"Power to the People"

Copyright in a Frictionless World: Towards a Rhetoric of Responsibility by Brendon Scott

Reference: http://firstmonday.org/issues/issue6_9/scott/

Overview

- History and Ideas
- Technology and its Effects
- Reactions by Interested Parties
- Public Opinion
- Principles of Responsibility
- Neil and Sadaf’s Mad Ideas

History and Ideas

- Purpose of control and censorship
- Protection for publishers and distributors
- Amortisation period
Technology and its Effects

- Cost of Production and Distribution
  - Compare costs of distributing a single copy of a book to all the students of Cambridge against that over the Internet
  - Marginal cost of an additional copy tends to zero

- Undermines principles behind Monopoly Rights
- Dis-intermediation
  - Middle-man not required
- Economics
  - Information cheap and abundant

Reaction by Interested Parties

- Reaction by Producers/Distributors
- Reaction by Consumers
- Reaction by Authorities

Reaction by Producers/Distributors

- Enforcement
  - Judicial
  - Technical
  - Contractual
- No consideration of the responsibility that goes with the rights
Reaction by Authorities

- Extension of rights for distributors
- Ignorance of Anti-Trust implications
- No consumer protection

Reaction by Consumers

- Growing infringements
- Backlash at perceived exploitation
- Exploitation of technological advances
  - Napster, mp3.com etc

Public Opinion

- Increasing consumer cynicism
- Copyright losing ‘consent’ – Poll Tax

Principles of Responsibility

- No Hoarding
- Copyright is not Censorship
- No charge without value
Neil and Sadaf’s Mad Ideas

- Warchalking / Wireless Networks
- Article 85 & 86 ‘Treaty of Rome’
- Human Rights Act UK
- Existence of USA

History and Ideas

- 1445 – Invention of Guttenberg Printing
- 1534 – Treason Act: Aimed at preventing the publication and distribution of books relating to heresy, sedition or treason.
- 1564 – Stationer’s Company / Star Chamber – given monopoly over printing and broad powers to enforce it. More of a censorship regime.
- 1709 – Statute of Anne – The purpose was to remove the Scottish rival printers who were printing for less.

- 1790 – US Copyright Act limited only to US authors.
- 1844 – International Copyright Act by UK to address the leakage in other countries.
- 1893 – BIRPI, Bureau for Protection of Intellectual Property

- 1994 – World Trade Organisation formed and TRIPS (Trade Related aspects of Intellectual Property Rights) also was a part of it.
Period of Protection - Amortisation Period

- Statute of Anne – 14 to 28 years
- In recent times have been increased to the life of the author plus unto 75 yrs.
- The history of book and music publishing indicates that the amortisation period is somewhere between 6 months to 6 yrs after first publication.
- Thus consumers are being required to pay way more than what is effectively the marginal cost of the production of an item.

Technology and its Effects

- New methods of distribution
  - Shareware
  - Crippleware
  - Adware
  - Peer to Peer distribution
- Talent can self promote (e.g. artist web-site)
- Open source movement

Reaction by Producers / Distributors

"Protecting us as an industry is good for society as a whole but we cannot give any evidence and in fact there's actually no way to even measure the benefit that such protection brings to society, so you're just going to have to trust us"  
- Scott
General Public Opinion

- Designed to protect the publishers and distributors of copyright works.
- Growing concern by the community that copyright are used by the multinational monopoly cartels to exploit a common man.
- Napster and mp3.com have shown that the consumer regards copyright largely with contempt.

Principles of Responsibility

- No Hoarding
  - Copyright holders should make the work accessible to the public, for which the period of protection has ended or is near the end, possibly over Internet.
  - Where profitability of the work has decreased to a large extent, allow the consumers to reproduce material for personal usage.
  - Should not prolong copyright period by reproducing material in different formats.
- Copyright is not Censorship
  - Should not ban discussion/fan sites on Internet that have no commercial interests, that may contain some copyright work, but provides means of communication for the people under the censorship rule.

Principles of Responsibility

- No charge without value
  - Should not enforce consumers to repurchase works unless some true value is added to it. (e.g. media shifting, base shifting and time shifting of material)
  - Charges should only be made if some extra true value is occurring after the amortisation development expenses plus profit have been made.

Conclusion

- In the world of the future copyright holders are going to face serious issues. Imagine a situation if some day even if 10% of the population decides to disregard these copyright laws.
- Needs some change that can assure people that copyright law is also a benefit for them. (copyright vs property law)
Conclusion

- As Scott says
  "Copyright holders need to acknowledge the fact that holding of rights carries with them some responsibilities and that they will honour their responsibilities if consumer honour their rights".

- We term it "Power to the People"