

Example of have  
current conditions of  
the digital age  
rendered current  
copyright ...

[Business](#), [Industries](#)



## 17th January 2013

A Copyright is a way for a person to possess intellectual profit of his/her own creation. According to the United States copyright office, " It is a principle of American law that an author of a work may reap the fruits of his or her intellectual creativity for a limited period of time. " (Copyright , 2013, p. 47).

Copyright is an enshrined institution in the United States, and also throughout the world. Many argue that without the institution and supporting laws of copyrights, that artists, musicians, writers, creators, etc., would stop producing their work since it would cease to represent a monetary gain.

While there are plenty who disagree with the previous sentence, it is true that the digital age as caused the current way that copyrights and copyright laws operated in need of much needed overhauls and updates. Currently, the laws and procedures for copyrights are not doing a good job in their state mission of ensuring that creators are compensated for their work.

Because changes to the copyright office require an act of congress, it is a system almost designed to lag behind changing times. The last notable law passed that affected copy write was July 1, 2008 when the website of the Copyright Office began tot accept electronic rights registrations on their website (Copyright, 2013). To give this some context, this simple, but important, change to procedure came a full four years after the launch of Facebook.

Tania Su Li Cheng writes that " The advent of the internet has changed the way copyright works" (Cheng 2013, pg. 2). His argument is representative of the discussion that is unfolding in the office of legislatures, the coffee shops of writers, and publishing houses who profit of copyright works. One of his

<https://assignbuster.com/example-of-have-current-conditions-of-the-digital-age-rendered-current-copyright-laws-obsolete-essay/>

basic points is that nearly everyone feels there is a difference between going into a record shop and stealing an LP, and going online and down-loading the same music. This latter seems “ un-theft-like” according to Evan. It is not just the laws that need changing, but perhaps also the idea of intellectual property that needs rethinking.

The concept of intellectual property developed to distinguish it from mechanical invention. There was a clear difference between a plow and a book, but today there are things that blur the lines between the two (Gorman 2006, p. 18). Today there are software creations that deserve copyright considerations, there are genetic engineering, science breakthroughs, gene mapping, biotechnology that are all somewhere in-between, share apart of or are different than the traditional dichotomy between the two.

There are three considerations to look at when thinking about copyright law. There is prevention and prosecution. Preventing is creating obstacles that do not allow a potential copyright infringer from procuring a copyrighted work illegally. Traditionally, this was the security guard at the bookstore, but this has changed immensely recently. Prosecution is going after copyright infringers legally and making them pay for the stolen work and also other penalties and/or fines for breaking the law. Prosecution also provides a deterrent affect from would be copyright infringers. At the beginning of the 20th century, there were several high profile cases in the media that were aimed at scaring people away from Internet pirating.

A 2011 Yale Law & Technology survey shows just how widespread and universal the problem of piracy is, which in terms is important for making the case that the current copyright laws are not working for the current

intellectual climate of our modern times. A full 70 percent of those surveyed found nothing wrong or immoral with Internet piracy. Sites like Cyberlockers, which supposedly exist for users to share data they have the rights to was found to contain 91.5 percent of copyrighted material. OpenBitTorrent, another P2P found that out of the 10,000 most popular packets of data being shared, only 1 packet of data was found to be void of copyright material.

The same survey postulated that the music industry takes a \$12.5 billion loss every year due to piracy. (Yale Law and Tech 2011, p. 1). In the United States it is estimated that in 2011 71,060 jobs were lost in the US because of illegal consumption of intellectual property. Online a whopping 95% of all music downloaded is pirated. It is an international problem, as the US only accounts for 21% of all online Internet piracy.

While music seems to often be the focus of writing on the issue, it is not in the top three most popular pirated items which are, pornography (35.8%), movies (35.2%) and TV shows (14.5%). (Globalstudy 2013, p. 7).

Henri Cartier-Bresson is one of the founding members of the Magnum photo agency, which since 1947 has worked on ways for photographers to keep control of their work. One user, Stuart Franklin said in a BBC interview that through Magnum's website, he is able to control and track who is taking photos and who has access to them. But even he acknowledges the basic problem copyright law is currently struggling to deal with: "You can never control everything all of the time, but you can set up mechanisms that allow you to track and control usage." (Chenge 2013. p. 1).

A recent report in Information Today shows that in 2013, despite lawmaker's

awareness of Internet piracy that came with the advent of the Internet, there are still large leaps to make to improve the situation. The opening paragraph is telling and reads, “ European Commission officials have started on what could be a long march toward a coherent copyright regime for the digital age.” While this is a positive development for creators, it shows just how big the problem is. The change that needs to be addressed is referred to as a “ long haul” and the journey they have begun isn’t necessarily certain to make a difference, but instead just “ could be.” (Charlton 2013. P. 2).

The plan though, shows initiative in mending some of the problems associated with copyrights in the modern age. The goal of the European Commission is to create a single market (currently, the market and the copyrighting procedures across it are made on a country level) that would have a unified framework to guarantee right-holders are paid when their work is consumed. According to the report, “ The EC also noted that if a new copyright regime should be established, it will boost the EU's digital economy and help combat copyright infringements” (Charlton 2013. p. 3). Also quoted in the article is José Manuel Barroso, the president of the coalition. He is heading the charge for copyright change that will empower authors and creators instead of pandering to pirates. He said, “ Exploiting the full potential of the digital economy is vital to delivering growth in Europe. . . A modern copyright framework can be a win-win for all stakeholders, providing sustainable incentives for creativity, cultural diversity and innovation, and improving choice and access to legal offers for consumers.”

Barroso in a press conference went on talking about how a unified framework would cut down on Internet piracy. What was lacking though in

his high-minded ideas was his connection between the commission's plan and how exactly it was going to cut down on copyright infringements. The EC wants to make it easier for a creator to get their work into a certain regime by lifting national boundaries. This will lead to more works getting a wider traction in publishing, but how exactly will it lead to people who are currently choosing not to pay for intellectual property, who have access to the illegal procurement of it online, to pay for the material they are currently stealing? This is the current stalemate that lawmakers are at that has caused some to conclude that the digital age has rendered copyright as incomplete. A hundred years ago, to copy a copyrighted book a person would have had to find a printing press, set up each individual pages and make one or multiple copies of it or make a long hand copy. Twenty years ago someone would have had to gain use of a copy machine and set down each individual page to be copied, and then bound, and the end product was trashy compared to the original book. Today, none of these steps are necessary. For the sake of this research paper, I found that a book could be found, located and downloaded (illegally) to a digital device in two minutes.

It is no longer a battle between convenience and cost, but one that only involves ethics. Since very few people are being prosecuted for crimes of piracy, there is very little being done to deter people currently engaged in the practice, one that we remember, 70% of people surveyed do not see any moral problem with.

Becky Hogge in *The New Statesmen* writes that " Copyright in the digital age lags behind the letter of the current laws (Hogge 2007, p. 3). In 2007 a 26-year old in Gloucestershire, England was arrested because of his facilitation

of copyright infringement for his site TV-links. co. uk. The website contain links to TV shows on the Internet. The videos themselves were being hosted on big companies such as Google Video and YouTube. Hogge writes from this case that one thing is clear, “ The UK is getting tough on copyright” (Hogge 2007, p. 3). The previous year, the government had tighter the current law and accepted all of the suggestions made by Andrew Gower, former editor of the financial times. These changes allowed for law enforcement to work more closely with other agencies to be able to procure more warrants in the cases of suspected copyright infringement (Hogge 2007, p. 4).

Some of the changes made to the law were overdue and they included laws that made it legal for owners of a CD to copy it to a digital device, arts to parody others work or reinvent it. These are small tweaks that apply a digital vocabulary to copyright laws based on analog situations, but they did not contribute significantly to less pirating. One of Gowers recommendations that at the time of the article’s writing had not been put into affect is how to law is to look at artists being able to remix and transform another artist’s work. This is as relevant as ever as needed clear boundaries of what is legally acceptable, but boundaries that are forgiving enough to not diminish artistic expression. Hogge is on point regarding what is at stake if lawmakers do not begin moving more quickly to offering legal solutions to copyright in a digital age. She writes that “ If the pace of reform does not catch up, and quickly, with the pace of enforcement, then far from looking like breath of fresh air, the Gowers review will be remembered as a tool of surveillance and punishment” (Hogge 2007, p. 3).

Nick Bilton is less optimistic, his article “ Internet Pirates Will Always Win”

sides with the law from a moral standpoint, but from a legal standpoint wondering just how far it can go to enforce the law, sees piracy as the ultimate victor. (Bilton 2012, p. 1). He compares piracy to the biggest game ever of Whac-A-Mole, a game where the object is to hit an electronic mole with a hammer. But as soon as one is hit, another pops up and the cycle repeats itself.

Bilton uses the example of YouTube, which was once a place where network TV shows could be uploaded by users and views. The networks lashed out, instead of against the users, against the site itself and a court ruling put the burden of responsibility on YouTube itself to make sure that it was not letting users upload and share copyrighted content. (Bilton 2012, p. 1). Still though, as he shows with a link embedded in the online version of the article, people find away around it and YouTube is still swimming in copyright content.

One move that YouTube, after being bought by Google made that marks an intelligent move to appease both consumers and producers was that when a song, for instance, is uploaded to the site, software detects if it is copyrighted or not. If it is, Google asks permission (or has already a pre-established agreement with different publishing houses) of the copyright owners for permission to use it. In exchange for them allowing it, there is a link that appears where a viewer can purchase the song, which is free PR and advertising that has the potential to earn, not lose money, for the copyright owner.

Pirate Bay is a notorious source of Internet piracy and one of the largest torrent sites out there. After months of battling them in the courts, authorities in various countries were able to put an injunction against the



site which would block people from entering. In response Pirate Bay simply gave away the code that runs the site as a free downloadable file so that anyone can install it on their own servers and rather than one version of the site, hundreds emerged—Whack-A-Mole style.

Founder of the site Torrent Freak, which reports on copyright and piracy issues, also believes that the Internet pirates are here to stay. “ They’ve tried for years and they’ll keep on trying, but it won’t go away.” He believes that the best way to win the battle is not to engage in the war in the first place. And that companies need to embrace the inevitability of piracy and find new profit models that incorporate the unavoidability of pirating (Bilton 2012, pg 1).

He places a lot of the blame on the industry, not the consumer. He believes that if TV programming were to be offered at fairer prices, there would be far less illegal downloading, “ But because of the monopoly power of the cable companies and content creators, they might actually make less money” (Bilton 2012).

So just how important, or relevant is the current copyright laws in the digital age? Bilton believes that piracy is just going to continue to get worse. But an interesting theme that has emerged is that while industries such as music, TV, publishing and even pornography, are claiming billion dollar losses from copyright infringements, these are all still billion dollar industries. So despite copyright existing ubiquitously, despite only a minority of Americans finding anything wrong with it, artists can still share their work and make a profit from it. Coinciding with piracy, is the coming down of the castles of the industry big publishing houses, and new platforms such as print-on-demand

are emerging for creators of content to connect directly with their fans. This is a win for fans and creators, but a loss for the publishers representing the status quo.

Piracy will not go away, and the current laws are feeble and dated in dealing with it. But the system is a necessary one. Instead of fighting piracy, the industry should see it as inevitable and either ignore it, work around it, fight a losing battle against it, or embrace it and incorporate it into their marketing plans.

## **References:**

Alpern, Andrew. 101 questions about copyright law. Mineola, N. Y.: Dover Publications, 1999. Print.

Bilton, Nick. " Internet Pirates Will Always Win - NYTimes. com." The New York Times - Breaking News, World News & Multimedia. N. p., n. d. Web. January. 2013.

BSA Global Software, 2010 Piracy Study. May 2011. Print.

Charlton, J 2013, ' Safeguarding Copyright in the Digital Age' Information Today. 30, 2, pp. 14-15. Print.

Cheng, Tania Su Li The Power of Potter: Copyright Law and its Influence on Sequels and Parodies Forum for Modern Language Studies, 2013, Vol. 49(1), pp. 1-19 Print

Deazley, Ronan, Martin Kretschmer, and Lionel Bently. Rights and Their Holders. Cambridge, U. K.: OpenBook, 2010. Print.

Deazley, R., Kretschmer, M., & Bently, L. (2010). Privilege and property: essays on the history of copyright. Cambridge, U. K.: OpenBook.

Envisional Estimates Infringing Use. (n. d.). Yale Law & Technology. 2013,  
from Gorman, R. A. (2006). Copyright law (2nd ed.). Washington, DC: Federal  
Judicial Center

Hogge, B 2007, 'Playing catch-up', New Statesman, 136, 4870, p. 48, Points  
of View Reference Center, EBSCOhost, viewed 17 September 2013.

U. S. Copyright Office - Information Circular. (n. d.). U. S. Copyright Office.  
2013.