

[Ispnews] ISP Newsletter: September 16 - September 22, 2024

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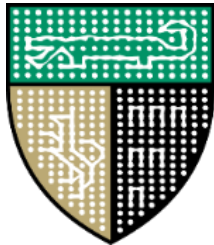
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Information Society Project Yale Law School

Events This Week

Yale Information Society Project
Law & Technology Speaker Series
THE COMING CRISIS OF CREATIVE WORK
Xiyin Tang
 Professor of Law at UCLA School of Law
 September 17, 2024 | SLB 128 | 12:10PM ET Tuesday
 Sponsored by Yale Journal of Law & Technology
<https://law.yale.edu/isp>

Tuesday, September 17, 2024 - 12:10PM-1:30PM - SLB 128

The Coming Crisis of Creative Work

Xiyin Tang

Professor of Law, UCLA School of Law

Creative jobs are disappearing overnight. Journalists around the country have reported massive upticks in layoffs; entire newsrooms have shuttered; and, with the rise of artificial intelligence, freelance

illustration and writing jobs are predicted to decrease by as much as 90% over the next few years. First Amendment scholars have long noted that this is cause for concern; numerous proposals have centered on the value of journalism for a vibrant democratic society. But these proposals have almost monolithically focused on outputs, reasoning that a diverse news ecosystem creates an informed democratic polity. To date, almost no proposal has suggested that there is something intrinsically worth saving about creative jobs—for example, the act of gathering, reporting on, and writing news—themselves.

Yet both First Amendment and copyright scholars have long argued that there is something uniquely democratic about the very process of creation. Such scholarship recognizes that it is through the creative process—and not just the end products—that we come into being as democratic individuals. But First Amendment and intellectual property scholars alike have failed to address how such creativity should be compensated—if at all.

This essay argues that the right to be paid for creative work is, likewise, essential for a democratic polity. Bridging the First Amendment, employment law, intellectual property, and constitutional political economy literature, it argues that wages-for-creative-work is critical for a democratic society. In doing so, it goes against the dominant suggestion that subsidies to the content and news industries (rather than prioritizing individual jobs and empowering labor organizing) should be the preferred policy in the coming crisis of creative work.

[***Xiyin Tang***](#) is a Professor of Law at UCLA School of Law. She has previously served as a lead counsel for Facebook and an associate at Mayer Brown LLP and Skadden Arps Slate Meagher & Flom LLP, where she worked on a variety of transactional and litigation matters in the technology, media, and entertainment sectors. Her research focuses on the roles that technological evolution and new modes of dissemination play in the law of intellectual property. Her current research addresses how IP laws should respond to artificial intelligence and its effect on creative labor markets. Past writings have addressed the use of both public and private mechanisms—in the form of class action litigation and confidential contracts, respectively—as responses to mass digitization and, with it, potentially, mass infringement. Her publications have appeared or are forthcoming in the *Columbia Law Review*, *Michigan Law Review*, *NYU Law Review*, and *Yale Law Journal*, among others. Tang received her B.A. from Columbia University and her J.D. from Yale Law School, where she served as Editor-in-Chief of the *Yale Journal of Law and Technology*.

This event is cosponsored by the [***Yale Journal of Law & Technology \(YJoLT\)***](#).

[*Click here to view the webinar.*](#)



Thursday, September 19, 2024 - 12:00PM-1:30PM - Baker Hall 405

"IRL Mode": A Technical Feature to Facilitate a Socially Coordinated Response to Device Overuse

David Dinielli

Visiting Clinical Lecturer and Senior Research Scholar, Yale Law School

Social science increasingly recognizes the various harms that flow from device overuse and overexposure to social media and content distribution platforms. Most efforts to address these harms aim to prevent what are traditionally cognizable harms to individuals, either through the lens of content moderation or “addictive feature” regulation. But device overuse generates social harms, not just individual harms, and may therefore require a social (rather than regulatory) response. Building on this theoretical observation (first appearing in a paper co-authored by Jack Sadler, a student in the Tech Accountability & Competition Project [TAC]), TAC has developed a proposed technological fix to facilitate just such a socially coordinated response: an interoperable feature on all mobile devices to allow self-defined communities (for example, students in a particular school, or attendees at a wedding) to socially coordinate “downtime” from the distracting features of their devices. We call this proposed feature, “IRL Mode,” and are launching a policy campaign with the aim of mandating a requirement that the interoperable feature be included in handheld devices. We envision the initial use case to be schools.

David Dinielli is a visiting clinical lecturer and senior research scholar at the Yale Law School. He supervises the Tech Accountability & Competition Project, which is a lane within the Media Freedom & Information Access Clinic. He also is a senior policy fellow at Yale’s Tobin Center for Economic Policy. He previously was Deputy Legal Director at the Southern Poverty Law Center in Montgomery, Alabama (supervising the center’s LGBTQ rights work and anti-hate & extremism docket), spent time as Special Counsel to the Antitrust Division of the US Department of Justice, and was a partner at the law firm of

Munger, Tolles & Olson LLP.

Join from PC, Mac, Linux, iOS or Android: <https://yale.zoom.us/j/99005611466>

Or Telephone: 203-432-9666 (2-ZOOM if on-campus) or 646 568 7788

One Tap Mobile: +12034329666,99005611466# US (Bridgeport)

Meeting ID: 990 0561 1466

International numbers available: <https://yale.zoom.us/j/99005611466>

ISP is Hiring!

Democracy Initiative Fellowship 2024-25

The Information Society Project at Yale Law School is now accepting applications for a Democracy Initiative Fellow with the ISP's Program for the Study of Reproductive Justice (PSRJ) Democracy Initiative. The position is a one-year appointment that is potentially renewable for a second year. The Democracy Initiative Fellow will assume responsibility for supporting the Democracy Initiative and will assist with the work of the Reproductive Rights and Justice Project legal clinic (RRJP). This position is based at Yale Law School in New Haven, CT. Exceptionally qualified candidates may be eligible for remote work. Salary for this position will be commensurate with experience and will include Yale University health benefits. Applications will be reviewed on a rolling basis until the position is filled.

Click [here](#) for additional information and instructions on how to apply.

If you are a current Affiliated Fellow with the ISP and have an article, blog post, or op-ed you would like to promote, please send it to [Natasha Rentas](#) for inclusion in our next newsletter & to share on social media!

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The Information Society Project at Yale Law School is an intellectual center addressing the implications of the Internet and new information technologies for law and society, guided by the values of democracy, development, and civil liberties. For more information, visit <https://www.isp.yale.edu>.

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