	Too good	OK	Very low	Neutral	Too good	Too good
Neutral	Low	Low	Neutral	Low	Very low	Very low	Neutral	Neutral	Neutral
OK	Neutral	OK	OK		Low	Neutral	OK	Neutral	OK
Very low	Low	Very low	Neutral	Neutral	Neutral	Low	Low	Neutral	Neutral
Neutral	Very low	Low	Low	Low	Low	Very low	Neutral	Neutral	OK
OK	Low	Low	Very low	Low	Very low	Low	Neutral	Very low	Neutral

<Table 1.5> (English answers) Questions 18 ~ 19

higher artistic education	lack in training about copyrights
No	Yes
No	Yes
No	Yes
No	No
Yes	Yes
No	Yes
Yes	Yes
Yes	Yes
Yes	Yes
No	I don't know
No	Yes
Yes	No
Yes	Yes
Yes	Yes
Yes	Yes
Yes	No
Yes	Yes
Yes	Yes
No	Yes
No	Yes
No	Yes
No	I don't know
Yes	Yes
Yes	Yes

<Table 2.1> (Korean answers) Questions 01 ~ 05

Age range	Work area	Work field	Employment type	Monthly wage
25 ~ 44	S. Korea	writing, music, performance	both (50/50)	1000~2000
45 ~ 64	S. Korea	film	freelancer	2000~3500
45 ~ 64	S. Korea	photography, film, fine arts, crafts	both (50/50)	<1000
25 ~ 44	S. Korea	photography	freelancer	<1000
45 ~ 64	S. Korea	photography	freelancer	1000~2000
45 ~ 64	S. Korea	fine arts	freelancer	<1000
45 ~ 64	S. Korea	fine arts	freelancer	<1000
25 ~ 44	S. Korea	photography	freelancer	2000~3500
45 ~ 64	S. Korea	photography	freelancer	1000~2000
25 ~ 44	S. Korea	performance	freelancer	1000~2000
25 ~ 44	S. Korea	performance	freelancer	<1000
25 ~ 44	S. Korea	fine arts	freelancer	<1000
25 ~ 44	S. Korea	design, fine arts	freelancer	1000~2000
45 ~ 64	S. Korea	performance	freelancer	<1000
25 ~ 44	S. Korea	design	freelancer	1000~2000
25 ~ 44	S. Korea	fine arts	freelancer	<1000
25 ~ 44	S. Korea	photography	freelancer	<1000
45 ~ 64	S. Korea	film	fulltime	3500~5000
25 ~ 44	S. Korea	crafts	both (50/50)	2000~3500
25 ~ 44	S. Korea	music	freelancer	1000~2000
45 ~ 64	S. Korea	film	fulltime	>5000
25 ~ 44	S. Korea	photography, design, music	(50/50)	3500~5000
25 ~ 44	S. Korea	photography	fulltime	<1000

<Table 2.2> (Korean answers) Questions 06 ~ 10

Yearly income	Hourly wage	Weekly work hours	Feeling of underpayment	royalties	Royalty %	Wanted royalty %
10.000~25.000	<10\$/h	40h ~ 60h	yes	yes	1%	30
25.000~40.000	30~40\$/h	40h ~ 60h	yes	no	3%	5
<10.000	<10\$/h	40h ~ 60h	yes	no		15
<10.000	<10\$/h	less than 40h	yes	no		40
10.000~25.000	<10\$/h	less than 40h	yes	no		10
<10.000	30~40\$/h	less than 40h	no	no		30
<10.000	<10\$/h	less than 40h	yes	no		20
25.000~40.000	10~20\$/h	40h ~ 60h	yes	no		10
10.000~25.000	30~40\$/h	less than 40h	yes	no		30
10.000~25.000	<10\$/h	40h ~ 60h	yes	no		10
<10.000	10~20\$/h	less than 40h	yes	no		10
<10.000	>50\$/h	less than 40h	no	no		10
10.000~25.000	30~40\$/h	less than 40h	yes	no		
10.000~25.000	10~20\$/h	less than 40h	yes	no		
40.000 ~ 60.000	30~40\$/h	60h ~ 80h	yes	no	1%	
<10.000	<10\$/h	less than 40h	yes	no		
<10.000	<10\$/h	less than 40h	yes	no	3%	30
40.000 ~ 60.000	30~40\$/h	40h ~ 60h	yes	no		
25.000~40.000	50\$/h	less than 40h	yes	no		30
25.000~40.000	50\$/h	less than 40h	yes	yes		5
>60.000	>50\$/h	60h ~ 80h	yes	no	1%	
40.000 ~ 60.000	>50\$/h	less than 40h	no	no		
<10.000	30~40\$/h	less than 40h	yes	no		50

<Table 2.3> (Korean answers) Questions 11 ~ 16

Income from royalties	contracts	reasons for no contracts	copyright protection	expiration date	new copyright law	improvements
less than 10%	no	단기고용, 프리랜서 고용을 이유로 계약서류를 발급해주지 않아서 요청하기도 어려움.	yes	no	Depends on situation	법보다 인식개선이 먼저 필요할지도 모르겠다.
less than 10%	yes		yes	no	Great idea!	
less than 10%	no	To cut on taxes	no	no	Great idea!	
less than 10%	no	친해서	no	no	Great idea!	.
	no	lack of knowledge	no	no	Great idea!	
less than 10%	yes		yes	yes	Great idea!	
less than 10%	no	lack of knowledge	no	no	I don't know	
less than 10%	yes	The other party doesn't want to	yes	no	I don't know	
less than 10%	yes		yes	yes	Great idea!	
less than 10%	yes		yes	Sometimes	Great idea!	
less than 10%	yes		no	no	Great idea!	
less than 10%	yes	lack of knowledge	yes	Sometimes	I don't know	
less than 10%	yes		yes	yes	Great idea!	
less than 10%	yes		yes	no	Great idea!	
less than 10%	no	대부분 시간을 충분히 주지 않고 급하다고만 하니 작업할 시간도 부족해서 계약서는 커녕-	no	no	I don't know	
less than 10%	yes		no	no	Great idea!	저작자 허락 없이 이용할 수 있도록 권리 제한 규정을 신설하고 이용된 경우 권리자에게 사후 보상금이든 제재가 필요하다.
less than 10%	yes		yes	no	Great idea!	
less than 10%	yes		no	no	Great idea!	
less than 10%	yes	lack of knowledge	yes	yes	Great idea!	유명인이 독점하는 시스템을 깨야한다.
less than 10%	yes		no	no	No need	
less than 10%	yes	관행상	yes	no	Great idea!	투명한 시스템
>50%	no	재고용을 하기 때문에 계약서 없이 구두계약으로 업무를 진행합니다.	yes	no	No need	

<Table 2.4> (Korean answers)

Personal perception on some copyright payments

500\$ for logo	10% book	40\$ per 20x20 cm size illustration	15\$ per 1000 music streams	0.25\$ per stock photo	100\$ per one time appearance in TV	700\$ per character design	2\$ from every t-shirt sale	1000\$ per poster design
Too good	Low	Low	Low	Low	Low	Neutral	Neutral	Too good
Low	Low	Neutral	Very low	Low	Very low	Neutral	Neutral	Neutral
Neutral	Very low	Low	Low	Very low	Very low	Neutral	Low	Neutral
Low	Neutral	Neutral	OK	Neutral	OK	Neutral	Low	OK
Low	Neutral	Low	Very low	Very low	Low	Low	Very low	Low
Neutral	Low	Very low	Low	Neutral	Neutral	Neutral	Very low	OK
Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
Neutral	Neutral	Neutral	Neutral	Very low	Neutral	Neutral	Neutral	Neutral
Neutral	Low	Low	Low	Very low	Neutral	Neutral	Neutral	Neutral
Neutral	Low	Neutral	Neutral	Low	Neutral	Neutral	Low	Neutral
Neutral	Low	Low	Low	Neutral	Low	Neutral	Neutral	Neutral
Neutral	Neutral	Very low	Neutral	Neutral	Neutral	Neutral	Neutral	OK
Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
Low	Too good	Low	Low	Low	Low	Low	Neutral	Neutral
Very low	Low	Very low	Very low	Very low	Low	Low	Low	Neutral
Very low	Very low	Very low	Neutral	Neutral	Neutral	Neutral	Neutral	Very low
Low	Low	Low	Very low	Very low	Neutral	Low	Very low	Neutral
Neutral	Neutral	Low	Very low	Neutral	Neutral	Neutral	Very low	Neutral
Very low	Neutral	Low	Neutral	OK	Very low	Very low	Very low	OK
Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
Low	Low	Neutral	Low	OK	Low	Neutral	OK	Very low
Very low	OK	Neutral	Very low	Low	Low	Very low	Low	Too good
Very low	Very low	Very low	Very low	Very low	Very low	Very low	Very low	Neutral

Table 2.5 (Korean answers) Questions 18 ~ 19

higher artistic education	lack in training about copyrights
yes	yes
yes	yes
yes	yes
no	yes
no	yes
yes	yes
yes	yes
yes	yes
yes	yes
no	yes
yes	yes
yes	yes
no	no
no	yes
yes	yes
yes	yes
no	yes
yes	no
yes	yes
no	no
no	yes
yes	yes
no	yes

4.1.2.1.5 descriptive statistics (means & standard deviation)

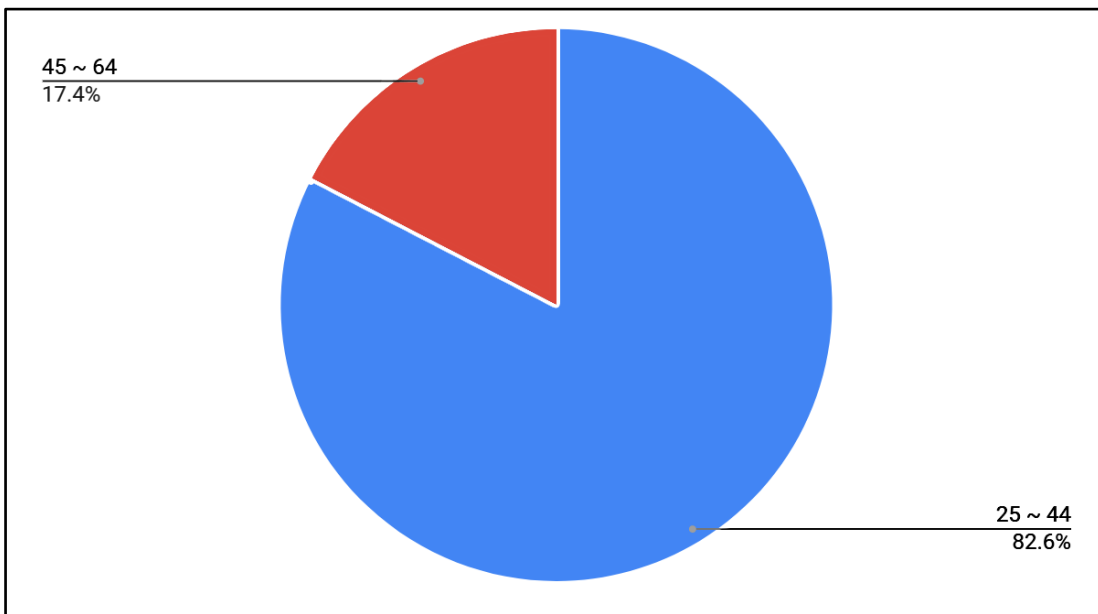
In this chapter of the study, the sample information results from respondents will be compared and described in three ways. First and second are result tendencies within the first (English speakers) and second (Korean speakers) of respondents group and finally tendencies of both groups combined. Expected value of data results are based on a theory that not only same problems coexist among artist communities around the world despite their work area or background but also that some of the issues tend to be deeper based on demographic differences.

Each question is analyzed in order how it was presented in the survey. Some questions are to help distinguish and explain the choice of the group that was worked with, while the results of other questions contribute to the preview chapters statements in illustrating that the cultural industry market problems do exist. Finally, there are a few questions that hint possible solutions of the problems the author wants to incline so these survey items are designed to test how artist community would react and welcome such initiatives.

4.1.2.1.6 analysis & variances

Question 01: What age group do you belong to?

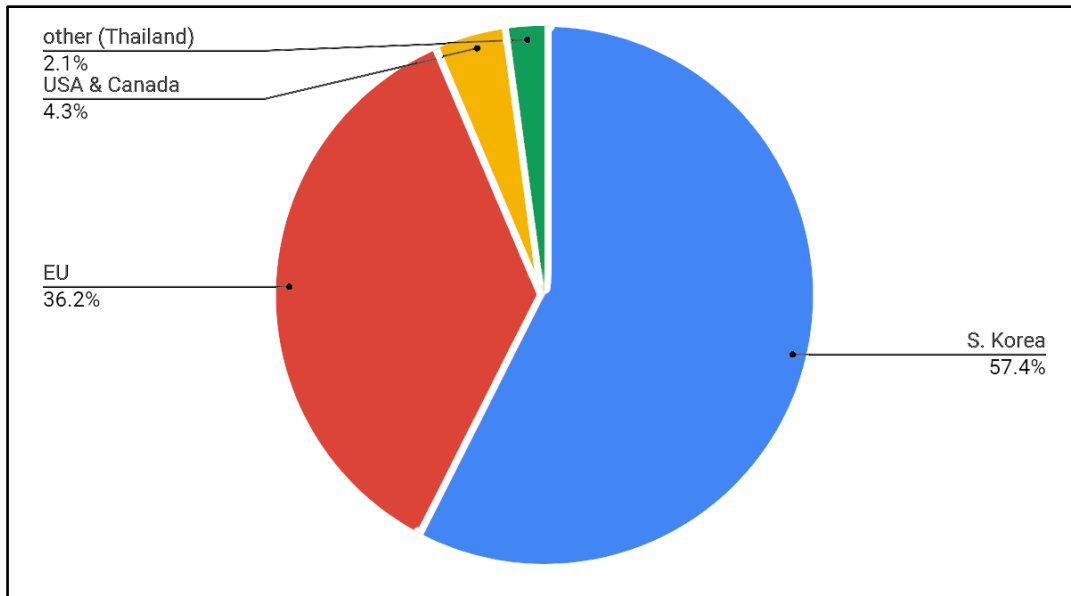
<Figure 6>



Overall 50 respondents participated in the survey with half of them being English speakers and another half Korean speakers. Most of them fall into age group from late 20ies till the middle of 40ties and around one fifth of all respondents being above 45 years old but before the legal retirement age (as it is 65-66 in EU and US and above 60 in S.Korea). Moreover as mentioned before one of the goals choosing this age range in the survey was to get sure that most of the respondents are self-sustainable through their work and not dependable on other income factors.

Question 02: The region where most of your workload comes from?

<Figure 7>



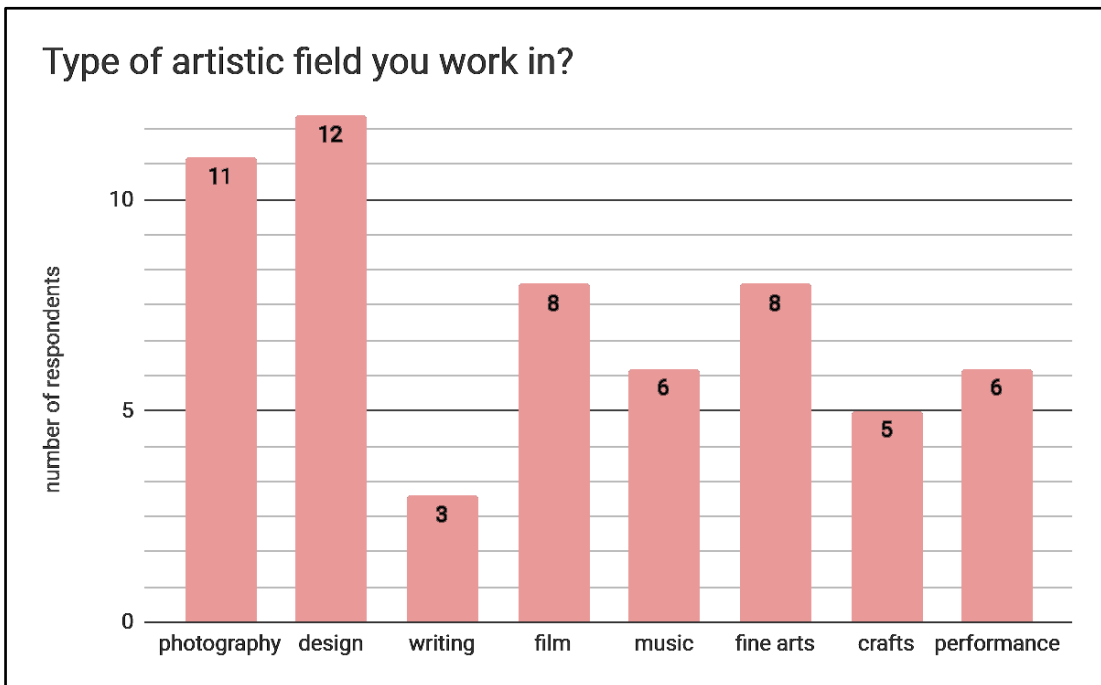
While the goal of dividing respondents in two groups by the language spoken at first was to compare the work culture inside and outside South Korea, but as some English speaking artists do work in Korean market, the region of workload is not entirely divided in half Korean and half-not. The division by ethnicity shows more of a difference in market approach and received education rather than extremely different market conditions or acting laws. Nevertheless all participant countries do belong to WIPO and share same treaties related to copyrights. That leaves only cultural differences in the workfield such as, for example, a believe that mutual trust might be broken if an artist insists on writing a contract while working with an acquaintance. The reasons of not always signing contracts or other culture driven issues will be discussed in further question where it reflects most.

Question 03: Type of artistic field you work in?

The most perfect set of respondents would be people working in the same artistic field, same age and same country. However while conducting the survey at one point it even seemed that artists are getting repellent whenever the talk takes a turn towards finances or legal stuff. Therefore to get the most of possible sample data the criteria for

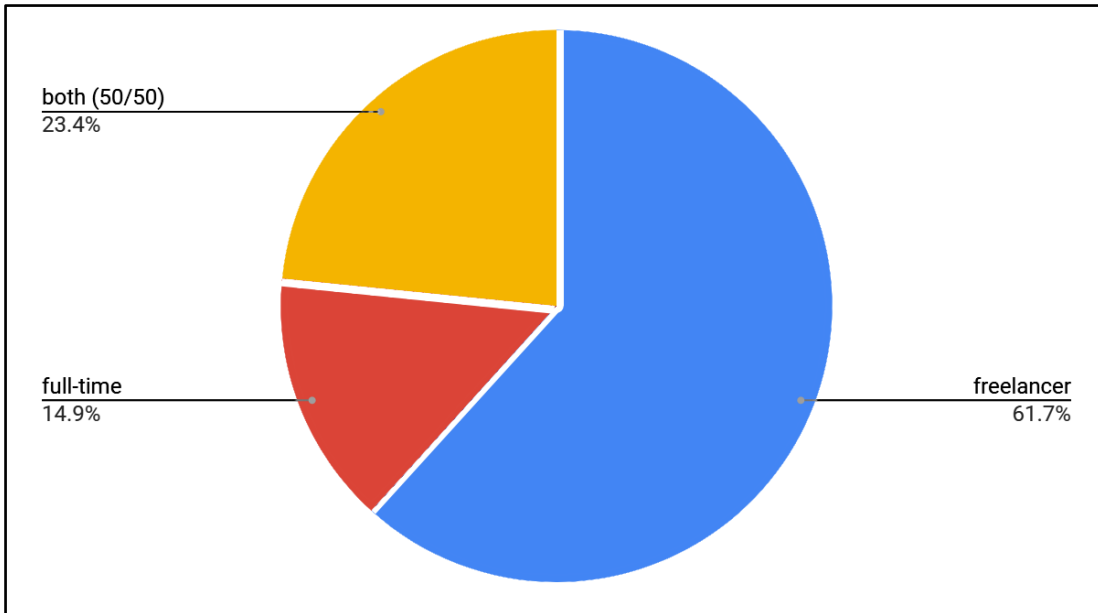
respondents was expanded to people who work in cultural industry and are directed connected in creating a product. Distribution of the type of artist among the two groups were quite similar and overall neither of the professions dominates over others. Photography and design having more count logically could be result that many times it can become a sub-job for any other type of artist. In this questions respondents could choose several answers that fit their preferences.

<Figure 8>



Question 04: Do you work full-time or as a freelancer?

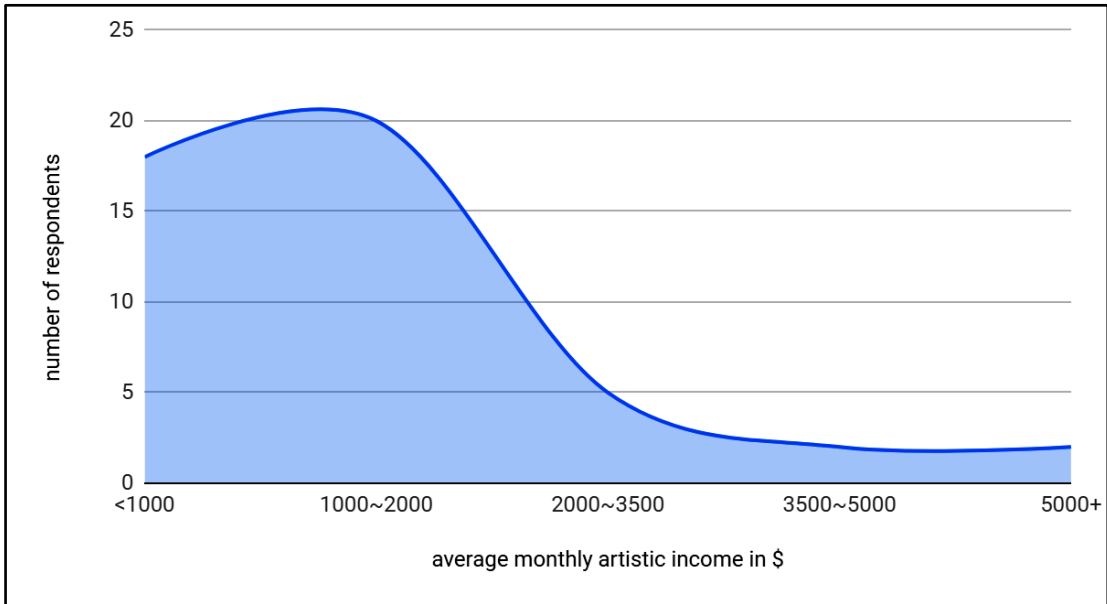
<Figure 9>



The sum of all survey responses over full-time VS. freelance employment shows that as it was stated before, the classical picture of cultural sector is consisted of a few, very large, employers “at the top,” and a mass of small firms and freelancers below. Thus it is well illustrated by sample data statistics with only 15% of respondents working purely full-time in presumably “very large firm at the top” while the rest 85% is freelancing. From the detailed individual data at table 1.1 (English answers) and table 2.1 (Korean answers) an insight that non-Korean market contains more full-time workers in cultural field than compared to the answers from Korean speakers. On the other hand, in account with the column illustration monthly income, Korean full-time workers are the ones who get the biggest salaries among all the other artists. That tendency do not exist among the first group answers leading to a believe that EU and USA full-time workers might be working in a small firm, cooperation or startup making them not a lonely sole freelancing market players but also not qualifying for a huge firms with lots of financial resources for employees' wages. A deeper research about the amount of small creative firms in South Korea would be needed to confirm stated presumptions.

Question 05: Your average monthly artistic income in \$

<Figure 10>



The graph that illustrates monthly income by all the respondents shows a peak at the wages who varies from as low as below 1000\$ to 2000\$ per month. It proves Verhage's study on Dutch artists and results that even more than 49% of visual artists earn less than 10.000 euro per year and the fact that compared to other industries though cultural industry is one on the rise but the people who work in it are still far from tasting the fruits of prosperity.

By dividing the results by the two separate groups and then comparing the graphs it shows that in Western world the average of monthly artist wage peaks at 2000\$ per month. It gives a hopeful note that with very poor artist count being lesser than the ones who do get income that is above the minimum wage EU and US cultural markets might indicate a future artist middle class formation. On the contrary the data from Korean responses shows that the count of people goes gradually smaller towards bigger wages.

<Figure 11>

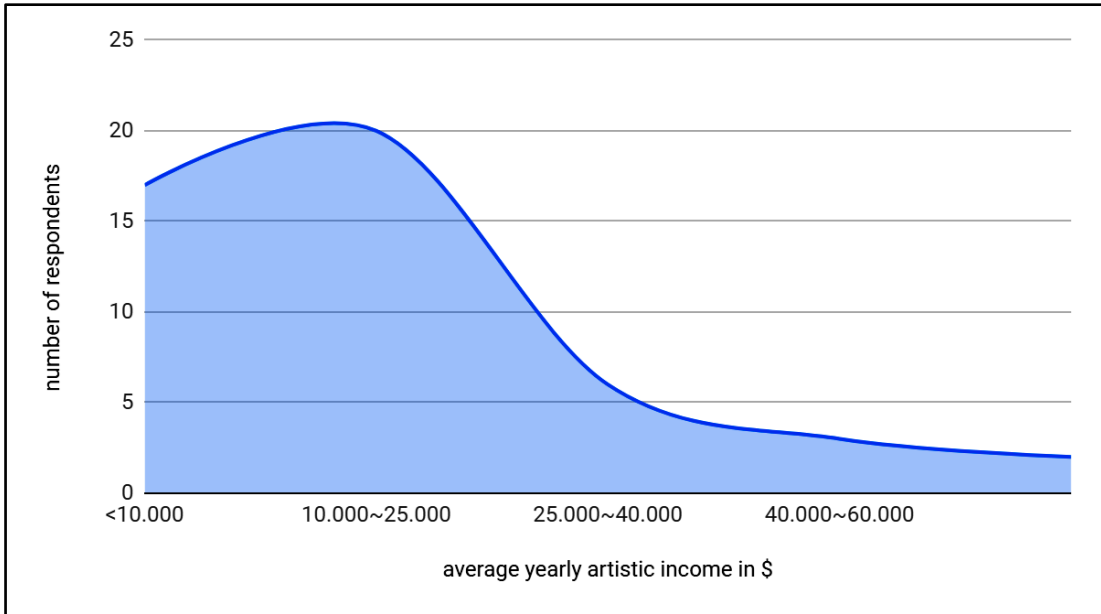


<Figure 12>



Question 06: Your average yearly artistic income in \$

<Figure 13>

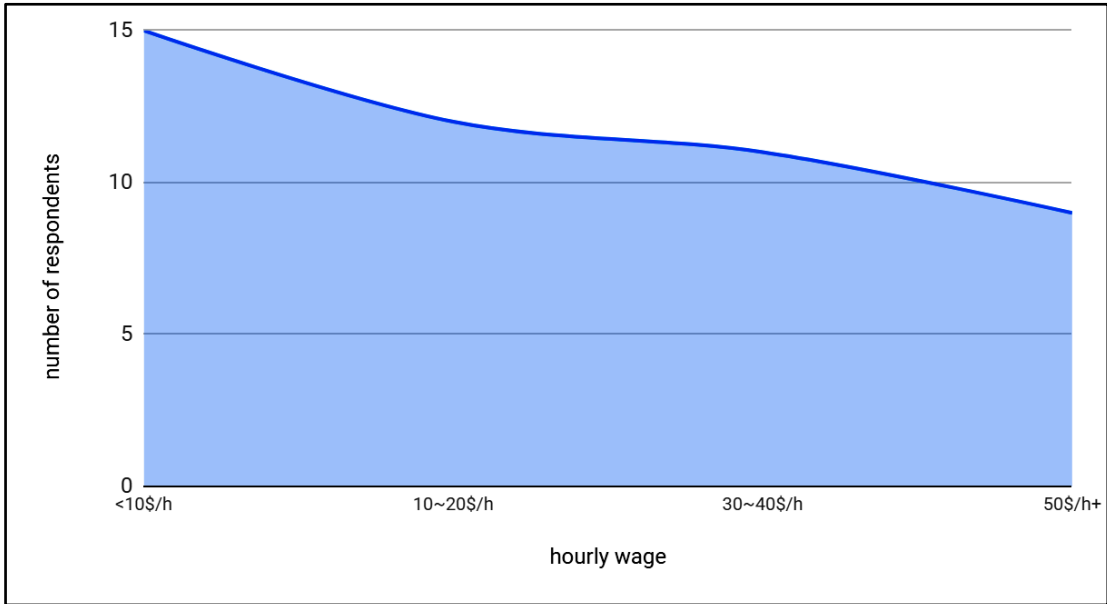


Statistical data from yearly artistic income indicates same data reflected in monthly income. Presumably showing that artists, who have chosen their artistic profession as the main means of income are managing their monthly income on a steady basis with no big differences reflected in whole year finances.

Question 07: Your hourly wage?

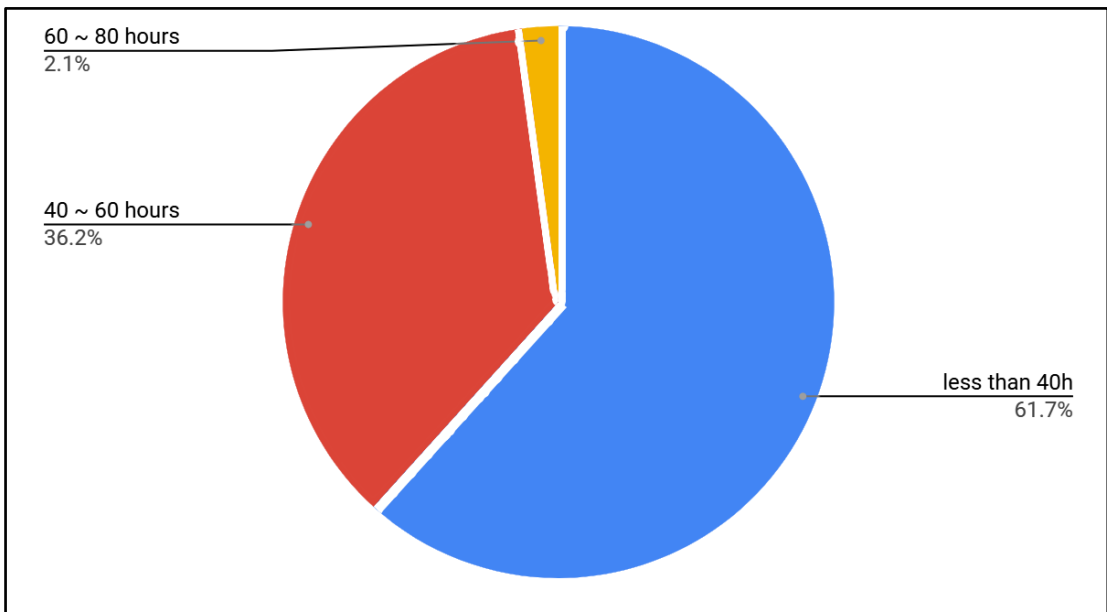
Hourly wages seem to be equally distributed among both groups for various prices, leaving the differences depend on job specifics rather than statistical tendencies.

<Figure 14>



Question 08: Hours per week spent on artistic work?

<Figure 15>



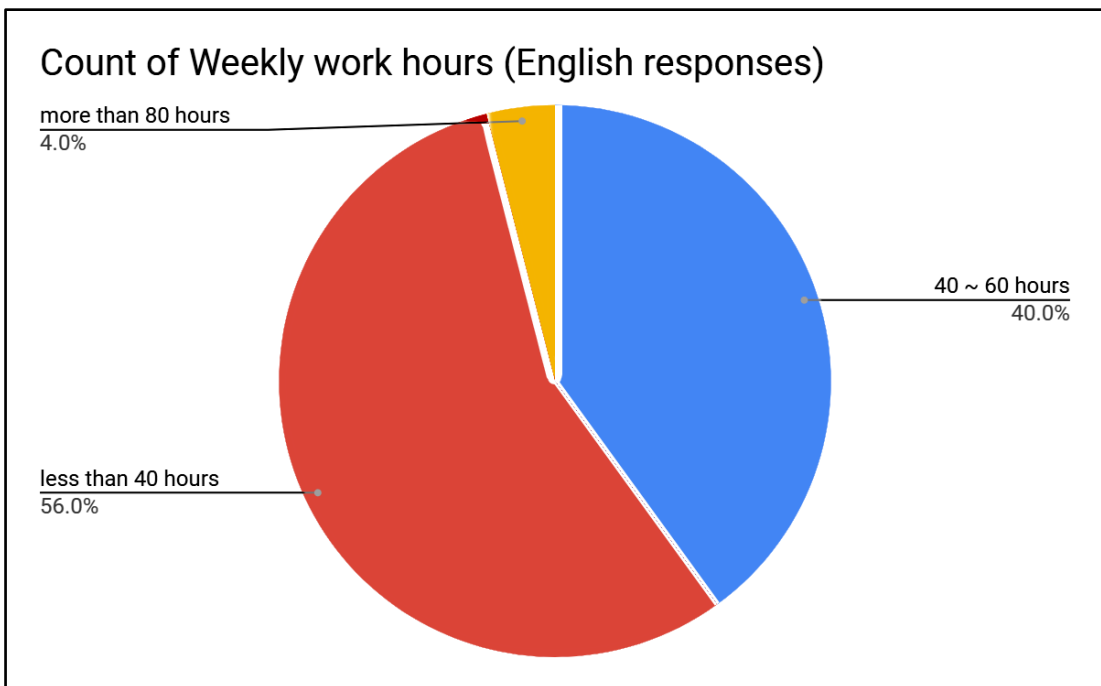
More than the half of the respondents tend to enjoy are shorter work week compared to the length of weekly work hours that are considered norm in other industries. A slight difference of answers by two groups reflects in the charts with EU and USA artists

seem to work a little bit more than Koreans. That would be a very strange tendency in creative industry giving the fact that S. Korea is well known for overworking hours and as The Guardian states that by they researched statistics "South Koreans still work about 400 more hours a year compared with workers in the UK and Australia, about 10 additional standard work weeks, despite having relatively similar average incomes. The new South Korean work week will consist of 40 normal hours and an additional 12 hours of overtime." (Benjamin Haas, "South Korea cuts 'inhumanly long' 68-hour working week", The Guardian, March 2018)

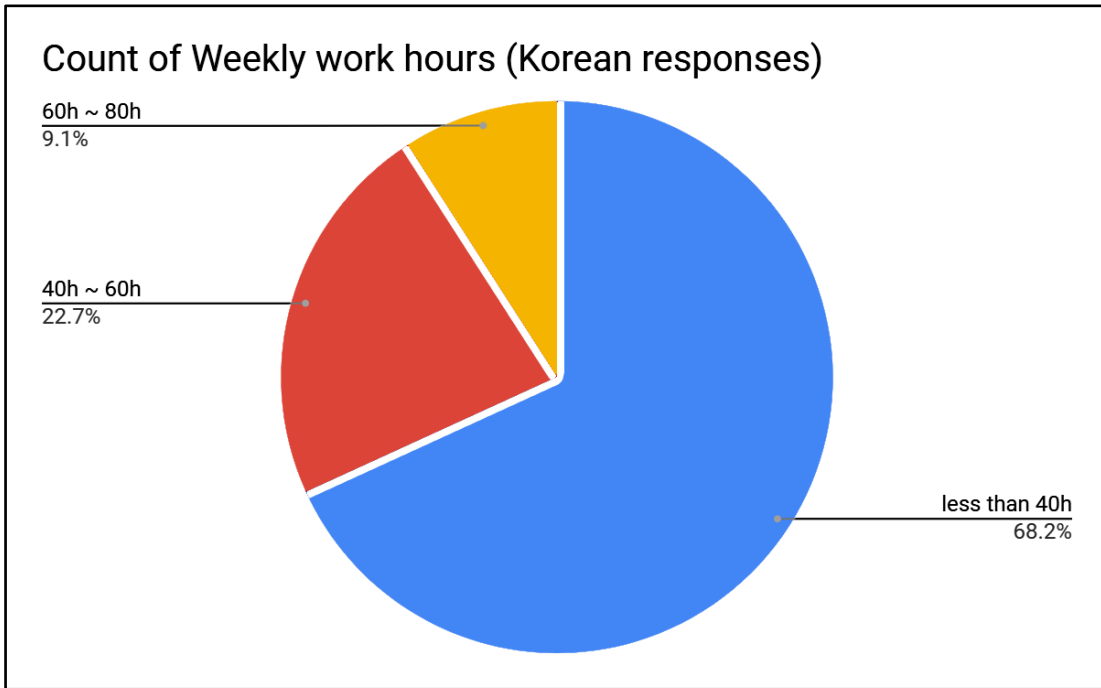
Another reason for the slight difference might be that considering the fact that most of the market players are freelancers the reason for less weekly working hours is simply connected to the lack of incoming work. Since I mentioned that South Korean market has relatively less full-time employees and more freelancers in the field it might create bigger competition and oversupply for the existing work demand.

On the second thought the difference in the charts are not that big to make assumptions and a bigger research is needed to prove the point.

<Figure 16>

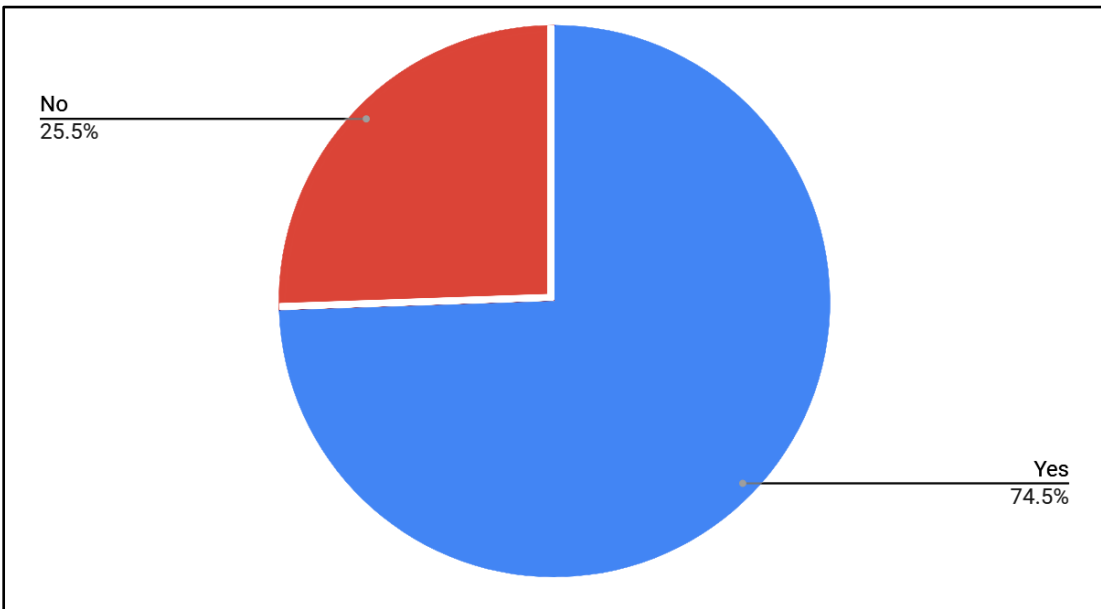


<Figure 17>



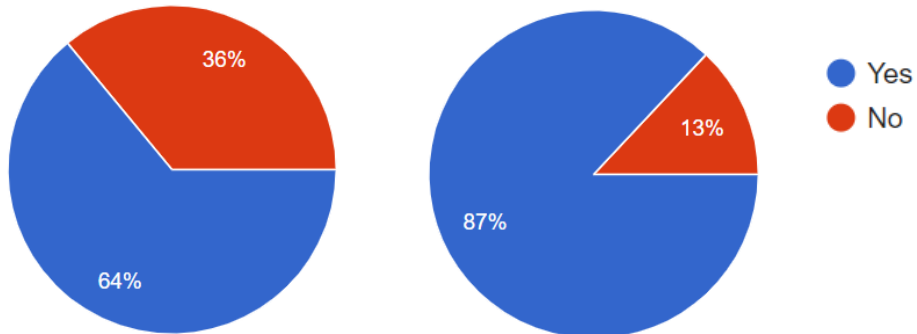
Question 09: Do you feel underpaid?

<Figure 18>



Most of the respondents feel underpaid in their job with respondents from EU and US being slightly more satisfied with their payment than the ones from S. Korea.

<Figure 19>



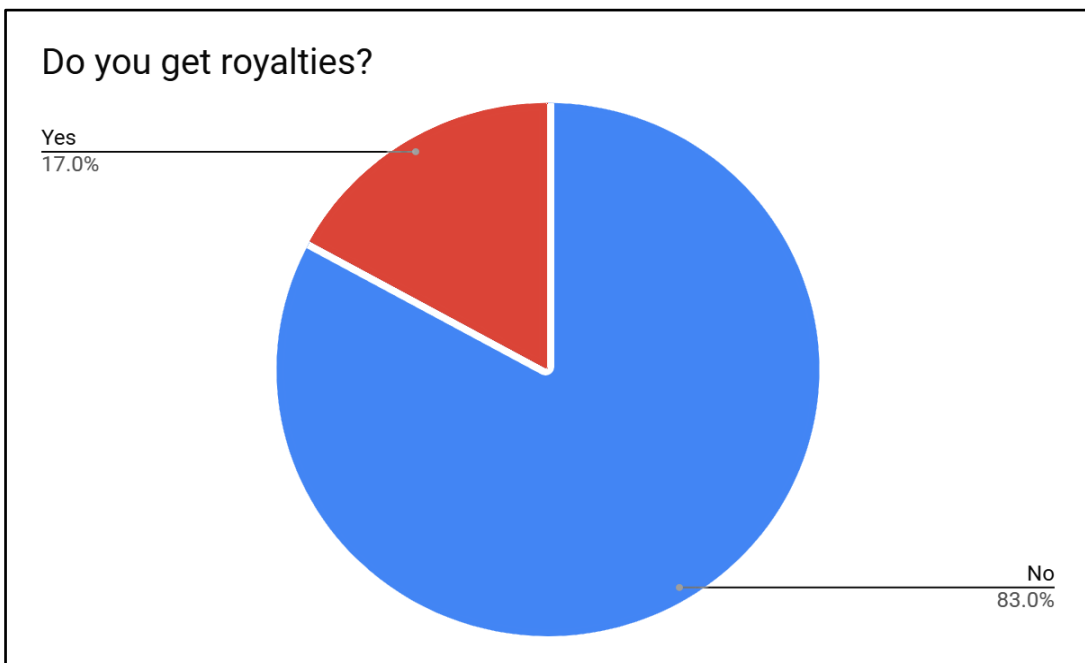
The feeling of being underpaid is no surprise giving the fact that more than the third of all respondents are getting less than a minimum monthly wage in their country.

Question 10: Do you get royalties?

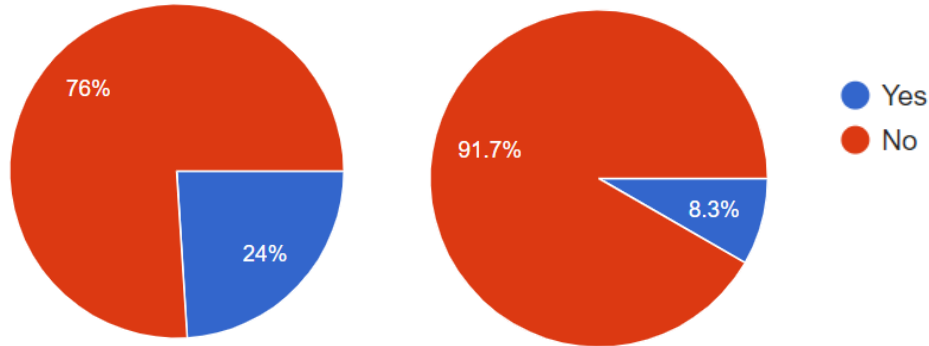
Question 11,12 & 13: Royalty percentage

Most of the second half of survey questions were related to royalties, contracts and copyright protection. Less than 1/5 of respondents replied to have steady income from royalty earnings.

<Figure 20>



<Figure 21>

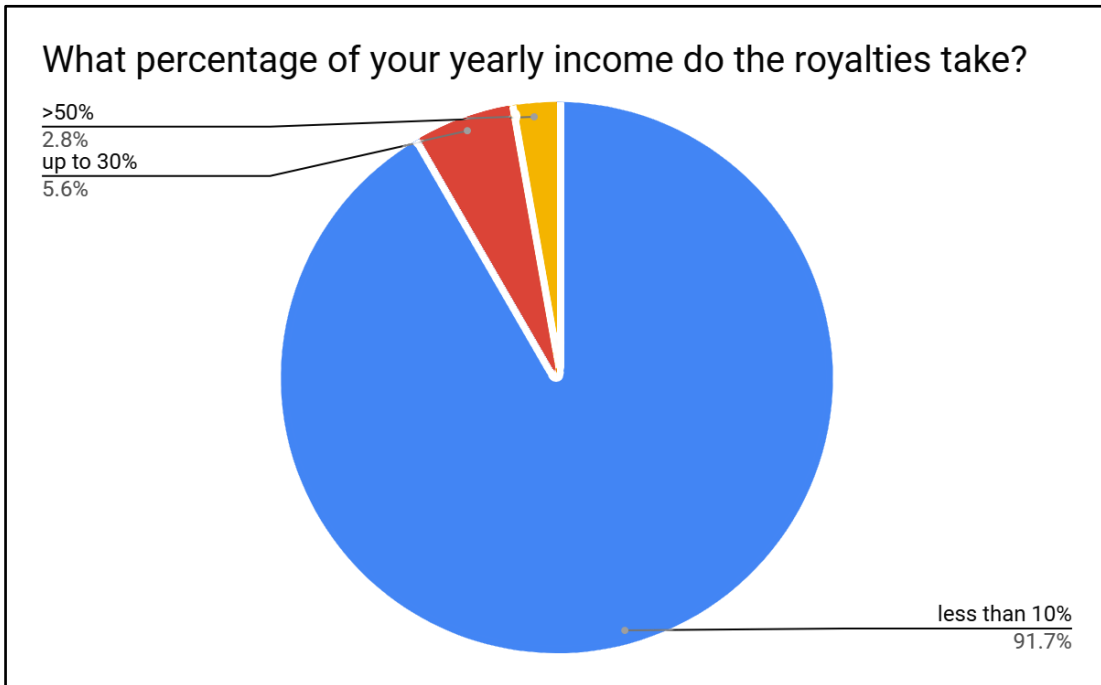


In comparing within the two groups, the practice of getting royalty payments in S. Korea is way less popular than elsewhere. That also leads to the lack of activity in answering following questions about fittable royalty percentage an artist is getting or would like to get if any.

Towse (2014) did mentioned royalty incomes as one of the solutions to create artists middle class and fix oversupply and power struggle in the market. The statistical data shows that creating artists middle class through royalty payments is still a very long shot and artist in western countries are being more successful with filling in artists' middle class level with employment in small firms rather than getting steady income flow from royalties. To add, from the individual comments from the artist about the survey questions it shows that there are a lot of peers who don't even know what royalties are, how do they work and how it might be included in the contracts and their own work copyright protection. The lack of understanding royalties also reflects in answers showing that above 1/3 of respondents mark their "wanted" royalty percent above 30% even with consideration of the work input by the other party (production, distribution, management).

To sum up, royalty income among artist majorly takes less than 10% of their whole annual total so for the royalties being able to play bigger role in the market the whole perception of them should change, starting from education and understandment to more including terms in work contracts.

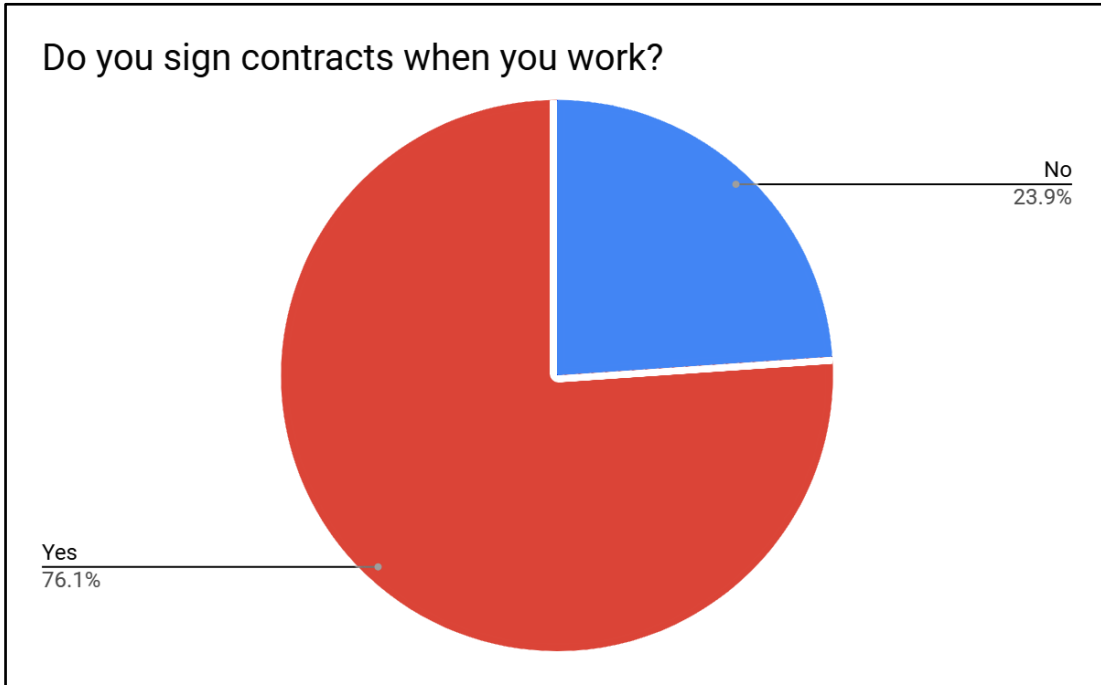
<Figure 22>



Question 14 & 15: Do you sign contracts when you work? Why not?

One of the underlying problems with creative industries' market that reflects in the survey results is the fact that working without signing a work contract still exists and almost ¼ of respondents confessed about not signing any contract at all while their work. That means that their work and payment is only a matter of mutual verbal agreement not to mention copyrights or royalties if any. Without a written contract there is nothing a law could protect and cases of underpayment, fraud and exploitation are more likely to arise.

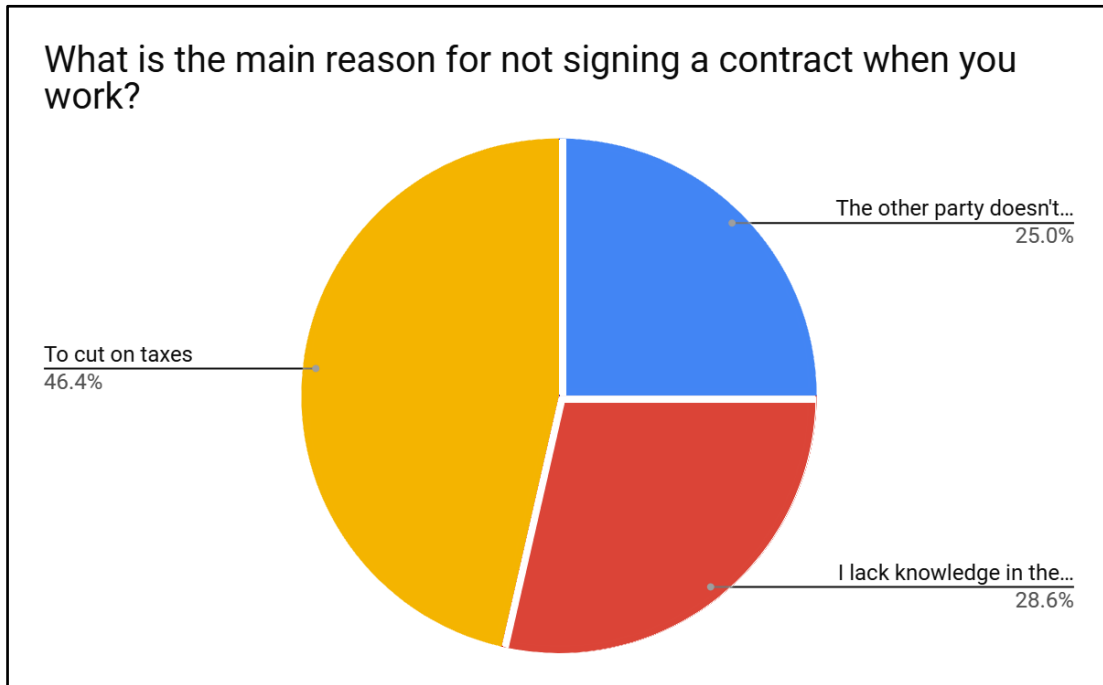
<Figure 23>



The second, S.Korean group showed even bigger percent of respondents answering negatively to the risen question with up to 30% saying that they don't sign any contract when they work.

In the detailed analysis of the reasons why people choose not to sign a work contract three answers were offered for selection where first group favoured answer "to cut on taxes" and second, Korean group, were more likely to note their lack of knowledge. ¼ of respondents marked issues with the client who opposes signing a contract.

<Figure 24>



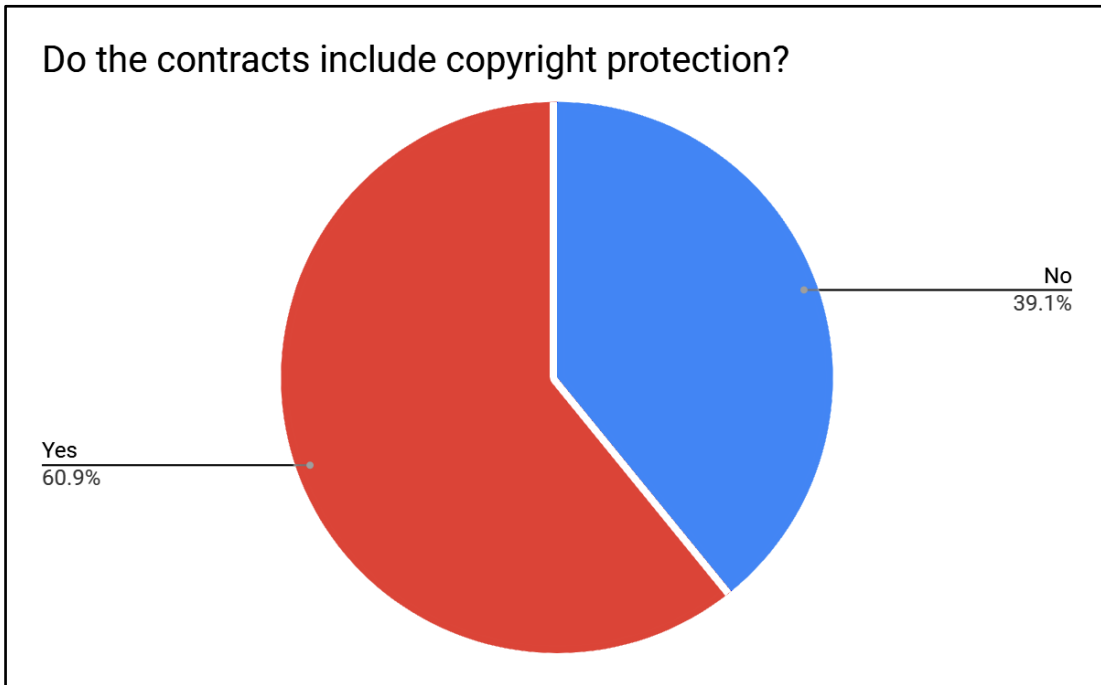
Some of the comments to the question included a note that it is a cultural trade not to sign a contract via trust, especially working with acquaintances as if the contract itself will bring a shade over the deal and worsen relationship.

Though lack of knowledge manifests as a huge problem in creating safe, exploit-free working conditions, sincere confession of trying to avoid taxes sometimes by giving up legal protection indicates that the small income and wages of the artists make them take means to save in every way possible. Especially it is more seen as a practice among Western countries where overall taxes are sometimes even 5 times bigger than the ones applied in S. Korea.

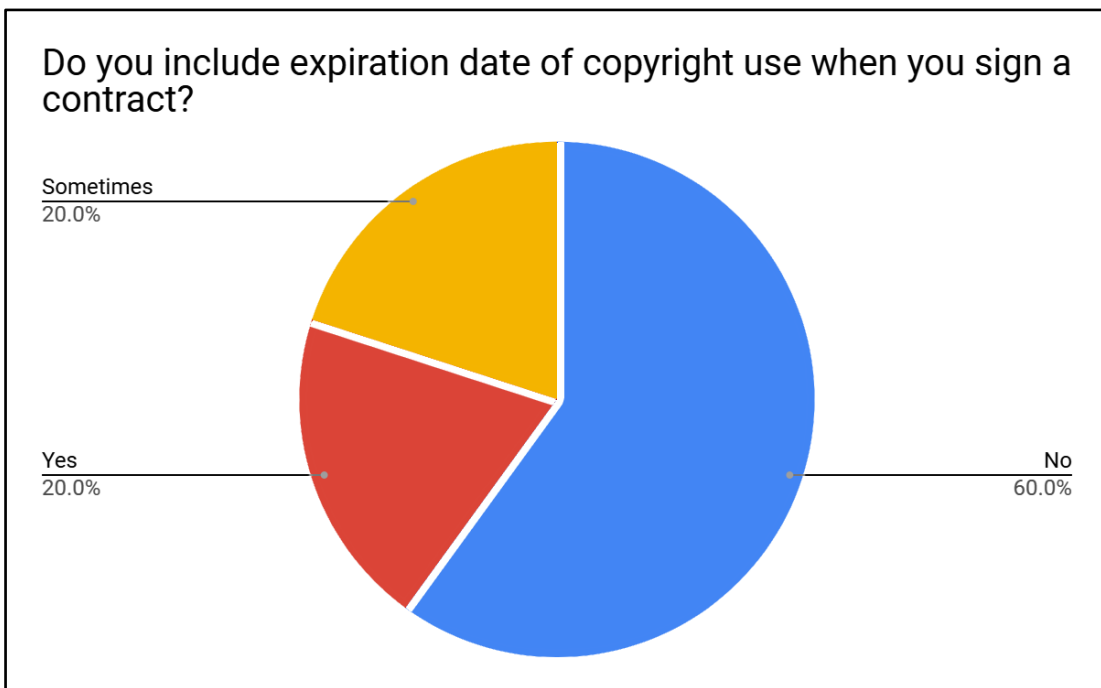
Question 16 & 17: Do the contracts include copyright protection and expiration terms?

While getting in the details of the contracts that are being signed it is sad to note that the terms of copyright protection are not always discussed. Both groups answered the more than 1/3 don't include copyright protection in their work contract. and more than 2/3 noted that they don't include any expiration terms over the used artwork.

<Figure 25>



<Figure 26>

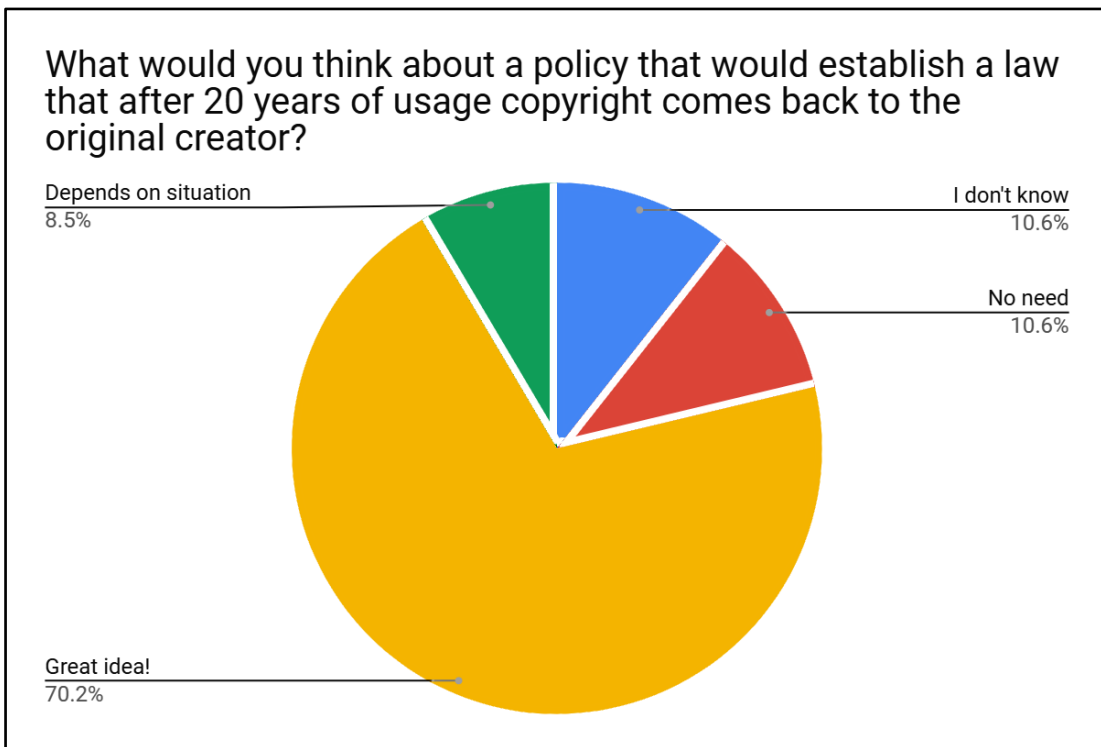


Whether the issue rises from the same lack of knowledge or opposition from the other party, contracts being one of the main legal prove and shield of copyright still have a long way to go to be doing their job to full extent.

Question 18: Copyright law lasts for 70 years after the owner's death and sometimes even longer when it gets sold and re-sold through companies. What would you think about a policy that would establish a law that after 20 years of usage copyright comes back to the original creator?

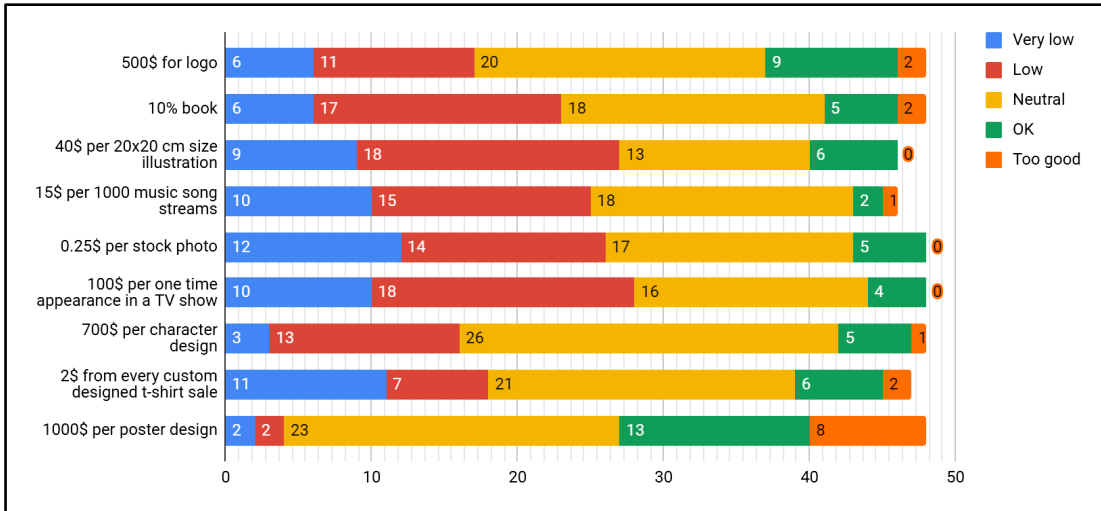
This question was designed to test acceptance of one possible solutions to the current market problems. Especially the facts that were also well depicted with the statistical results, such as lack of knowledge in the legal field of copyrights, signing contracts and including expiration term. Full version of the question briefly explained Jerry Siegel's and Joe Shuster's Superman's case where authors were stripped of the copyrights and never won the legal battle up till their dying days. An idea with a government overlooked contracts which would include expiration term of 20 years by default if not stated differently were proposed to the artists. 70% of respondents answered affirmative to the suggestion with 10% wishing for more details over different situations.

<Figure 27>



Question 19: Personal perception on some copyright payments?

<Figure 28>



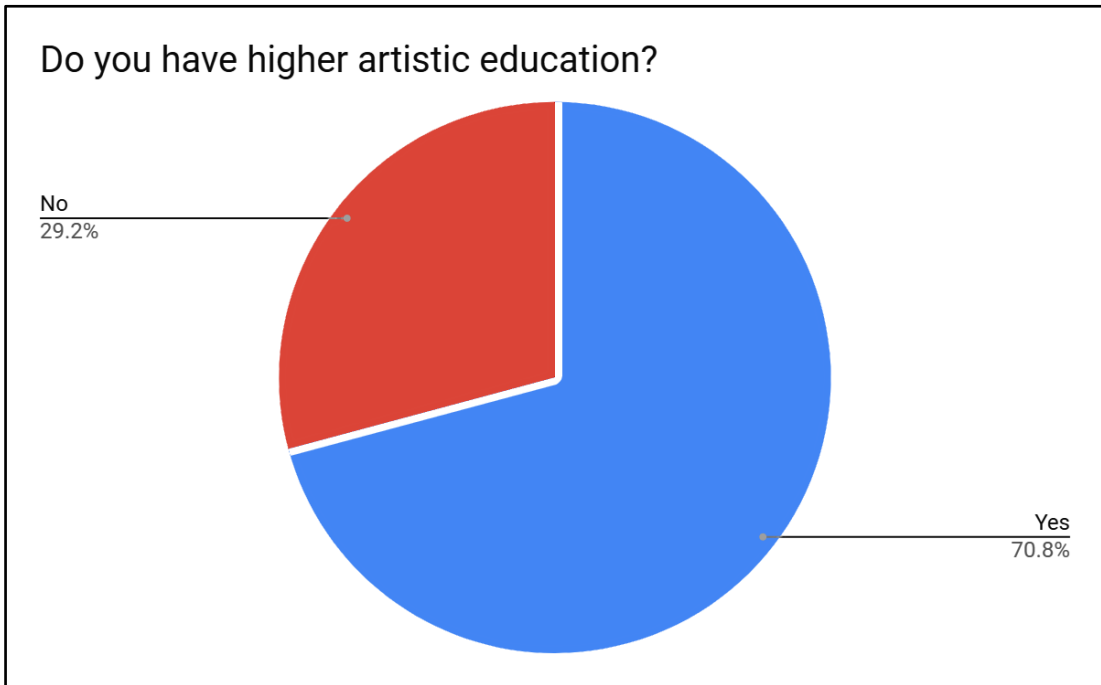
As for some concrete perception on various market prices the answers from respondents reflect an overall feeling of underpayment with few or none respondents thing that the price of a specific artwork is too good to be true.

The higher the price in total the more satisfaction is shown despite the work type.

Question 20: Do you have higher artistic education?

One of the reasons to clear out the educational degree of respondents was a fact, as it was mentioned before, as higher education is not a necessity to enter creative industries and the artist can be self-taught. Nevertheless 70% respondents answered to be holding a higher education degree in artistic field. That might bring us to a concern that compared to the other fields, even though majority artist do hold higher education degree, this degree does not help them secure a better job, of steady sufficient financial income.

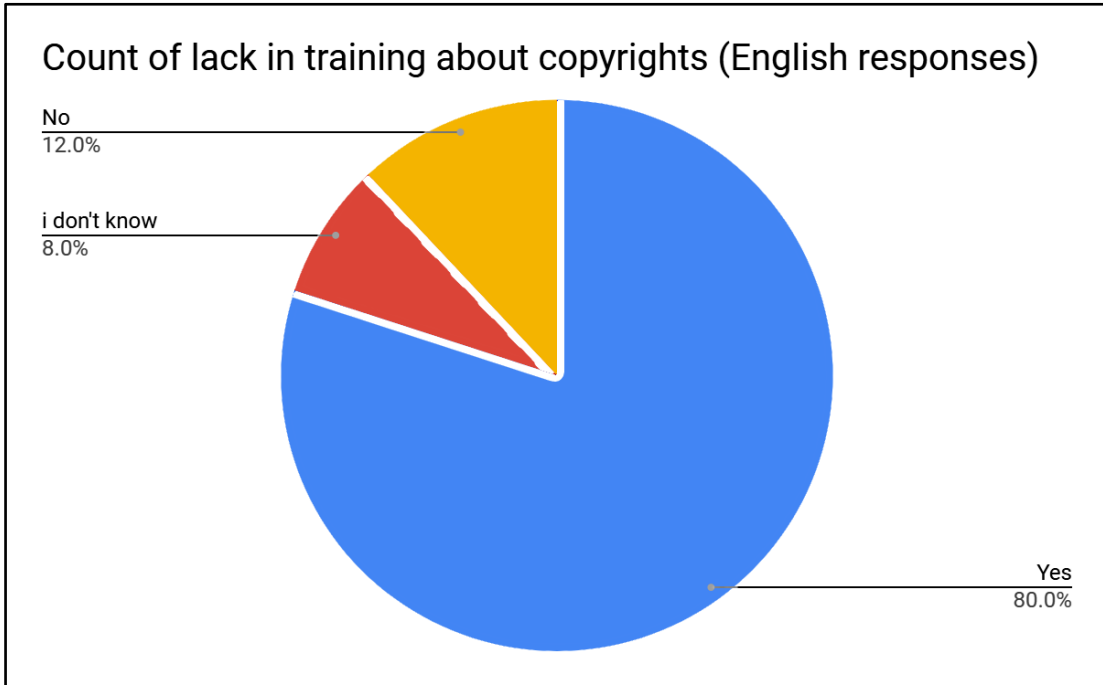
<Figure 29>



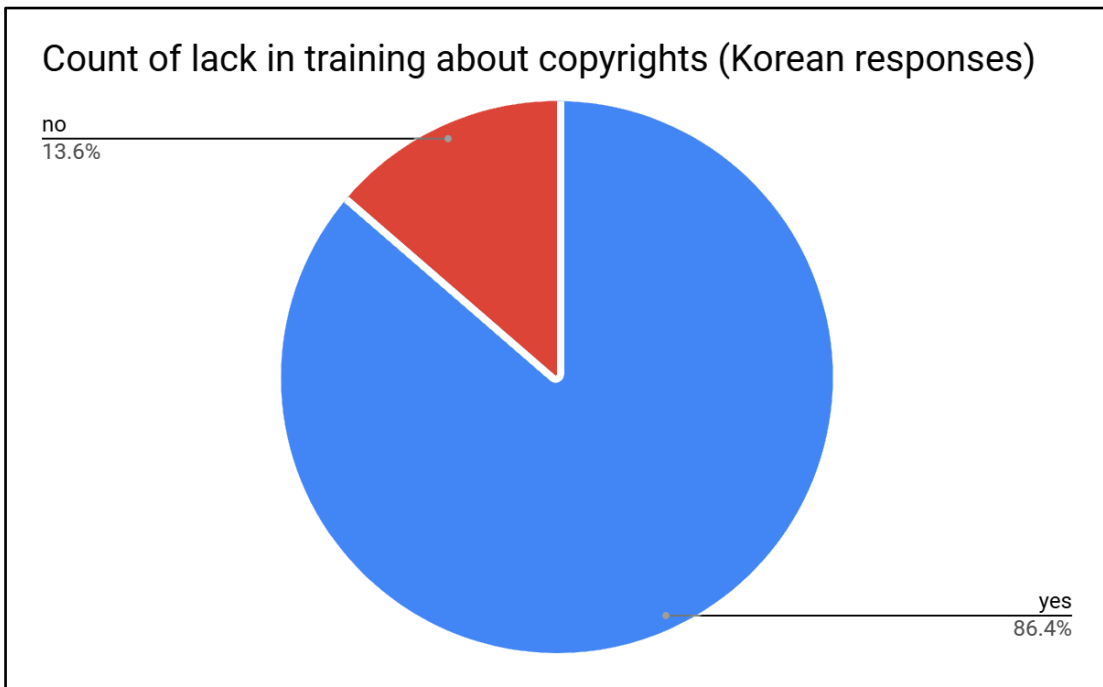
Question 21: Do you think artistic education lacks in training of business skills and legal information?

At the end, since many of the questions were noted to be difficult in answering by the lack of knowledge, it naturally rises the question do the higher artistic education that most of the respondents have help and prepare them for the legal field of their business. As the results show the first and the second groups answered similarly with regret that they do feel that the education they have received overlooked the preparation to work in the field. While most of the artistic education focuses in perfecting skills over the chosen art, it falls way behind into preparing peers in working in the industry. Most of the higher artistic education curriculums do include a class or two over business management and project paper writing, but subjects as work contracts, copyright protection and necessary legal basis are left out.

<Figure 30>



<Figure 31>



4.1.2.2. survey 2: domestic

The second survey was conducted among twenty Jeju National University multimedia and design faculty sophomore students. This survey was designed to test knowledge and awareness of copyright and copyright policies among future generation designers and address the matter that current education might be lacking in providing needed knowledge. An interesting insight to future policy change suggestions raised from the students survey responses and FGI interviews.

4.1.2.2.1 demography

As the survey was prepared in Korean language and distributed during classtime for 2nd years in design major. Thus the results are expected to reflect the views of students of similar age in similar majors. Multimedia design major was chosen as one of the fields where copyright knowledge is highly demanded while continuing working in this field. Without proper knowledge of author rights and most importantly economical rights future designer will have a struggle to succeed in the market and maintain steady income without being ripped off by the other market players.

4.1.2.2.2 questions

1. Age group
2. Study major
3. Current year in studies
4. Key terms of copyright and their policies you have heard / know of: copyright, patents, royalties, work-for-hire, fair-use, droit-de-suit
5. Have you heard about Korean Copyright Commision?
6. Have you visited official Korean Copyright Commision website?
7. Have you tried to register your copyrights?
8. How current copyright policies could be changed for the better?
9. Is there a class in your major covering copyright policies. Is it a mandatory class?
10. Do you think higher artistic education lacks in teaching about legal and business aspects of creative arts?

4.1.2.2.3 results

4.1.2.2.4 sample information

<Table 3.1> Questions 01 ~ 07

Age	Major	School year	Unknown copyright related terms	Heard about Korea Copyright Commission?	Visit to Korea Copyright Commission webpage	Registration of own copyrights
<24	multimedia design	2	copyright, patent, royalties, work-for-hire, fair use, droit-de-suit	yes	no	no
<24	multimedia design	2		yes	yes	
<24	multimedia design	2	patent, work-for-hire, fair use, droit-de-suit	yes	no	no
<24	multimedia design	2	royalties, work-for-hire, fair use, droit-de-suit	yes	yes	no
<24	multimedia design	2	droit-de-suit	yes	no	no
<24	multimedia design	2		yes	no	no
<24	multimedia design	2	patent, fair use, droit-de-suit	yes	no	no
<24	multimedia design	2	patent, droit-de-suit	yes	no	no
<24	multimedia design	2		no	no	
<24	multimedia design	2	copyright, patent, royalties, work-for-hire, fair use, droit-de-suit	no	no	no
25+	industrial design	2		no	no	no
25+	multimedia design	2		yes	no	no
<24	multimedia design	2	copyright, patent, royalties, work-for-hire, fair use, droit-de-suit	yes	no	
<24	multimedia design	2	copyright, patent, royalties, work-for-hire, fair use, droit-de-suit	yes	yes	no
<24	multimedia design	2	copyright, patent, royalties, work-for-hire, fair use, droit-de-suit	yes	yes	
<24	multimedia design	2	work-for-hire, fair use	no	no	no
<24	industrial design	2		yes	yes	no
25+	multimedia design	2		yes	yes	no
<24	industrial design	2	copyright, patent, royalties, work-for-hire, fair use, droit-de-suit	yes	no	no
25+				yes	yes	no

<Table 3.2> Questions 07 ~ 10

future improvements needed in copyright policies	copyright related classes	copyright education sufficiency
defined standards	none	very insufficient
easy access	none	
education, defined standards	mandatory	insufficient
renewal, defined standadts	none	insufficient
education, promotion	mandatory	insufficient
i don't know	mandatory	insufficient
i don't know	mandatory	insufficient
education, promotion	mandatory	insufficient
renewal, defined standards	none	very insufficient
i don't know	none	sufficient
i don't know	none	insufficient
i don't know	selective	insufficient
renewal, easy access	none	insufficient
renewal	none	insufficient
renewal, education, easy access	none	sufficient
	mandatory	insufficient
i don't know	none	insufficient
renewal, easy access, defined standards	none	very insufficient

4.1.2.2.5 descriptive statistics (means & standard deviation)

The sample information results from respondents will be compared and described in graphs. Result tendencies will be compared with previous survey results. Expected value of data results are expected to match with the first survey proving that the education problem is not only based by country or generation but is present in universities now and are inevitable to repeat itself in future generations to come.

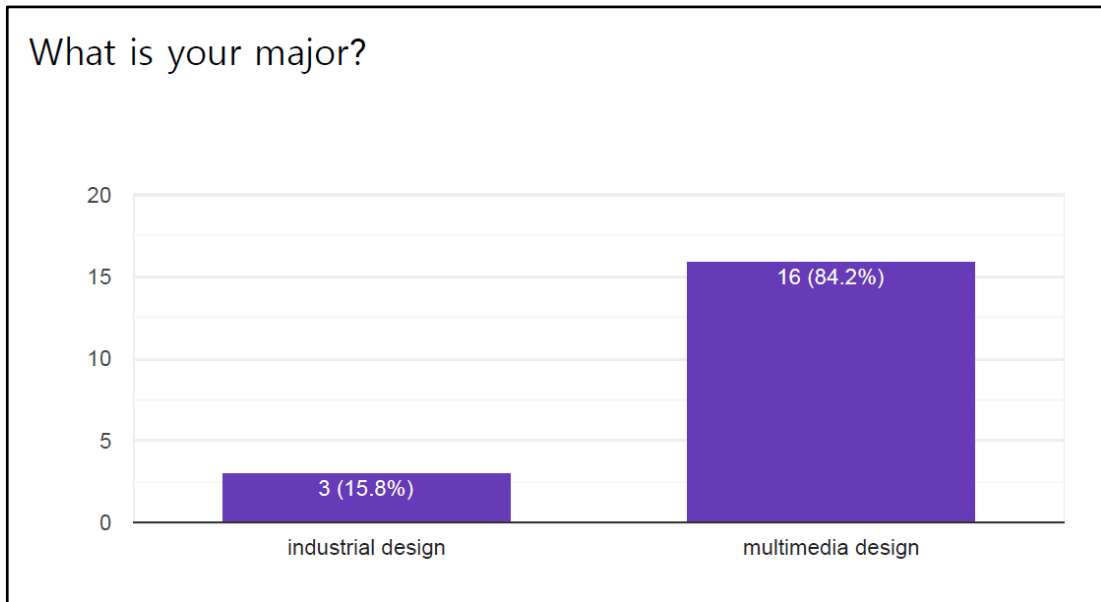
Each question is analyzed in order how it was presented in the survey. Some questions are to help distinguish and explain the choice of the group that was worked with, while the results of other questions contribute to the preview chapters statements and further proposed solutions.

4.1.2.2.6 analysis & variances

Question 1,2 & 3: Age, major and school year

20 students of Jeju National University multimedia design faculty took survey questions. Majority of them were in their early or mid-twenties, second school year. 16 students were majoring in multimedia design and 3 more students were from industrial design major. Though copyrights are important for all creative fields survey was distributed to design students, especially industrial design with hope that they should be most educated about legal policies since their future work 100% will be connected to that and good education should prepare students for their future job challenges. Nevertheless the results from the second survey is kind of shocking revealing that copyright education has still a long way to go. Speaking about copyright policies need of change might be a too early task considering the fact that even current policies are yet very unknown even for future generation designers, that is among current students.

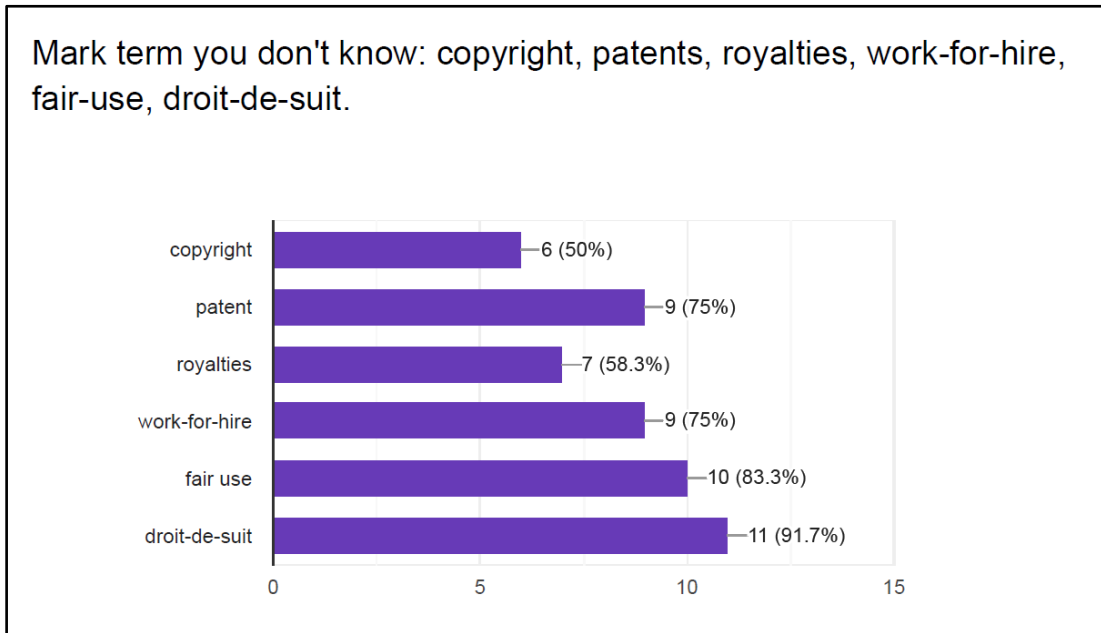
<Figure 32>



Question 4: Key terms of copyright and their policies you have heard / know of: copyright, patents, royalties, work-for-hire, fair-use, droit-de-suit

Among common main key terms used while talking about copyrights many of specifics are still an unknown field for present university students. While many students have heard something about copyrights (only 5/20 marked that they have zero knowledge about copyrights), more specific policies like fair use (free-of-charge artwork use for educational purposes) or droit-de-suite (royalty-kind-of payment to the original author when reselling an artwork) are unknown terms to half of the questioned students. Work-for-hire (when an artist is hired by the company fulltime and all his author rights automatically is transferred to the company) and patents were more heard terms. While working in design industry these term should be basic knowledge because the students are going to work with that for the rest of time if they plan to stay in creative field.

<Figure 33>

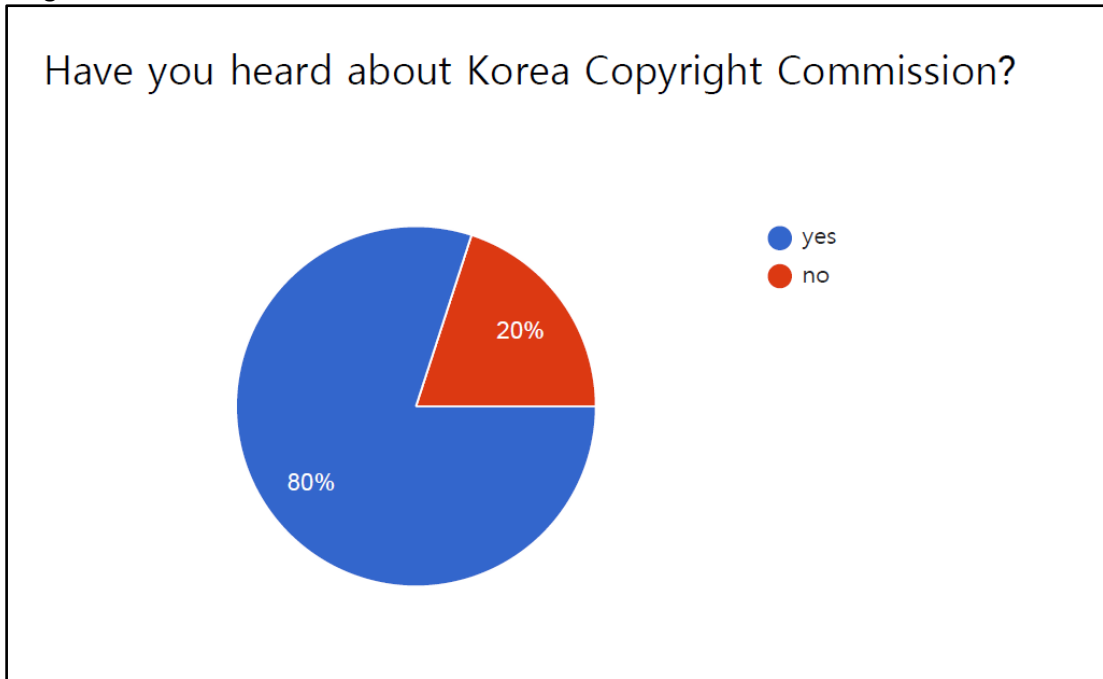


Question 5 & 6: Korean Copyright Commission?

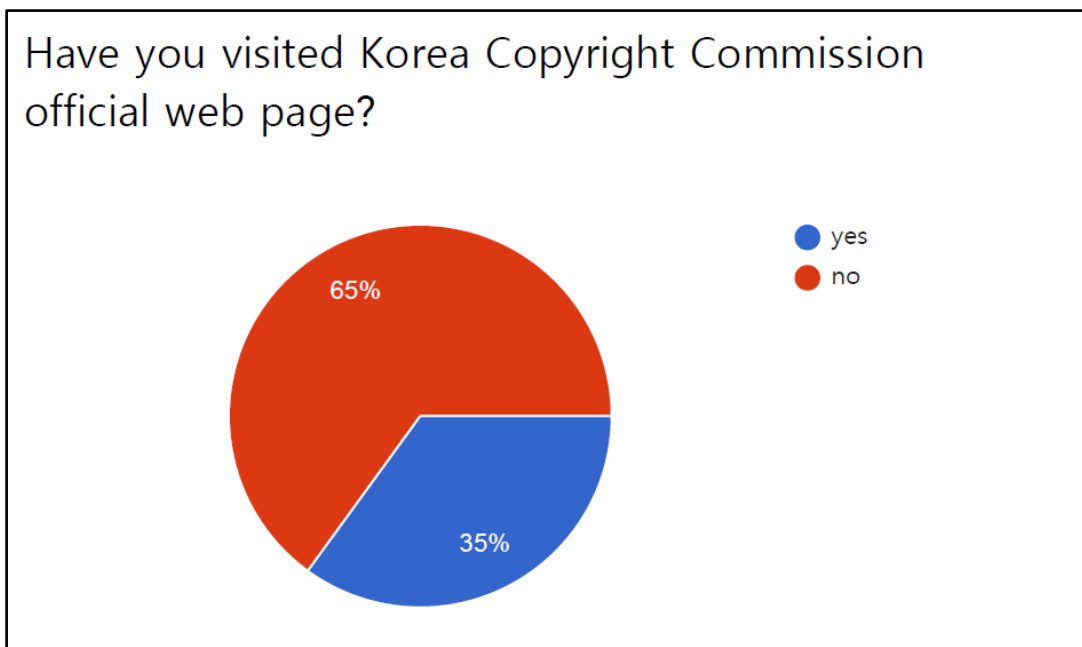
The Korea Copyright Commission is one of the key public organizations in Korea dedicated to copyright-related affairs. It plays a main role in the protection, promotion of the legitimate use of works, and the development of the copyright industry. The KCC have its roles ranging from deliberating copyright-related issues, mediating copyright disputes, researching policies and legislation on copyright, providing copyright education and public awareness programs, to also serving as a copyright registration agency.

Many of the students have heard about the organisation but 20% confessed that they know nothing about it. The KCC has well designed official web page where anyone can find out anything about copyrights in South Korea. It also has link to international treaties and a fully translated English version of the site if visitor is interested in international affairs. They also provide copyright-related education classes in various cities and all class time table information is posted in the site. Although The KCC website could be Mecca for any student who admits that copyrights are a necessity if you work in the creative field and visiting the website could fill in some major university education holes, but when asked if any of the students have visited KCC website 65% of responses were negative.

<Figure 34>



<Figure 35>



Question 7: Have you tried to register your copyrights?

The KCC website also serves as a copyright registration agency in South Korea. Although the process of registering copyright should be one of the basics in education about copyright, none of the students has experience of trying to register something. Other problem is that registration that later on should be helping out in any legal disputes is charged for. And the price and term of registration is very vague. The site at 2019 states that prices start from 10.000 KRW (around 10 USD) but after a phone consultation it seems that regular price is above 500 USD for registering a designed object and it will take up to two months to get certification. No wonder that copyright education doesn't included a real-life practice of trying to register your own creation when it come at such costs. Giving the thought that the KCC is governmental organization it brings a question how does the income from registration is being used.

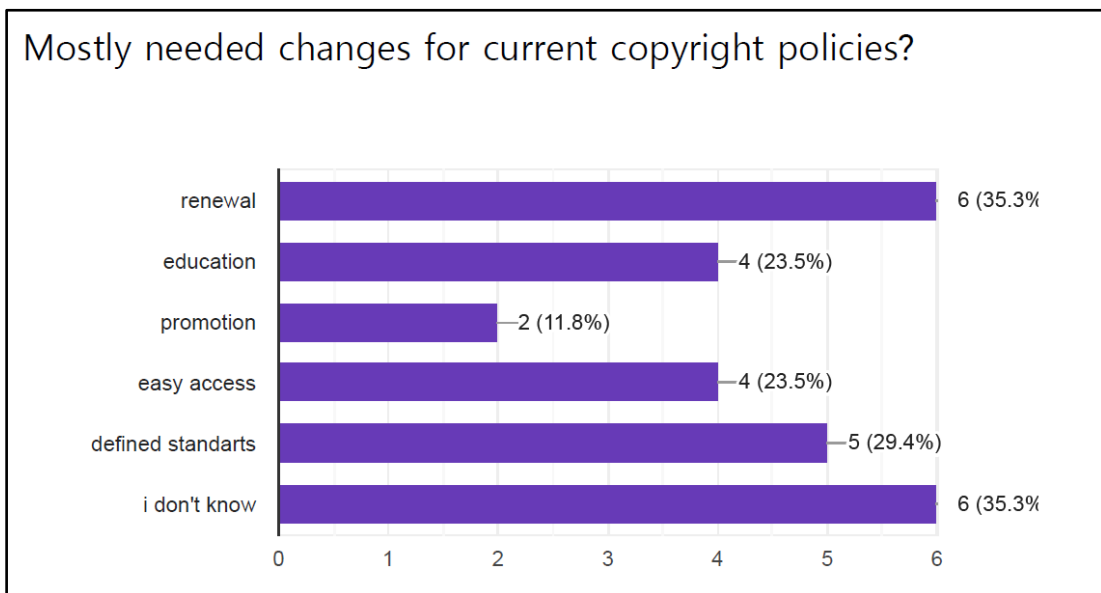
<Figure 36>



Question 8: How current copyright policies could be changed for the better?

With the summary of various responses from this survey and FGI of students of what changes would be better for current copyright policy changes five main categories of types of changes were formed. One third of respondents didn't have any opinion of what changes could be made. Another one third were keen to state that current policies are in definite need of change. Education, easy access and vagueness of current standards were mentioned about changes that need to be made and 10% of respondents thought that current policies and whole copyright system needs more system. There was no ideas for totally new policies, only mention that policies should fit better with changing digital world. In conclusion, the students don't criticize the existing policies but criticize education, system and promotion that should be done for more users to be able to get full access of its benefits.

<Figure 37>

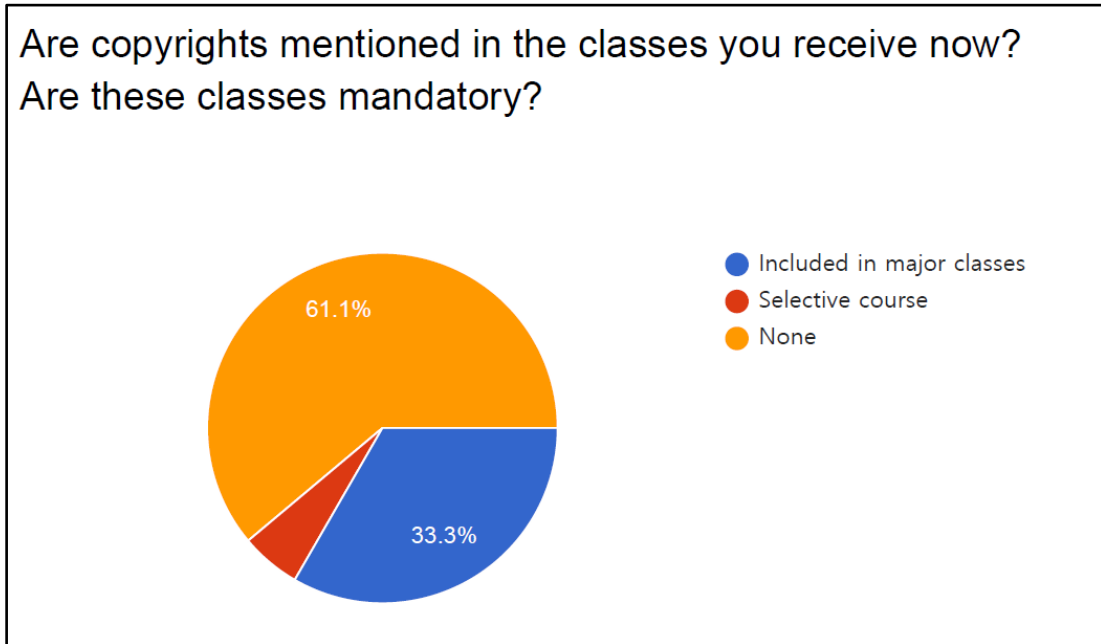


Question 9 & 10: Classes covering copyright policies. Education sufficiency

The last two questions were directly targeted at curriculums of current students' studies. As a future designers the students should graduate with being fully prepared to work in the field of their study. Nevertheless, two thirds of the students said that they receive none education related to copyrights. One third said

that there are some classes in their major that includes basic explanation about copyrights but it is far from sufficient. One student mentioned selective course for copyright. Classes from the KCC could be seen as a selective course two but apparently not many students are aware of these classes existence.

<Figure 38>



4.1.3 Major insights

The two surveys could be summarised that the main problem in current copyright systems lies not mainly in policies inadequacy but in lack of education about it among creators. So far as 50 respondents who already work in the field admitted that they don't have sufficient knowledge about copyrights same situation was reflected with students answers, showing that future generations are not in better position.

The lack of education about legal rights results in exploitation of creators and power shift in the market. Legal changes of the policies itself is needed but very long process. On the other hand, thoroughful education of existing rights might decrease exploitation percents significantly and point about future changes needed to be made for better working system.

4.2 Focus group interview

Along with the survey distribution an additional focus group interview were conducted parallelly giving more insight of the creative market, the players and overall issues. 70 respondents from the first two surveys and additional 36 respondents who work in creative field were interviewed by asking the following questions and more detailed opinion following from the conducted first two surveys' questions. In this chapter individual opinions of some respondents will be discussed.

4.2.1 key questions & brief summary

1. *Do you consider yourself an artist?*

Since creative work gets a lot of debate of what is art and what is not. Though differentiation of this particular study was described in the first chapters, a personal insight of the creators themselves seemed to be in need. 90% of respondents admitted that they feel and call themselves some kind of an artist not just labourer in creative industry market.

2. *Do you have multiple jobs?*

It was stated in previous cultural economic studies that it is rare case that the artist can sustain himself with just one job. FGI answers show that the times are changing and as creative market is on a rise more and more artists are fully capable of having enough income just from their creative work. To mention freelancers don't think they have multiply jobs as long as they work in the same field.

3. *Is your main job is art-related?*

Although the ones that stated having two or more jobs admitted that their main job is not always art-related. 60% of people who have multiple jobs said that one of them is not related to creative field.

4. *Is your biggest income is from art-related jobs?*

Same situation was reflected in the income. 60% of two-jobbers admitted that they get bigger income from non-art-related job.

5. *Would you do just arts if that would be financially fulfilling?*

The two-jobbers admitted that if they would have a chance they would commit to full time art-related job. 80% were positive about his thought.

6. *Would you give-up your artistic work if you had a better offer elsewhere?*

And 66% of respondents admitted that they would never give up their artistic career even if they would had a better option in other field.

7. *Are you multi-skilled artist?*

86% of respondents admitted that being multi-skilled is one of the most important things in the current creative market.

8. *Do you think you have some kind of talent that is rather in-born and can't be acquired through training?*

Although only half of the respondents believe that doing art is kind of a special in-born talent than a learned skill.

9. *What average royalty percentage do you consider acceptable?*

The problem with all the questions about royalties was that people who are not getting royalties are not even interested in how royalties work and what average percentage should be acceptable.

10. *Do you think artists need business management skills?*

Yet 95% of respondents agreed that business skills and management is one of the crucial things that is need in their job and many felt way unprepared when they have entered the field.

11. *Do you get most of your artistic jobs through public advertisement/recruitments or personal connections?*

70% of respondents agreed that biggest part of their current job relies on personal connections.

12. *Do you include expiration date in your contracts?*

And when asked about the contracts most answered positive about expiration term inclusion in believe that freelance contract ends and expires when the job is done. That means most of artists don't realize that their work continues to be exploited after the time of the work is done.

4.2.2 Major insights

The FGI shows a little bit more of struggles artists are dealing in current market and natural solution they tend to take by themselves when there is no support from the higher institutions. With 60% of interviewees telling that they have to manage a second, non-art related job to maintain income equal or slightly above country's minimum and average wage. Even though 80% would be glad if they could focus on their art-related job entirely. Therefore $\frac{2}{3}$ of interviewees said that they would never give up their artistic career even if it is unprofitable and better financial offer comes from elsewhere.

The FGI as well as survey results indicate a strong lack of knowledge in legal field. Sadly, more detailed FGI also showed a lack of interest in the legal field as well. The students aswell showed little interest in more classes as their curriculum is already filled with classes of developing artistic skills.

The reason for lack of interest might be occupancy over several jobs and struggle with the current condition. Therefore some of the legal actions to protect artist rights better should not be entirely left on the artist shoulders and personal interest but supported by the government organizations and included by default in legal work environment.

Creative industries are a way bigger field with many variables compared to other types of industries but it should not be abandoned, especially when it is on the rise.

4.3 Standard form contracts

One of this study detailed case research is copyright situation in South Korea. Therefore after looking through the existing policies, the system of execution and local student survey about the matter the last thing to look into is to see how copyrights work in the market. For this chapter a creative work field contracts will be overview. The contracts are taken from official government page of Fair Trade Commission where sample contracts are offered for all types of works.

4.3.1 Sample data analysis

Sadly out of 80 pre-designed sample contracts only 4 were related to the creative field and additional 6 (three for design and three for advertisement) were additional subcontract section. All original forms of the contracts can be found at Korea's Fair Trade Commission page, in standard contracts section.

- [제 10078 호] 모바일게임 표준약관
- standard contract for mobile games
- [제 10063 호] 대중문화예술인(연기자중심) 표준전속계약서
- standard ontract for acting performance
- [제 10062 호] 대중문화예술인(가수중심) 표준전속계약서
- standard contract for a singer
- [제 10069 호] 온라인게임 표준약관
- standard contract for online game

- 광고업종 표준하도급계약서(2018.12.28.개정)
- advertisement subcontract
- 디자인업종 표준하도급계약서(2018.12.28.개정)
- design business subcontract

An additional 4 contracts for copyrights (for partial and full transfer, exclusive or non-exclusive) can be found in The Korea Copyright Commission page. These contracts are briefly mentioned in the previous standard contracts as an optional contract to solve any dispute over copyrights if an agreement with the first contract is not reached.

4.3.2 Major insights

The main problem with the analysed standard contract examples is that even though the work is supposed to be fully creative the section for copyrights in the contract doesn't even take half a page. It is briefly mentioned that by default copyright goes to the company if not agreed differently. That means, that if an artist doesn't demand an additional copyright transfer contract to be signed all his creative rights go automatically to the company or the person who hired him. Not to mention that among standard contracts there are only 4 contracts related to the creative field, making copyright-related specific contracts not a mandatory but a suggestive option leads to a maleficent practice of not regarding copyrights at all.

Copyright transfer contracts are only to be found on a separate Korean Copyright Commission website, no link provided in Korea Fair Trade Commission, which is in charge of standard contracts. Though copyright transfer contracts cover crucial points like royalties, incentive, expiration time and moral rights, none of these are mentioned in the standard contracts, it is left as a selective option that should be executed if demanded but not by default.

A copyright transfer contract should be mandatory to all creative work contracts but now it is left to the knowledge and awareness of the artists themselves. Due to the lack of knowledge in legal field many of artist (and current students included) doesn't know about the contracts existence, where to find them or that it should be demanded to sign them together with the main work contract. As with only main work contract by default all copyrights go to the employer the employee is stripped of his economical copyrights without even knowing about this unfairness.

South Korea is just one example about how far from perfect copyright policy system is but other parts of the world neither are better. Contracts are usually signed without even reading them and those who lack basic legal knowledge are left overpowered by the ones who hire them.

5. CONCLUSIONS

5.1 findings

Artists might be also at fault to think so highly of their current profession that any doubt on being it financially worthwhile is cut but sayings like “I don’t do this for the money. If I wanted money, I’d work in the bank.” Although maybe an underpaid banker would consider re-qualifying and changing his career in to accountant in different firm trying the best to utilize set of skills he has trained so far. A prideful attitude might raise among artists who have higher education. With fail to see flaws in expensive and hard education they have already received, artists are more likely to hope getting success as fast as they enter the market instead of realizing that their education might have lacked some essentials needed in the real world. Thus improving business, marketing, legal knowledge on their own is not a common though among struggling artists.

In Benjamin Woo’s survey 40~50% respondents were happy with their current overall situation but they admitted that only 35% of their income comes from their primary, creative comics work. Nevertheless only 16% would go into different occupation if given the choice (Woo 2015). Similar results were shown in this study with the difference that the artists are not so happy anymore with their payment. Maybe it is the change that happened during the past three years and satisfaction in financial situation grew along with the prosperity of cultural industries.

Government interference is a tactic that should prevent exploitation in labour (that is the case in other industries) and most of the artists do hope that the changes will happen one day, as all of the interviewed accepted the possible solutions and changes in a very positive light.

Exploitation might rise from the fact that artists are not educated well enough while signing the unfair contracts thus loosing all law protected rights by their own free will. But blaming everything on artist's lack of education in legal field is not fair. As one of governments task and organisation like the Fair Trade Commission should be in charge of exploitation not happening in the first place even if one side is overpowered by the other. In practice their standard contracts by default is unfair and more detailed copyright

contracts are left as a selective option for those who know their rights and can demand additional copyright-related contracts to be signed. That is a rare case because many of the artists are afraid of losing the contract at all if they start demanding their terms. Copyrights are not a special demand term that is asked by the artist, it should be included by default in all creative work contracts.

Another study by Honey, Heron and Jackson concludes the same thing that surveyed artists admitted that the biggest struggle they have after studies is to make contacts, organize a portfolio, and negotiate work contracts. It is sad that there are no regulations or policies to prevent exploitation of artists who lack in marketing skills. Not every market player should have a degree in at least 3 fields to be able to get a fair treatment.

5.2 limitations

Limitations of similar statistical research lies in difficulty generalize and include all artists because so many of them are spread through different industries. (Verhage 2009)

This study deal with the same limitations the researchers come upon with in all previous cultural economics studies. As it was stated in choosing and finding respondents for field research and survey there are many variations starting from cultural background, work area, work type and even fame that results in different variables while answering the same questions.

A more reliable results and conclusions can be made from government conducted statistical data analysis but when some cases are lost in the vast pool of generalising. Getting numbers of artist monthly salary does not include a statement of how many works do the artist take at the time or where does the workflow comes from. As it was mentioned by Oakley before it is a very unresearched field and a huge resources and research are still in need to grasp the patterns of creative industries and their players.

Since similar market models now are not only used in artistic field it gives a hope that interest would be driven to this research and more studies will be done.

5.3 significance

In late 90ies some scholars argued that templates how artists works are a glimpse of future economics. Freelance work, contracts on one-time projects, some less-paid community work were perceived as possible new models of working for all industries. The portfolio worker is portrayed as focused on employability rather than employment, following a flexible, non-vertical career path designed to enhance his or her skills and networks. In the end with the growth of the Internet the world has increasing number of digital nomads who work on a similar work models as artists used to but less artistic work. Office hours, being at the same place and sticking just to one guaranteed monthly salary from one firm is no longer the only option for employees. But choosing this kind of way of working should not mean low pay, insecurity and struggle, this should free employees and stimulate them by letting wear casual, be in nice environment while working and don't feel pressure by hierarchical control system. Still it is sad that many still view traditional workers as somewhat ideal, who are "fairly compensated" for inconveniences when trading job security over personal autonomy and freelancers are more perceived as carefree.

This kind of work models are well depicted in start up companies. As well as even more perfect model would seem conditions like there are in Silicon Valley. But there is one huge difference in comparison with artistic and start-up market. By the statistics over 90% of new startups fail. Nevertheless it is not seem as a disaster or the market problem rather than a natural selection. On the contrary failing artists are much more harder to deal with the situation. Because arts include somewhat pride over the artwork and by failing not only financial but a huge psychological damage is given. Whether this perception rises from long-term believes in the society, education or personal character in result saying that 90% of artists fail and it is completely normal sounds uncanny.

6. RECOMMENDATIONS

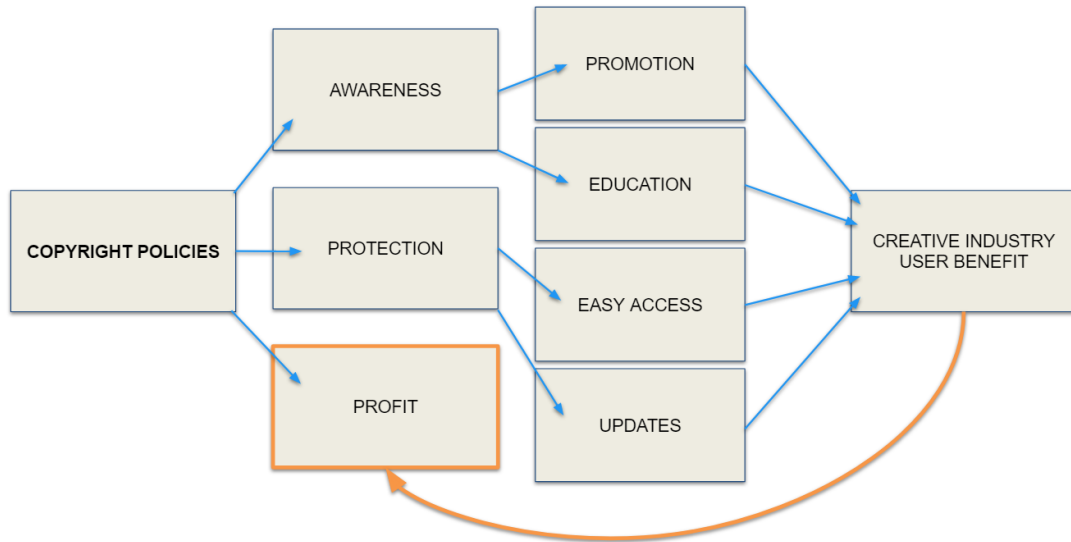
6.1 Possible solutions

Current creative industries market condition is like a wild jungle. There are big predator-like firms, who get what they want, sneaky intermediates who take any part that is left unclaimed and a vast amount of struggling artists who resemble an antelope horde, whoever runs faster and works harder gets to survive, or sometimes it is just a simple matter of luck.

As the main purpose of this study was to raise awareness of current imbalanced situation of creative market where primary market players (artists) are still underpaid despite the rising popularity of the field and overall economical development. The market imbalance problems could be solved by equal power balance between intermediates, and stable middle-class formation that would result in balancing oversupply as well. The idea of this study is that for middle-class formation a steady income from copyrights (royalties) is in need thus allowing a freelance artist to survive between the projects. A small firms of collaborating artists could be also a solution for better protection of artist economical rights and securing fair trade copyright agreements. To pursue these solutions a thoroughful knowledge about copyrights are in need. A detailed research showed that due lack of knowledge in legal field a fair contracts are failed to be signed, copyrights are not registered, copyright usage terms are not limited, concept of getting royalties are not even known for some of the artists. Table below visually show how awareness of copyrights would be beneficial for market players. While offering protection over infringement copyrights can also generate an income. But for the system to work awareness and understandment of copyright policies should be addressed. Promotion, education, easy access and up-to-present-date matching changes are a necessity for the system to work in behalf of the artists not for the ones who are looking to exploit the holes in current creative industry market situation.

<Figure 39>

IMPROVING COPYRIGHT EARNINGS PROPOSED SOLUTIONS:



6.1.1 promotion & education

One of the biggest flaws uncovered in this study is the vast ignorance over the copyright policies among the creative industry participants. The lack of knowledge starts from the universities who prepare artist and fail to give them sufficient information about future market they will have to participate in. Current education curriculums focus more on developing artistic skills and forgets all about teaching ways of using those skills to make living. It was agreed almost in unity by the participant of this study's surveys and FGIs that current education of copyrights is insufficient and they personally feel lacking in this legal field.

Copyright policies handling varies a bit by the country and each tries their best. For example in South Korea a separate governmental office division is dedicated to promotion and education of copyright policies. But with the survey results from the locals it is seen that education still does not reach targeted ones. If existing education does not reach its target that might indicate a problem in promotion. Despite of conducting classes in private environment, a public events like forums and discussions could raise more interest and awareness. Copyrights are important matter to digital creations as well so collaboration

with start-up communities and participating in their workshops might bring desirable results. A collaboration with universities would also be a must since bringing the education straight on the doorstep of future generation creators is way to a long-term solution.

Not only artist knowledge over copyrights should be nourished. Public awareness of copyrights is another big mission to conquer if a fair market trade system is pursued. With public awareness less exploitation cases would rise because not only the artist would take care of themselves but also the other party would know better of the existing policies and how they should be pursued. Moreover if unfair cases would receive a public exhibition and people would fully understand its contents a further misdeeds might occur much less.

6.1.2 easy access

Since copyright are attained the moment a creative work is created not many artists feel the need of copyright registration. Copyright registration make the disposal and trade of owned copyrights easier and further disputes covered by the law acts. The protection from infringement is way easier with registered copyrights that enables an artist secure a guaranteed income for his creative idea.

The current problem with copyright registration is not only the lack of need and lack of understanding of its benefits but also the complexity of the process to officially register your creation. It consumes time, money and the final benefits are not even clear. So who would take the hardships of all the registration process when the gain is less than the investment.

Copyright protection and registration is governmental matters so a suggestion to make the process free of charge seems fair. More to add the whole registration process should be simplified by clear steps and criterias, dividing creations into defined categories based on each characteristics.

Lastly a simple follow-through of whole copyright registration process should be included in education. As well as education provided by responsible governmental organisation and universities who prepare future creative market players.

6.1.3 policy updates

Oakley admits that cultural and creative labour market is highly under-researched area. However some recent policies showed that labour market regulations do result in altering working conditions even in the most “cutting edge” of cultural sectors. In Sweden and Germany policies of self learning “on the job”, more precise job descriptions, responsibilities and job titles resulted in more stable creative labour market. It could also fill the lack of knowledge in business and legal fields artists expressed in survey. Oakley also concludes that curriculum changes in higher education are a necessity. Like the better understanding of ownership and intellectual property rights, ability to negotiate different value judgements. (Oakley 2009)

The other way despite education improvement is implying policies that would protect and regulate copyrights thus making exploitation less likeable. The policies should be included in the contracts by default and modified in the case of different agreements.

One of the legal policies recommended to be pursued in this paper is adding a default expiration date on any government proposed standard contract, such as 20 years after the use of an artwork the original right automatically return to the creator if not agreed differently. One of the interviewed respondents suggested that "companies or individuals purchasing copyrights from a creator may use it for a short period of time (10~30 years) before the asset becomes public domain. That way, the original creators as well as the rest of the public can now use and profit from it". Making public domain accessibility shorter (it is now 70 years after the author's death if no other contract in charge) might inspire more creativity and free use of ideas, but will not stop unbalanced exploitation. The company is way likely to have more financial resources to keep using the rights than the original author after that designed period of time. Making an automatic return of the rights to the owner after a period of time would force the company to make a new contract with the author and a chance to redistribute the power. If the author fails to find an agreement with the company over personal greed it results in creator killing his own creation's development.

One of the respondents stated that "this could be stated in a particular contract, the more you pay, the more years you get for the licence (there might be official formulas to count it, which might be set in periods of time, i.e. client pays annually for using the

artwork)." These particular contracts do exist nowadays but are mostly initiatives of the parties rather than government implied. To note, the respondent believes that by using statistical data an algorithm for reasonable price over time usage can be discovered. It is an appealing solution to be further investigated but knowing the many different variations (type of creative product, working hours, innovativeness, reputation...) the prices are dependable on in creative market, the solution formula might not be possible to find even with a bigger scale research.

One of the current policy practices that could be reconsidered is government substitutes for struggling artists, especially for the "higher arts". As stated before it do creates oversupply with more players entering the market in hope for easy money. One of the interviewees in this study said "There's nothing here (in this study) about how art funding should look. Personally, I'd like to see artists paid a salary by the state or a state-funded body, and then not worry about chasing royalties or copyright." It perfectly depicts a point of view by some artists themselves that legal issues like royalties and copyrights are a headache and government should be entirely responsible for the survival of the artists. Denying the financial potential of creative industries market and leaving it all to government judgement of who's worth or not of being financed will definitely stop the progress and development. It might free some from worries over the fields they were not prepared to worry about (business management, legal issues) but aren't consumers are the best judge of quality means?

5.2 surviving and getting successful in current market condition

"I and my friends have really good artistic and crafting skills, but the most difficult thing is to sell our art. The main task - to reach interested customers by advertising, public communication, special promoting actions, tips and tricks, mostly by internet. It takes a lot of time and needs some good knowledge how to do that. Your art teacher can teach you how to make beautiful things, but no one would teach you how to make money of it :)"

The internet revolution did influence gravely the growth of creative industries. It made the market more connected, customers reaching the creators more easily, variations on the possible job offers and public exposition. On the other hand it made it easier for

more competitors to enter, that often results in oversupply, exploitation arise and copyright stealth to begin.

There would be several recommendations based on this study results for the artist to survive in current market conditions while waiting for governments to agree on new protective policies. First, use the internet pools of data to deepen the knowledge that lacks in business and legal fields. Second, create your own sample contract you would offer for the client to work with, include copyright protection, expiration dates or royalty terms in it by default. Third, always sign a contract when you work, make work-related discussions written, via email, that would be a sufficient prove if any legal dispute raises later. Finally, don't be afraid of competition. The market is an amazing self-sustainable and self-fixing mechanism where the demand and quality control comes from the customers directly. The prove that your work is worth the while is incoming new offers and recognition you get. If there is a problem in that the easiest changes are not the ones that should be made to the market but the ones that you can do yourself.

6.3 further research possibilities

This research cannot offer one and only working solution for the problems in current creative industries market. On one hand, the existing problems rise from various factors so many solutions are needed. On the other hand, since the field is still very un-researched, researching it makes you face more problems depending on case by case scenario.

Further research possibilities could be conducting surveys with concrete policy change proposals and test the perception among the artists, intermediates and clients. Also, so far the researchers mostly focused on the artist point of view. A research which includes a focus group selected from intermediates and clients might bring a different insight over the current condition and offer other types of solutions.

Finally, a statistical data based research to find the suitable mathematical theory and formula over the prices, royalties and copyright usage terms would be an interesting approach as the current problems solution. More research and data are needed to prove it

might work but while similar formulas do exist in other industries' markets applying those and developing new one for creative market might be a show of a successful attempt.

In conclusion, this study aim was to analyze and raise the awareness of how problematic and yet unexplored is creative industry market is and that a significant amount of its existing problems could be solved by education and promotion of copyrights. There is still much to be explored in this field and it would be a delight if this study be of any help for the further researches to be made.

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국문 초록

창의 산업에서 지적 재산권 인식에 관한 연구 - 저작권을 중심으로

Latinyte Agne

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APPENDIX

master thesis survey: A Research on Awareness of Intellectual Property Rights in Creative Industry

- focused on copyrights

Hello, I am Agne Latinyte currently studying in National Jeju University (South Korea) and writing my master thesis about copyright and royalty earnings in design industry.

With current cultural economics research done by previews scholars I want to confirm main problems in design industry market (oversupply, power shift, underpayment, lack of legal protection) and based on survey results suggest solution policies for better handling of copyrights.

The survey is completely anonymous so please don't feel intimidated by some questions about finances.

Thank you for your time and feel free to contact me (a.latinyte@gmail.com) if you have more comments on the matter.

***Required**

1. What age group do you belong to?

Mark only one oval.

- <24
- 25 ~ 44
- 45 ~ 64
- >65

2. The region where most of your workload comes from?

Mark only one oval.

- USA & Canada
- EU
- S. Korea
- Other: _____

3. Type of artistic field you work in?

Tick all that apply.

- photography
- design
- writing
- film
- music
- fine arts
- crafts
- performance
- Other: _____

4. Do you work full-time or as a freelancer?

Full-time non-artistic work would not count. Full-time self-employment would also count as freelance (as the survey focus on the full-time employment by company VS. artists working on their own).

Mark only one oval.

- full-time
- freelance
- both (50/50)

5. Your average monthly artistic income in \$

Mark only one oval.

- <1000
- 1000~2000
- 2000~3500
- 3500~5000
- >5000

6. Your average yearly artistic income in \$

Mark only one oval.

- <10.000
- 10.000~25.000
- 25.000~40.000
- 40.000~60.000
- >60.000

7. Your hourly wage?

Mark only one oval.

- <10\$/h
- 10~20\$/h
- 30~40\$/h
- 50\$/h
- >50\$/h

8. Hours per week spent on artistic work?

note: 40 hours are considered normal full-time work week schedule - 8 hours /day (5 days /week). More than 80 hours/ week means that around 12 hours daily were spent working (including weekends).

Mark only one oval.

- less than 40 hours
- 40 ~ 60 hours
- 60~80 hours
- more than 80 hours

9. Do you feel underpaid? *

Mark only one oval.

- Yes
 No

10. Do you get royalties?

Mark only one oval.

- Yes
 No

11. What average royalty percent are you getting?

Mark only one oval.

- 1%
 3%
 5%
 10%
 30%
 Other: _____

12. What royalty % would you want to get (in account of the work done by the other party)

13. What percentage of your yearly income do the royalties take?

Mark only one oval.

- less than 10%
 up to 30%
 50/50
 more than 50%

14. Do you sign contracts when you work?

Mark only one oval.

- Yes
 No

15. What is the main reason for not signing a contract when you work?

Mark only one oval.

- The other party doesn't want to
 I lack knowledge in the legal field
 To cut on taxes
 Other: _____

16. Do the contracts include copyright protection?

Mark only one oval.

- Yes
 No

17. Do you include expiration date of copyright use when you sign a contract?

- selling your original work copyrights only for limited amount of time of use
 Mark only one oval.

- Yes
 No
 Sometimes

18. Copyright law lasts for 70 years after the owner's death and sometimes even longer when it gets sold and re-sold through companies. What would you think about a policy that would establish a law that after 20 years of usage copyright comes back to the original creator?

Example case: in 1938, Jerry Siegel and Joe Shuster sold a character they've created for 130\$ and promise of future recounting his adventures in the pages of Action Comics. The character who they have sold then was now well known Superman. However they both died in nineties with more than 50 years passed since their creation was first published and without participating in any of the material rewards their creation have generated through that time.

Mark only one oval.

- Great idea!
 No need
 Other: _____

19. Any ideas on copyright policies and changes that could be made to improve them?

(optional)

20. Personal perception on some copyright payments?

Mark only one oval per row.

	Very low	Low	Neutral	OK	Too good
500\$ for logo design	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10% royalties of retail price for author per book sale	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
40\$ per 20x20 cm size illustration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
100\$ for each 1s in advertisement video creation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15\$ per 1000 music song streams	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0.25\$ per stock photo download	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
100\$ per one time appearance in a TV show	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
700\$ per one mascot character design	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2\$ from every custom designed t-shirt sale	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
1000\$ per poster design	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

21. Do you have higher artistic education?

Mark only one oval.

Yes

No

22. Do you think artistic education lacks in training of business skills and legal information?

Mark only one oval.

Yes

No

Other: _____

석사 논문 설문: copyright에 대한 인식

안녕하세요, 저는 제주대학교 대학원에서 디자인 산업의 저작권과 로열티의 소득에 관한 석사 논문을 쓰고 있는 아그네 라티니테라고 합니다.

최근에 실시한 문화예술 경제연구에 따르면 디자인 산업 시장에 많은 문제들(과잉공급, 힘의 균형, 저임금문제, 법적인 보호의 결핍 등)이 존재하고, 설문결과에 따라 저작권 관리를 향상시킬 수 있는 정책이나 솔루션을 제안하고자 합니다.

귀하의 응답은 통계적 목적이외에 다른 용도로 사용되지 않으며, 응답내용과 관련된 개인적인 신상이나 의견은 외부에 유출되지 않습니다. 성심성의껏 답해주시면 감사하겠습니다.

문의사항 있으시면 다음 연락처로 연락주세요 (a.latinyte@gmail.com).

1. 당신의 연령대는?

Mark only one oval.

- <24
- 25 ~ 44
- Other: _____

2. 당신의 전공은?

3. 몇 학년 이세요?

4. copyright, patents, royalties, work-for-hire, fair-use, droit-de-suit 등 대해서 충분 알고 있다고 생각 합니까? (잘 알고 있지 않은 부분 적어주세요)

5. 한국저작권위원회에 들어본 쪽 있으세요?

Mark only one oval.

- 예
- 아니오

6. 한국저작권위원회의 사이트에 방문 한 쪽 있으세요?

Mark only one oval.

- 예
 아니오

7. 저작권 신청 해본 쪽 있어요?

Mark only one oval.

- 예
 아니오

8. 현재 저작권법에 대해 개선되어야 할 사항이 있다면?

9. 지금 받고 있는 수업 중 에 저작권이나 계약서 대 한 내용 있어요? 선택 과목으로 배울 수 있어요?

10. 당신은 현 예술교육과정에 법적인 지식이나 비즈니스 역량 강화 기능이 부족하다고 생각합니까?
