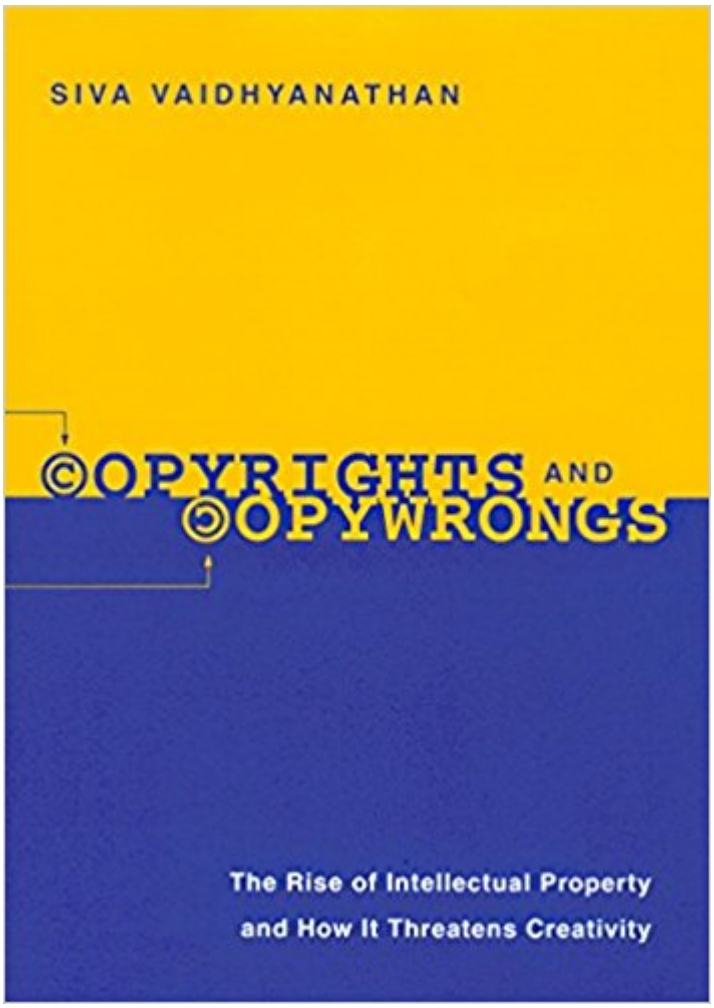
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Copyrights And Copywrongs: The Rise Of Intellectual Property And How It Threatens Creativity



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Synopsis

Copyright reflects far more than economic interests. Embedded within conflicts over royalties and infringement are cultural values—about race, class, access, ownership, free speech, and democracyÃ¢â ¬â •which influence how rights are determined and enforced. Questions of legitimacyÃ¢â ¬â •of what constitutes Ã¢â ¬Å“intellectual propertyÃ¢â ¬Â• or Ã¢â ¬Å“fair use,Ã¢â ¬Â• and of how to locate a precise moment of cultural creationÃ¢â ¬â •have become enormously complicated in recent years, as advances in technology have exponentially increased the speed of cultural reproduction and dissemination.In Copyrights and Copywrongs, Siva Vaidhyanathan tracks the history of American copyright law through the 20th century, from Mark TwainÃ¢â ¬â„¢s vehement exhortations for Ã¢â ¬Å“thickÃ¢â ¬Â• copyright protection, to recent lawsuits regarding sampling in rap music and the Ã¢â ¬Å“digital moment,Ã¢â ¬Â• exemplified by the rise of Napster and MP3 technology. He argues persuasively that in its current punitive, highly restrictive form, American copyright law hinders cultural production, thereby contributing to the poverty of civic culture.In addition to choking cultural expression, recent copyright law, Vaidhyanathan argues, effectively sanctions biases against cultural traditions which differ from the Anglo-European model. In African-based cultures, borrowing from and building upon earlier cultural expressions is not considered a legal trespass, but a tribute. Rap and hip hop artists who practice such Ã¢â ¬Å“borrowingÃ¢â ¬Â• by sampling and mixing, however, have been sued for copyright violation and forced to pay substantial monetary damages. Similarly, the oral transmission of culture, which has a centuries-old tradition within African American culture, is complicated by current copyright laws. How, for example, can ownership of music, lyrics, or stories which have been passed down through generations be determined? Upon close examination, strict legal guidelines prove insensitive to the diverse forms of cultural expression prevalent in the United States, and reveal much about the racialized cultural values which permeate our system of laws. Ultimately, copyright is a necessary policy that should balance public and private interests but the recent rise of Ã¢â ¬Å“intellectual propertyÃ¢â ¬Â• as a concept have overthrown that balance. Copyright, Vaidhyanathan asserts, is policy, not property.Bringing to light the republican principles behind original copyright laws as well as present-day imbalances and future possibilities for freer expression and artistic equity, this volume takes important strides towards unraveling the complex web of culture, law, race, and technology in today’s global marketplace.

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Customer Reviews

Vaidyanathan, a professor at the School of Information Studies of the University of Wisconsin and frequent NPR commentator, details the specious ideological evolution of copyright from a set of loose policies intended to encourage cultural expression into a form of property law (now codified in the controversial Digital Millennium Copyright Act of 2000) that functions as a seal on creative works. In prose remarkably free of legal and academic jargon, Vaidyanathan begins with a concise, well-paced history of copyright from the framing of the Constitution through the literary world of Mark Twain and the advent of music sampling. The book is surprisingly entertaining, as Vaidyanathan deftly weaves a wide array of episodes from popular culture into a cogent examination of both the creative process and the laws and commercial interests that process dovetails with, then closes with a synthesis and a stern warning for the digital age. Through a combination of copyright laws, contract law and technological controls, Vaidyanathan asserts that corporate control over the use of software, digital music, images, films, books and academic materials. But copyright law, he argues, was designed to be flexible, and this elasticity is essential for the cultural vibrancy and political balance of our democracy. The argument is compelling. In the age of Napster, digital piracy may be the cause c‚lŠbre, but this well-crafted and important book shows that there are graver concerns for the public in the entertainment industry's effort to tighten its grip on intellectual property. (Oct.)Forecast: Copyright used to be of interest only to a gaggle of Hollywood lawyers, but with the advent of technologies like Napster, it has become an issue of major importance to many more. This book is simply the best on the subject to date, and it should receive widespread attention. Random House is publishing a book on a similar subject by the Microsoft trial expert Lawrence Lessig in November, which will only further heighten interest.Copyright 2001 Cahners

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The author, a media scholar and cultural historian, presents a reasoned and compelling argument for "thin" copyright policy. Vaidhyanathan traces the evolution of copyright law, arguing that it has come to restrict creativity and enjoin cultural expression that arises outside of white American and European traditions. He begins his look at the history of the law with the story of Mark Twain’s call for perpetual copyright and its influence on the current author-centered view of the rights to creative works. He continues with interesting examples of recent contests involving property rights to film and music, the details of which illustrate the tangle of interests that is created by law, technology, and culture. Well researched and thoughtfully presented, this is important for most academic and public libraries and essential reading for the library community. Joan Pedzich, Harris Beach LLP, Rochester, NY Copyright 2001 Reed Business Information, Inc. --This text refers to the Hardcover edition.

This book traces the history of copyrights. The earliest British copyright laws were instruments of censorship. The publishers got monopoly power to print and distribute specific works. The book says that Thomas Jefferson expressed some serious misgivings about copyrights. Thomas Jefferson was suspicious of concentrations of power and artificial monopolies. While Thomas Jefferson acknowledged that a limited time copyright could possibly encourage some creativity, it could also do some harm to some people. The book points out that Thomas Jefferson maintained his skepticism about the benefits of copyrights for many years. Thomas Jefferson feared the monopolists could use their state-granted power to enrich themselves by the copyright holder having the power to create artificial scarcity by limiting access and fixing prices. This book is an interesting and relevant book to read.

Great read raises many questions about copyright and how we got to the point we are at with it in the digital era.

I am not sure how I found this book - but I am glad that I did. In about 200 pages Professor Vaidhyananathan presents a very readable history of the copyright in the US and abroad.Originally added to the Constitution to encourage creativity and to improve the democratic process, the copyright has evolved into a series of complex rules that seem to work almost in the opposite direction of the original intent.Have you ever wondered how Mark Twain and Groucho Marx figured

into the discussion of copyright issues? If so you can find out in this book - they both had very interesting roles. What about the diversity of legal opinions - from Lawrence Lessig, to the Ninth Circuit, to Mr. Justice Hand - all of who grappled with the rights of the few versus the rights of the many.Added to the history is an intelligent and readable discussion of the policy issues related to the copyright. What kinds of policies will balance the creator’s incentives and at the same time improve the level of public discussions? How long should rights survive? What elements should be included in the copyright? What are the reasonable standards for parody? Should there be differing standards for databases, books, movies, music and computer programs? The risk for all of those questions is that they can evolve into hopeless discussions of legal absurdities. In effect, that is what happened with the Digital Millenium Copyright Act.But Vaidhyananathan does not let himself get stuck in all that goo - he deals with each of those issues and more in a concise and interesting fashion. At the same time he has the larger picture of the broader purposes of copyright.You will be challenged and fascinated by this book and the issues it raises.

I don’t agree with everything, but he seems to have a good grasp of the constitution and how commercial interests keep trying to thwart the intent of Article 8. Recommended.

... and we never ended up using it.You guys should really include a "can’t review" box.The three stars in this case are only to indicate it is neither bad nor good.

I have been reading your book and am alternately exhilarated and despairing. From other research on the web on this issue, I keep seeing over and over that without copyright protection, people wouldn’t have incentive to create. What a load of muck. Creative people NEED to create. They also need to not starve to death, of course. But creating things in and of itself is rewarding. If money is what motivates someone, they should become stockbrokers or something that more honestly reflects their values. I think that motivation by money, and creativity are almost mutually exclusive; once money becomes the motive, creativity is dead, or at least mortally wounded. I know the thrill of creating. I do art without any compensation at all, because I need to and want to, and have been a computer programmer for years, marvelling that someone was willing to pay me for something that is so much FUN! Creativity is inherently rewarding.

This semester my son and I were determined to purchase as many textbooks through Internet vendors to try and save some money. In fact one of his instructors did not order texts through the

bookstore and wanted students to use the Internet. This book was one of them. It arrived in a short time and this experience will definitely make us try again purchasing texts through the Internet in future semesters.

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