

# 21st Century Digital Pirates

how 20th century copyright law is criminal

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# Project Outline

Current Copyright law is a fascinating subject. As a prospective web designer or even as a human being I love design and take inspiration from everything around me. I also love technology. Every waking hour I am processing information through every medium getting ideas and going through thought processes. If I encounter a problem, I like to find solutions or wonder if I could dream up an invention to solve that problem. It is my opinion that nothing is original, everything has evolved from a predecessor. I believe everything today is a modification and development from a previous idea. So what should we be allowed, or not permitted, to copyright? Do companies use copyright law in an attempt to block or slow down innovation?

I want to look into the possibility of whether or not copyright law in the digital world is holding back technologies and explore the pro's and con's of current laws in the digital world. I also want to focus on the UK copyright Law to back up my argument.

I believe copyright law is out of date in the United Kingdom. This is more apparent in the digital world. With technology changing constantly and at such a rapid rate it is obvious that the current laws need reviewing and possibly updating to suit this modern world trend. The current UK copyright law (**Copyright, Designs and Patents Act 1988**) is already over 20 years old and precedes what we know today as the world wide web. A summary of the law can be found on The UK Copyright Service website.

Recently the United Kingdoms copyright laws have come under fire, a consumer watchdog claims that the current laws are “needlessly criminalising” music fans. I was surprised to read that it is a violation (in the United Kingdom) to RIP (**Ripping is the process of copying audio or video content to a hard disk, wikipedia, <http://en.wikipedia.org/wiki/Ripping>**) a CD that you have purchased to your computer or iPod. Over half of consumers admit to “Ripping” music tracks and nearly two thirds of consumers including myself think this is perfectly legal (<http://news.bbc.co.uk/1/hi/business/8000876.stm> , 15 April 2009).

This violation against copyright law is a perfect example of how out of date we, in the UK, currently are. Especially when the digital MP3 player and digital storage manufacturers encourage you to make copies (RIP) or backup media for their products.

Piracy in today's digital world is accessible to all, mainly due to the explosion of the world wide web. I want to research the “real” problems which the copyright holder encounters. I

want to see if copyright violation is actually costing the industry the figures it quotes and if there can be solutions to benefit all parties, from the artist to the music fan.

To help me to investigate this i am going to be asking some important questions. Do we know if the copyright violators are going to purchase the product anyway? I can imagine people who download MP3's do not listen to the majority of the downloaded tracks and were never going to be a purchasing customer of the copyright holder. Fans of a particular artist are always going to support the artist and buy their material.

Would a united global release of films stop fans in the United Kingdom searching online and downloading films which are due for national release months later?

Software is another area I wish to look at. I feel that giving free access to copyright software for educational purposes would be of benefit to the copyright holder, by this i mean that students would be leaving educational establishments with key skills in using the copyright holders software which in turn could force industries to adopt and invest in the software to save time, and the costs of, training new employees.

Of course I will need to research into this in more depth. i may find that this kind of globalization, having the same software amongst most or all industries could pose a negative effect for the designer of the software. As, when, in most industries, the company becomes globally known and popular, those who cannot afford the software will find alternative routes to get access to and use that particular software. An example of this would be the Adobe suite programs. As many students are trained up on these programs and many design companies use this software in business, a student who cannot afford the high price tag may unlawfully acquire the software in order to gain an advantage in their chosen career.

## **Aims through research**

- Research the argument that copyright laws need updating for the digital world.
- I want to investigate whether copyright laws are blocking creativity in the digital world.
- Does copyrighting an idea/concept act as a barrier for future technologies? Or slowdown the creation of new technologies.
- Can copyright free (open source) software meet the standards of royalty rich software.
- Is piracy damaging the industry as much as we are meant to believe?
- Can piracy help the industry?

For research I have identified lots of resources. My main key text is going to be a book called "Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity " by Lawrence Lessig. Free Culture is the first copyright free book ever to be released. This book is free to download and distribute how you wish.

# Methods

In the copyright field I will have a wealth of resources to assist me with my assignment. I'm firstly going to read two of three key books which I feel will give me a background into history of copyright within the digital/design world. This will give me a good foundation backed up with real facts to help me progress.

I will also need to look at the letter of the law as it stands today. I have identified some key websites to assist me with this. One great website is [www.A2Knetwork.org](http://www.A2Knetwork.org) (access to knowledge network), this website has a **consumers intellectual property watch list report** for a wide range of countries. If I require further information then I will seek information at the local libraries.

With the industry changing on a regular basis, I am going to keep a keen eye on the national news. I cannot obviously read every newspaper so I have identified the weekly Technology section in *The Times* to keep an eye on developments in digital copyright, I also have a subscription to a leading WEB Magazine. Other magazines can be found in the library. The BBC also have a program called Click which can keep me current, this can be watched at my leisure online.

RSS feed (Really Simple Syndication) subscriptions on news websites will filter relevant information and send this to my email client. Social bookmarking websites will allow me to search members personal bookmarks using **tags** (keywords) to find relevant websites that may not be easy to find. Reading Blogs and downloading podcasts by Industry leaders may be useful too

## **Summary of resources**

- Books, Magazines
- Television
- Blogs, Social Bookmarks
- Podcasts,
- News Websites, RSS feeds
- Case studies of copyright and piracy court cases.

# Literature Review

Digital Copyright: Protecting Intellectual Property on the Internet,  
**by Jessica Litman**

## Synopsis from amazon

*In 1998, copyright lobbyists succeeded in persuading Congress to enact laws greatly expanding copyright owners' control over individuals' private uses of their works. The efforts to enforce these new rights have resulted in highly publicised legal battles between established media, and new upstarts. In this enlightening and well-argued book, law professor Jessica Litman questions whether copyright laws crafted by lawyers and their lobbyists really make sense for the vast majority of us.*

Copyrights? Copywrongs! The Rise of Intellectual Property and How it Threatens Creativity  
**by Siva Vaidhyanathan**

*In "Copyrights and Copywrongs", Siva Vaidhyanathan tracks the history of American copyright law through the 20th century, from Mark Twain's request for "thick" copyright protection, to recent lawsuits regarding sampling in rap music and the "digital moment," exemplified by the rise of Napster and MP3 technology.*

Free Culture, How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity  
**by Lawrence Lessig**

*Examines the destruction of the larger public domain of ideas, assessing the creative and innovative repercussions of America's long terms of copyright, as well as the impact of new technologies, big media, and cultural monopolies on our freedom to create, construct, and imagine.*

The Future of Ideas, THE FATE OF THE COMMONS IN A CONNECTED WORLD  
**by Lawrence Lessig**

*In The Future of Ideas, Lawrence Lessig explains how the revolution has produced a counterrevolution of potentially devastating power and effect. Creativity once flourished because the Net protected a commons on which widest range of innovators could experiment. But now, manipulating the law for their own purposes, corporations have established themselves as virtual gatekeepers of the Net while Congress, in the pockets of media magnates, has rewritten copyright and patent laws to stifle creativity and progress.*

## Document Structure

1. Are the large companies (i.e. Microsoft, Apple and Google) using the Intellectual Property and copyright laws to slow down innovation and natural progression?

Sources: Free Culture, The Future of Ideas, Digital Copyright.

2. Is the digital industry really losing the monies quoted through digital piracy? The pros and cons through the following industry.

- Music Industry
- Motion Picture Industry
- Software Industry
- Gaming Industry

Sources: Copyright, Copywrongs, Digital Copyright, News and media pages. Yet to decide sources.

3. How are the (black market) streaming media sites effecting advertising revenue and the implications on the sports industry.

4. Is open source software the way forward. What are the rewards in giving free access to your software.

# Bibliography

## SOURCES consulted

Lessig, Lawrence. *Free Culture*. ISBN 1594200068, 9781594200069. Penguin Press. 2004

Lessig, Lawrence. *The Future of Ideas*. ISBN 0375505784, 9780375505782. Random House. 2001

## SOURCES to be consulted

Litman, Jessica. *Digital copyright: protecting intellectual property on the Internet*. ISBN 1573928895, 9781573928892. Prometheus Books. 2001

Vaidhyanathan, Siva. *Copyrights and copywrongs: the rise of intellectual property and how it threatens creativity*. ISBN 0814788076, 9780814788073. NYU Press. 2003