

Piracy and copyright infringement

Law



Piracy and Copyright Infringement are major issues that have developed through the use of the Internet and file transfer servers.

Developments and advances in these areas over past two decades have my generation within a mouse click of their destination. However, these opened doors have been overrun with a large exchange of pirated material. The present issue involves the nations excessive illegal downloading of unlicensed products. The trend of previous litigations involving piracy and copyright cases in federal courts has ruled against the consumer, and has involved the rewriting of many laws, yet it becomes harder to pinpoint copyright violators as decryption advancement mimics closely the timeline of security encryption. I feel that it is imperative for all software products to receive a restrictive license tag, enabling software companies and music artists to maintain a living and economic interests. I disagree with the form/process in which these files are distributed, allowing for piracy of files, rerecording and redistribution. The use of patents began in the early 19th century, and would ultimately lead to the current system of licensing and copyright of products that can be reproduced.

These initial patents were intended to allow artists to make a living and survive off their pieces of artwork. The year 1880 marked an important year for the patent in the case *Diamond versus Chark Barty* who were disputing the patent of a single-cell bacterium used in breaking down crude oil. The Supreme Court ruled that patents could be granted for this purpose. The main purpose of a patent is to promote and encourage investors in society to make new ways to assist society and economy and provide the inventor with royalties. Patenting is a system that involves product branding or other signs

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of ownership to provide the public with reliability in new forms of intellectual property, while still protecting the owner/ inventor. Copyrights give authors complete ownership and rights to their creations during extended period of time, and in most cases fall the under the rights of a solo beneficiary. Today the act of sharing files promotes global exchange between users.

This global networking between countries provides business solutions that not only reduces prices on sales and purchases, but also allows large companies to make more accurate marketing decisions with documented transactions. For the home user programs like Kazaa and Limewire, implement these large 'peer to peer' networks that are hosted on FTP servers, and share files. In developing cases where music files and software are being illegally copied, there are always disagreements on what exactly is protected and what is an original work. For example, the website Priceline.com has attempted to make patents on their ideas that would seem to be common belief and not unique, such as trying to patent an auction site with auctions that have reserve prices. Therefore, one of the more precedent matters is the issue regarding what exactly is 'intellectual property', and how does music fall under that stance of copyright. Intellectual property can be defined as any creation of human intelligence that is new, unique, and has market value.

Copyright places limits on use of speech, print, and performance. This idea of intellectual property is not common knowledge to most people who compile large networks. It is evident that not all people realize the implications of stealing files and copying music. Many defend piracy as a form of promotion of software, which would have otherwise been ignored by certain consumers <https://assignbuster.com/piracy-and-copyright-infringement/>

that never buy certain software in the first place. Most software copies are shared because their users don't think of lending software or lending music as a crime, or at least not one taken seriously. Of course the elimination of digital songs/sources would not hold up. On a business level online trade, exchange, and purchase lowers transaction costs significantly, and for the music business actually makes up a big part of their remaining buyers.

One of the main differences between piracy of music and software is the fact that newly available technology today is more advanced and friendly to forms of copying, which allow top quality music between each copy and user. In the past, qualities of copied cassettes were not as good or of equal quality and didn't involve the Internet, whereas online and digitized songs are more readily available and easier to simply copy, and then e-mail to a friend. Copying music from a CD to a cassette or to your computer is legal and accepted only because you own the original copy of the CD and the music files are not being used for commercial purposes". The first attempt by a person who uploaded an album of songs online was not at first a major problem as it was easier to trace/locate the source since early networks were primitive and did not involve as many users. In 1999, a 19-year-old, Shawn Fanning, invented a program called Napster, which users could download and exchange musical recordings for free over the Internet. This program was considered a gateway to loss government control and launched multiple similar uncontrolled networks. There have been many steps taken in response to Internet piracy, however, it seems as though most have been lackluster and are not sufficient to produce visible and significant results.

The music industry has turned to making formatting music files that can only be copied or reproduced in certain prescribed circumstances like . m4p. This defensive technology sometimes takes away from a user's number of legitimate uses and transfers, however it seems to be on the road to improving safe transfers. Unfortunately, with each announcement of new protective software, a counter program almost instantly is created, matched, and supported through counter hacking technology that makes files available to these large copying networks. Any person with knowledgeable code in computers is capable of decoding these files. This desire to ' liberate' files by many hackers is only a sign to show that the industry should be developing ways to work with the technology and not against it. The Recording Industry Association of America recently filed lawsuits against four college students, running ftp servers on campus networks.

A federal judge in California settled the case quickly, and despite the fact that the students never actually accepted responsibility, they settled to pay \$12, 000 to \$17, 500 in fines. A case that ended without a clearly defined verdict proves that it is difficult to have a true scapegoat for responsibility of piracy violations and copyright infringement. " The internet is like one gigantic copying machine," says David Nimmer, a lawyer who spends most of his time with disputes in Intellectual property. " Once on the internet, copying becomes effortless, costless, widespread, and immediate. Nimmer is an experienced lawyer who is well aware of the easy access to the copied files and has trouble himself challenging illegality in certain situations. Copyright law does not make a distinction between public use and private use, such as buying a book from a store like Borders, versus borrowing it

from a library and copying. More recently the United States congress passed the Digital Millennium Copyright Act, which updated copyright laws to include these widespread international servers and allow the set up of a system to control the Internet.

Unfortunately, only 22 countries are on board for the ratification process and make it increasingly difficult for any visible change. Many countries consider these laws would impede on the freedom of the Internet in its original creation, if forced under a universal control involving the U. S. However, at this point copyright-based industries generate more revenues internationally than any other U. S. industry, more than the aircraft, agriculture, and automobile industries. Without global support, a server can be created in any country to house large FTP sites, like Kazaa which is has a large base in Singapore.

For an artist, the main purpose of a copyright is to protect. A majority of artists feel that the free song-sharing epidemic is affecting their careers and profits as artists. Many artists and songwriters who write original music and have only the music to directly profit from. Downloading off these sites affects them negatively; specifically songwriters, record labels, producers, managers, and any others involved in production of music, who cannot rely on performance profits. Artists can sell and profit off merchandise, whereas songwriters lack that ability. Generally the belief is that the pirating music solely affects the artists, when in reality it affects the industry as a whole, including all the people who have jobs connected to these artists. The process in which a record company gains complete control of a band has shortened the length of an artist's career, again ultimately hurting economy.

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Music industry should try and not dishearten online music consumers that promote artists, but rather develop new ways to work with the evolving technology. Software companies make money through businesses, because instead of copying a CD, a business must register each computer or client separately so that each has its own separate license. It is suggested that despite counter acting efforts, 90% of all computer software is counterfeit similar to most music. There are many solutions to existing problems involving copyright infringement and illegal piracy of music. Despite these problems I do not support the copyright laws full intention and I feel that there is a need for reform of distribution. Interesting enough, it is assumed that the issue is clear and obvious to all people who steal music. While the music industry does see music sharing as piracy, the youth majority does not see this topic on quite the same black and white level.

The record company's actual costs are low, and yet a CD's cost to a consumer is not. The reasoning of the average teenager is that why would they want to spend \$20 on a CD with one good song on it, \$200 dollars on software that they must have for academic requirement, when they can upload it for free. Lack of communication in a time where everyone is connected seems like a waste and stunt to new advancing technology. Piracy is not right, and a corrective measure can only come from recognizing that the problem originates from not recognizing more than just the new ease of file transfer. Piracy is of course a wide addressing issue, including a rapidly increasing amount of people from a conglomeration of age groups. There needs to be a redistribution of wealth within in the music industry and

software industries. Once issues like these are addressed, a solution can be found.