In 2008 the research showed that reading privacy policies and T&C carried costs in time of approximately 201 hours a year, worth about $3,534 annually per Internet user, in 2020 similar studies on GDPR and consumer protection law showed that even after implementation of legislative instruments online agreements are not written in a readable manner. Having considered these studies I would like to discuss another perspective on ineffectiveness of copyright law and exploitation of works in digital environment: the UX-designed approach.

The main hypothesis is a long forgotten yet absorbing concept of user access right. In the advent of social media and the rise of new technologies copyright law shall not rely on user’s limitations/exceptions but may introduce instead a perspective of user as an equal partner within copyright’s exploitation system. The concept of access right may however not only adopt the already discussed measures and normative constructions but it may also include a modern, technological perspective that enables individualisation, profiling and balancing both economic and social interests between rightholders, state and users. In order to discuss the proposal I will divide my presentation in three main parts.

The starting point will be an introduction to both analytical and empirical studies conducted in respect to users activities, social awareness and legal problems that rise within digital environment with regard to the exploitation of works. In particular I will present non-legal, UX-related measures (psychological and technological) that are already adopted in terms of exploiting works, T&C and their impact on copyright law. The second part will present the general idea of UX-related copyright law: based on a principle of user’s access right it may implement same technological (AI-based) measures that are already exploited within digital environment but they may enable a broader application of fundamental rights and copyright’s principles.

The UX-designed proposal might spark some interest but the final aim is to inspire audience to discuss deeper questions in regard to the general function of copyright’s system and exploitation of rights. Therefore the last part will focus on a paradigm change in copyright law: from author’s protection system towards a normative framework for works exploitation in digital environment. The main goal is to open a debate on impact of technology and business models on our legal and theoretical thinking and a perspective answer from copyright’s theory.