

Recent copyright battles for music and movies media essay



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As a fact, one of the principles of American law is that the author of a particular product within a certain period of time can reap the fruits of their intellectual creations. Copyright is a form of protection that U. S. law provides an “ original works of authorship”, it includes including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, graphic, sculptural, and audiovisual creative works. The term “ copyright” literally means the right to copy. Today, this term is denoting the set of exclusive rights provided by law to authors in terms of protection of their works. Copyright owner has the exclusive right to reproduce, distribute, and in the case of certain works, to public perform or display the work; create derivative works and grant the right of others to do the same on certain conditions. Copyright protection does not extend to any idea, procedure, process, slogans, principles or discoveries.

It should be noted that intellectual property in the United States is secured by the Constitution of the United States and by number of different regulatory acts. As a fact, Uruguay Round Act Agreements have restored copyright to certain foreign works that are protected by copyright in the country of origin, but were in the public domain in the United States. Also, abolished outdated provisions of the Law on Amendments to the “ Act of software products” (1990) established legal procedures to prevent unauthorized recording and distribution of sound recordings non studious performances of music and music videos, as stated in “ Copyright Battles Are About Controlling New Technologies”.

Copyright infringement involves the unauthorized owner dissemination of material protected by copyright, such as software, music, movies, books,
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computer games. Intellectual property rights are protected by the laws of most countries. Copyright infringement is usually understood as follows:

Make a copy and its sale;

Make a copy and send it to someone else;

In some cases, the resale of legally purchased copies.

In this essay I would like more closely consider music and movies copyright infringement and describe current controversies between supporters and opponents of further hard copyright defending.

As a rule, illegal distribution of movies/TV shows copies with recording them to CD/DVD disk and by copying and distribution over social computer networks or Internet, can be carried out in order to take profit (sale of counterfeit products in shops, stalls) and without (distribution of copies of films on local area networks via the Internet, share movies with friends). Commercial products of this kind is characterized by that may appear before the official release of the movie (known cases of appearance in the sale unfinished working version of the film stolen from a film crew). The recording quality can be a very concede a licensed copy, and virtually has no different from it – depending on how the copy and the further processing. There is a system of symbols types of unauthorized copies that are distributed over a network (abbreviations added to the file), as described in “ The Record Industry Continues Battle Against Free Music Downloads”

It can be said that illegal copying and distribution of musical compositions copies includes the sale of music albums on audio cassettes and compact <https://assignbuster.com/recent-copyright-battles-for-music-and-movies-media-essay/>

discs. By “ audio piracy” concerns and disseminate music over computer networks. Exchange of musical compositions in the Internet took a truly grand scale through the development of P2P-technology. There are many different peer networks, with millions of participants and terabytes of music.

It should be noted that one of the most famous cases in copyright field was Capitol vs. Thomas. Jammie Thomas-Rasset (was born in 1977) is a U. S. citizen who was sued by Capitol Records because of file sharing. Her case is considered as a precedent. She is accused of having distributed 24 songs on Kazaa file-sharing hosting. Her case is considered as the first of several thousand cases in which action is taken under the aegis of the RIAA legal action against illegal file sharing. She was initially sentenced by a court to claim damages in the amount of 222 000 U. S. dollars. The sentence was later overturned because of procedural error. The process was due to the decision of Judge Michael J. Davis in September 2008, negotiated by U. S. District Court in Duluth, Minnesota again. It was initially questioned the validity of the evidence. As a fact, on June 18, 2009 Jammie Thomas was sentenced to a fine of 1. 92 million U. S. dollars. After the sentence Joe Sibley, her lawyer went to appeal.

As a fact, in January 2010, Judge Michael Davis reduced the fine to 2 250 dollars per song. Consequently, she has to pay a \$54, 000 fine. The prosecution and defense went against the verdict. In November 2010, the jury has spoken in the third case against Jammie Thomas the verdict. She was sentenced to a total compensation of \$1. 5 million. The jury was set for each of Jammie Thomas popular songs 62, 500 dollars. The defense has over U. S. media and already announced further steps against the verdict.
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However, this process is not the only case of music intellectual property infringements, as stated in "The Battle Over Music Piracy". In my opinion, an increasing number of such cases show determination of intellectual property owners to fight without any compromises.

It is no doubt that music and movie industry around the world brings a lot of money. Consequently, this activity is directly linked with phenomenon audio and video piracy. Audio/video piracy is the illegal production and distribution audio/video discs or cassettes with stored music/movie phonograms (records). Illegal, it is called because it is made without the knowledge and consent of the author and producer of the phonogram (copyright holders) i. e. in violation of copyright and related rights in musical/movies works and the proper track. In order to understand the essence of the above offenses, you need to imagine the nature of copyright.

With respect to business entity music/video copyright can be explained as follows. Copyright - is a right arising from any person whose creative effort has created some work. Most of all - it is the authors of words and music. Creator of the product has the right to be recognized as author of the work, can authorize or prohibit the use of the product under the name of the author or under a pseudonym; he has the right to publish a product. Adjacent to the right - is a right that arises from the producer of the phonogram. This is a legal person, on the initiative, by which forces and means was recording of music performance (soundtrack). Owners of related rights in the record business often are the record companies.

As a rule, owners of copyright and related rights (rights holders) are entitled to remuneration for each form of exploitation of musical works and phonograms, including printing and distribution of works and phonograms on physical media. Naturally, in case of duplicating and distributing pirated works and phonograms owners do not receive remuneration. Audio piracy can not be considered as only U. S. phenomenon, it rather refers to the phenomena of countries that do not collide in this phenomenon. (An example often cited Japan). During 2008, the number sold in the world of pirate music CDs has increased by 950 million units (almost 50-percent growth per year) and reached a record in the history of the mark in 1. 9 billion. This is evidenced by the report of the International Federation of the Phonographic Industry (IFPI). Growth trends persist even today, as described in “ Copyright Battles Are About Controlling New Technologies”.

As a fact, for the prosperity of piracy in the world, there are good preconditions. Firstly, it is standard of living in different countries. CDs are not essential commodities. This is not food, for that always pays as much as requested, so buyers are choosing the cheaper pirated products. Secondly, only the government can solve this problem, if show its interest, which is not visible in so-called 3rd world countries. Audio piracy is a serious, profitable, well-organized business, to defeat which needs a serious legislative framework and the will of the executive power. Here you can quickly earn good money, and the risk of serious punishment is still minimal, so that piracy continues to flourish.

It seems that the fight against audio/video piracy must be conducted in three

main areas:

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1. Law enforcement activities.
2. Courting.
3. Corporate regulation.

As a fact, we are well aware that law enforcement do not consider serious enough fight for copyrights, despite all the efforts in this area are undertaken by interested associations and organizations. All of these efforts, unfortunately, do not give the desired effect. You do very well penetrate that if a policeman should be wrestling with robbery and banditry, and thus to check the contents of the neighboring stall, which sold counterfeit tapes, of course, in a stall, he will be the last step. And he came back and got a small “kickback” for the family, will consider its task accomplished. Unfortunately, this happens all the time, and we all know that. Therefore it is difficult to say that governments of many countries is actively fighting piracy, despite the seizures, raids on warehouses and factories that produce pirated products. This is only a few cases and they are in any case do not show the trend. Trend is until enough permissive, as described in “The Battle Over Music Piracy”.

As for the judicial part of the fight against piracy, then there are obvious signs. The courts in CIS countries, Russia and China finally began to consider such claims, and already understand how they should act. But, given the total workload of our judicial system, there is nothing that can be joyful. Apparently, the judicial decisions that protect the interests of copyright holders can be counted on the fingers. Third – it is corporate

regulation. Those who are interested in protecting copyright and related <https://assignbuster.com/recent-copyright-battles-for-music-and-movies-media-essay/>

rights are and must make special efforts to ensure that these rights are somehow protected. I mean associations, producers and record companies. The purpose of such associations - is to develop a unified strategy behavior in the market for replacement audio piracy with market economic levers. Among such measures could be introducing a special brand owner, to prevent unfair competition, development of a unified pricing policy, etc. It remains to note that achieving positive results requires hard work on all three fronts. Otherwise, there is no any unexpected police raid, there is no optimization of legislative regulation, or self-sacrificing work of associations and corporations in various market segments, the results did not yield.

It should be mentioned that today, in Brazil is preparing legislation that will change the whole system upside down. They want to formally allow file-sharing (with a pair of paying dollars for the right to use) and to prohibit harassment sharing services and their consumers. If this law came into force, Brazil will be offshore which will move all the social networking and file sharing, which got the authorities of individual countries, including United States. And the prosecution games will be simply impossible, as stated in "Copyright Battles Are About Controlling New Technologies".

As a fact, current trends are aimed against the copyright holders. On January 1, 2006 was founded the first Pirate Party in the world. Its aim is the abolition of copyright and patent law and, thus, the legalization of " piracy". The first among similar parties, it has succeeded at the highest level of legislation and in 2009 received one seat in the European Parliament of the 18 seats allotted to Sweden. Following the Swedish Pirate Party were founded US Pirate Party, the Pirate Party of Germany and others.

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A typical program of a pirate party contains such provisions and requirements:

Reduction of copyright term. The real copyright term at the moment is about four generations, which many believe is a prohibitively long time. And always prolongs term has no different from the eternal protection.

Legislative prohibition of secret information-gathering about privacy.

Preventing censorship via the Internet. While it does not exist, however, the assurances of the US Pirate Party, its appearance in the U. S. - is a matter of time.

To sum it up, I would like to say that society should look for other ways to combat the scourge. And here are two ways:

To give people reasonable, not so high prices for products of intellectual property, licensing content to make cheap and accessible;

Enable file sharing, to cease harassment of consumers, merchants, to pursue only pirates (using media), and sites that sell pirated files from their servers.

Moreover, it should not be prohibited to give a friend a book to read, a movie to watch. These are the things on that commerce and profiting to pursue, primarily due to the fact that they do not pay royalties. They can be and are happy to pay the author, but the exclusive rights to works from publishers, and they inflate their prices to avoid competition and pursue pirates (competitors) under the law. That is to the detriment of both author and consumer.

I think that the problem is that consumers have fewer opportunities of access to culture and education, since all it is too expensive. Even the publishers in a wacky situation - they spend huge amounts of money on lawyers, PR (published in the media) and GR (working with officials). Their money does not pay off. Everyone would be better to move to a new system with a much cheaper intellectual property. But monopoly and collusion publishers do not allow us to move forward into a new era of direct relations between authors and their readers/fans.