

The History and Politics of Copyright Law

Aidan Fitzgerald
<acf67@cornell.edu>

November 5, 2016

About Me

I'm a freshman at the College of Engineering. I'm a native New Yorker, my intended major is Computer Science, and I'm passionate about open source and social justice. Naturally, I have my own views on copyright, but I'm going to stick to the facts as much as possible.

Copyright Notice

© 2016 Aidan Fitzgerald

This presentation is available under the Creative Commons Attribution–ShareAlike 4.0 International License.

View it on GitHub: <https://git.io/vPrVw>

- 1 Copyright Basics
- 2 Origins of Copyright Law
- 3 The Berne Convention: Copyright Goes Worldwide

Copyright Basics



What is Copyright?

- Set of exclusive rights
- Granted to the author of a work for a limited period of time
- Meant to promote creativity

Basis of Copyright in the U.S. Constitution

“[The Congress shall have Power] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”

—Article I, Section 8, Clause 8

Limitations on Exclusive Rights

- Fair use/Fair dealing (17 U.S.C. § 107)
- First-sale doctrine (17 U.S.C. § 109)
- Backup copies of software (17 U.S.C. § 117)
- Mechanical licensing
 - Automatically granted to record and publish covers of songs provided that royalties are paid
- Works by the U.S. government cannot be copyrighted (17 U.S.C. § 105)

Origins of Copyright Law

Prehistory

England, 1476-1709

- Printing press arrived in England in 1476
- King Richard III valued literary works
- But after that, England moved to censor books, especially books promoting Lutheranism
- Eventually granted the Stationers' Company a monopoly on printing from 1556 to 1695
 - Unpopular because it failed to protect authors and gave the government considerable power to censor works

Statute of Anne

United Kingdom, 1710-1842

An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned.

- Replaced the printing monopoly and censorship system
- The author of a book had the exclusive right to print it for 14-28 years
 - Registration and multiple deposits at the Stationers' Company were required for copyright protection
- Act also banned foreign works except Greek and Latin classics
- Writers such as Jonathan Swift and Daniel Defoe touted copyright as a novel mechanism for incentivizing authors to share their knowledge

Copyright Comes to America

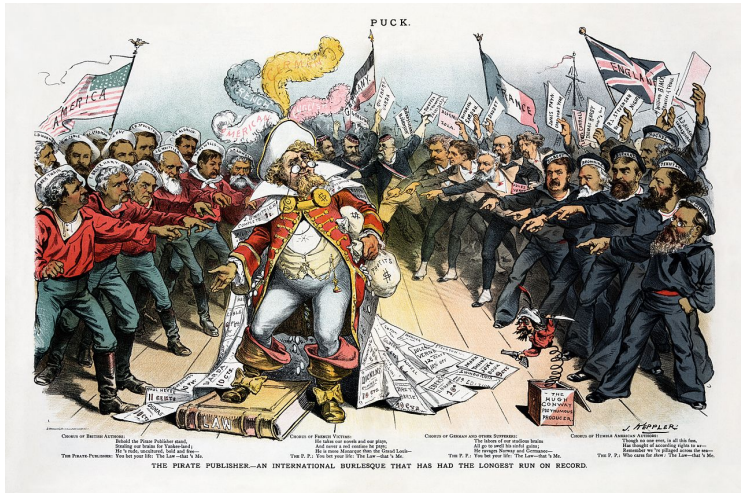
United States, 1783-1790

- Copyright Act of 1790
 - The American economy was largely agrarian, so copyright was not a priority
 - The majority of works published between 1790 and 1799 were not registered for copyright protection
- Jefferson's dissent
 - Supported constitutional limits on copyright terms
 - *Monopolies may be allowed to persons for their own productions in literature and their own inventions in the arts for a term not exceeding — years but for no longer term and no other purpose.*

The Berne Convention: Copyright Goes Worldwide

The Berne Convention

Bern, Switzerland, 1886



Where to go from here

- Berne Convention - Birth of recording and broadcasting - Photocopier and Copyright Act of 1976 - UNIX and the free software movement - Creative Commons - DMCA and CTEA, 1998 - SOPA and PIPA, 2011-2012