**Intellectual Property, Disability and Performance – Mathilde Pavis**

The economic pressure experienced by the creative industries, partly caused by the drop in public funding, has lead artists to consider all sources of revenues to support their arts. The United Kingdom is a good example of that situation as the word spread by the British government is clear: public funding should be used to encourage artists to seek financial independence as much as possible. There are essentially two ways for artists to make a living of their art: meeting their audience and being commercially successful *or* receiving royalties on the use by others of their work. In practice, copyright royalties represent a rather small portion of the incomes artists, who are able to sustain their arts, benefit from. However, in a stringent economic context no source of revenue should be overlooked or disregarded.

For artistic practices placed outside the mainstream the question of the relevance of copyright remains. *Would copyright royalties make any difference for artistic movements not part of the mainstream?* In the situation of disability arts and more precisely of disability performance or disability dance, *would copyright make a difference? What difference would copyright make? Can copyright be of any use for artists beyond its economic aspect?*

Along with royalties, Copyright or Intellectual Property Laws grant authorship. In the situation of artists often challenged in their legitimacy to be on stage, such like disabled artists, *could receiving –legal- authorship be of any support other than financial*? *Would the attribution of legal authorship to disabled artists, authors or performers, help in any way their integration among the artistic mainstream?*

Prior to judging whether or not authorship will support the development of works or performances by disabled individuals, it has to asked, first and foremost, whether Copyright can protect works and performances made by disabled artists in the same way it protects pieces created by non-impaired authors. In this respect, *can copyright see disability? How does copyright or intellectual property interact with works involving disability in their creation process? Can the presence of disability have an impact on authorship?*

These are the context and the few issues the presentation will raise and try to solve. When put into perspective with the agenda of integrating and developing works made by disabled artists, the question of authorship in the ‘performative’ arts stresses many gaps of the copyright framework. The gaps highlighted by the practice of disabled artists are, however, not confined to the latter. Performative arts of the mainstream involving non-disabled artists also suffer from the same lack of protection which the attempt to tackle such issues all the more relevant.