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Copyright Policy in Germany.

Changes in policy, regime, and policy field from 1870 to 2019.

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Since the digitization and politicization of copyright law, an increased number of reforms could not be classified without contradictions. A broad, social-scientific debate about problems, consequences, and explanatory factors, however, depends on a valid, reliable, and generalizable understanding of politics and change in German copyright policy. Central in this context are, on the one hand, current questions about the enforcement crisis due to the omnipresent, digitized art and culture as well as the coupling with a possible network and digital policy. On the other hand, the Punctuated Equilibrium Model (PE) can be used to examine long-term, regulatory policy change and change trends in governance and regulation modes that have previously been ignored.

In a deductive-inductive document analysis of 146 laws, ordinances, and their amendments from 1870 to 2019, the political change is examined qualitatively and quantitatively. Particular attention is paid to the transparent execution and seamless integration of individual coding and statistical analysis.

Along the orthodox concept of policy dimensions by Hall and its further development by Howlett, a bottom-up approach of descriptive change and policy field survey is proposed, which includes interdependent relationships in goals, instruments, and implementation structures as well as feedback relationships. The calibration level is carried out along the indicators of the density-intensity approach (Knill), while in the central target instrument area with recourse to Salamon, a double item consisting of target groups and activities is developed and recorded. Political change is narrowed down in the categories of historical institutionalism and with the concepts of stretching, patching, thickening and bricolage. With reference to the governance literature, the change of control modes as well as the embedding in a multi-level system is examined.

In this way, copyright policy can be empirically characterized as a policy with exclusively layering change processes due to constant rule growth. This change usually does not take place in one go, as in 1965, but rather in periods of change in the 1870s, 1900s and 1930s. A constant period of change has begun since 1990, which corresponds to an expected crisis dynamic only with qualifications. More relevant, however, is the restructuring process that has been emerging since 1965 and increasingly since the turn of the millennia: In addition to the creator who are usually considered with their contractual and legally enforceable exclusive rights, there are new target groups of industries and user groups, new remuneration targets, financial and information based as well as procedural instruments and finally new implementers, the collecting societies. As a result, the policy field is changing from meta- to forced self-regulation on the one hand and in its control mode from competition to negotiations. So that measurements of copyright law do not remain idiosyncratic, indices must therefore start with implementers, contract types and, instead of the strictness of rules, with the regulated constellations. Policy research can be recommended to expand the PE model, to use a bottom-up, interdependent understanding of the main items of public policy, and especially to reformulate the policy goal item as an empirical question, whether target groups or problems are the focus.