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Paper 3 – Copyright
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This essay is copyrighted by Hashem Nasarat under the Creative Commons Attribution-ShareAlike license. Unlike with standard “All Rights Reserved” licensed works where a person can be sued for \$222,000 for sharing 24 songs, anyone is free to share this piece of writing, to change it, and even to sell it. Both this essay and the songs in that lawsuit utilize the same copyright law, yet there are vast differences between what this means for each work. Virtually any book, song, movie, and computer program that one comes across on an everyday basis is protected by copyright law. Upon examination of current trends in copyright, it become evident that a war of opinions is raging between the historical spread of strengthening copyright and those who think it has gone too far,

<http://arstechnica.com/tech-policy/2013/02/obama-administration-defends-222000-file-sharing-verdict/>

To put it simply, copyright is the legally sanctioned monopoly over the redistribution of a creative work for a limited period of time, in order to ensure economic benefit to the creator. The earliest known form of copyright comes from a 1469 Venetian manuscript, which grants a five-year printing monopoly in all of Venice to one person and by the request of that person. Western notions of copyright start here, but they are ever-changing. Next, the Statute of Anne in 18th century Britain, became notable for establishing copyright as an automatic legal protection, as opposed to by request or exception. The text act reads, "the Author of any Book ... shall have the sole liberty of printing and reprinting such ... Books for the term of fourteen years to commence from the day of the first publishing the same". From this early age the trend of ever-strengthening copyright can be seen: the rights were granted to authors not publishers, extended the length of the protection and made copyright the default.

http://copy.law.cam.ac.uk/cam/tools/request/showRecord.php?id=record_uk_1710

Another trend is that these developing copyright concepts didn't stay put; they spread. These early European notions of copyright were influential enough to be included in the United States Constitution as an explicit power of Congress. It reads, "The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;"

<http://www.copyright.gov/title17/92chap1.html#106>

Efforts to standardize international copyright law began in the late 19th century. During this time in France, the Berne Convention was drafted, an international agreement concerning multi-national copyright law. The Berne Convention is one of the most important documents shaping modern copyright. In it, several new concepts were introduced. For one, the agreement requires signing countries respecting foreign copyright. Moreover automatic protection is established, which obviates the need to register, or even display the copyright symbol, to have a work protected. Also, the minimum length of copyright is set to the authors life, plus an additional fifty years.

http://www.wipo.int/treaties/en/ip/berne/summary_berne.html

As the Berne Convention was being drafted, to administer the agreement, a bureau which, in 1969, would become the present-day World Intellectual Property Organization (WIPO), an agency of the United Nations. Also, following the end of World War II Since its creation, 166 countries have signed the Berne Convention, and this spread has been furthered by the World Trade Organization (WTO). WTO is an organization which regulates a framework for negotiating international trade agreements, and in 1994 WTO adopted the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), an industry-endorsed treaty which contains and expands upon the Berne Convention rules, effectively joining forces with WIPO. Thus, in a prime example of neocolonialism, the “geopolitical practice of using capitalism [and] business globalization ... to control a country”, any country who wished to benefit from WTO from an economic perspective was compelled to assimilate

western notions of copyright law since TRIPS is one of the basic principles which all participating countries are required to adhere to. In the WTO's 1998 press release announcing their partnership with WIPO, they have this to say: "The task of conforming with the TRIPS Agreement is seen as a challenge for developing countries because of the complexities of intellectual property laws and their enforcement. But it also provides an opportunity to use intellectual property protection to accelerate economic, social and cultural development."

<http://www.wipo.int/about-wipo/en/history.html>

http://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm

http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm1_e.htm

<http://en.wikipedia.org/wiki/Neocolonialism>

https://www.wto.org/english/news_e/pres98_e/pr108_e.htm

<http://www.iipa.com/trips.html>

It's evident that the trend in the past five hundred years, leading up to the modern notion of copyright, has been to expand and spread the power of copyright. This has been accomplished by international agreements and tying copyright law to other economic benefits, despite the difficulty implementing stringent copyright enforcement laws.

Despite the seemingly complete acceptance of western copyright law in the international scene, the concept is not without its opponents. On a broad level, groups such as the anti-globalization movement have protested the global spread of neoliberalism (the belief that governments should ensure protect mercantile liberty for individuals and corporations) through international trade agreements, like those set up by WTO.

<http://www.anti-marketing.com/anti-globalization.html>

<http://folk.uio.no/daget/neoliberalism2.pdf>

Some groups are more specifically oriented against the typical notion of western copyright law. Apart from the anti-globalization movement, there is the Free culture movement which champions "the ability to share, access, and rework culture and knowledge within an environment of technological freedom". The naming of the Free culture movement is a source of a common misconception: the word "free" refers not to price, but to the freedom to share and create works. Such freedoms are also

espoused by the new formation of Pirate Parties – legitimate political parties – whose members believe “that people who have access to free communication, culture and knowledge grows, feel better and work together to create a more fun and more humane society for all to live in”.

Within the Free culture movement, other organizations such as Creative Commons have sprung up and focused their work on furthering the spread of free creative works and information. In particular, Creative Commons is interesting because they almost seek to undermine modern-day restrictive copyright with more copyright! To ensure the right to share information, Creative Commons utilized a clever exploit of copyright law, known as copyleft, developed by the Free Software movement. By explicitly stating the terms by which a work may be used, creators can copyright their work with a copyleft license, a legal assurance that not only provides viewers the automatic permission to modify and share the particular work, but requires that any new creations using this work must also be copylefted. This ensures the propagation of free culture and copyleft-licensed copyrighted works.

<http://creativecommons.org/licenses/>

<http://freeculture.org/about/>

Throughout history, copyright has gone through many changes and iterations. Of note is the global strengthening it saw in the 20th century with the Berne Convention, TRIPS, and the WTO. Simultaneously, however, there has been considerable push-back from grassroots organizations that object to the restrictions placed on both nations and people. Through the use of copyleft, dissenting parties can utilize copyright law in a way for which it was not originally intended. Copyright law is a contemporary issue which is ever-changing and has widespread impact. The movies we see, the programs we use and the works we create are and will be impacted by the multitude of legal cases, protests, and discussions which are ongoing and which will affect our creations long after we die.